



“As If I Am Not Human”

Abuses against Asian Domestic Workers in Saudi Arabia

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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.

II. Methodology

This report is based on research conducted over two years, including field research and meetings with government officials in Saudi Arabia in March 2008 and December 2006, and in Sri Lanka in November 2007 and October-November 2006. The research in Saudi Arabia took place as part of visits by Human Rights Watch delegations by invitation of the Saudi government and hosted by the Saudi Human Rights Commission.

In addition to our field research, we analyzed existing laws and regulations, reviewed press reports, and examined studies by the Saudi government, international organizations, and civil society. Although we were able at times to obtain data and copies of regulations through requests to the governments of Saudi Arabia, Indonesia, Sri Lanka, the Philippines, Nepal, and India, there are also several requests for information that we made repeatedly and to which we never received a response. Consequently, there may be some gaps where we were unable to obtain original legal documents or the most updated government statistics.

In a notable incident, a Human Rights Watch researcher visited the Ministry of Social Affairs (MOSA) center for domestic workers in Riyadh on December 6, 2006. Despite promises of an open visit in which the researcher could examine the facilities and interview sheltered domestic workers freely, we have been reliably informed that the staff temporarily transferred several hundred women from the facilities so that the shelter would appear to only have a few dozen residents. In addition, they transferred all residents who had been at the shelter for longer than a few days, presumably to hide the actual conditions in which women are kept for several weeks or months in extremely overcrowded facilities.³

A central aspect of our methodology included in-depth interviews with domestic workers who were currently working in Saudi Arabia or had recently terminated their employment. We also conducted interviews with recruitment agents, members of

³ Human Rights Watch interviews with officials from labor-sending countries, December 2006 and March 2008; Indrani P., Sri Lankan domestic worker, Riyadh, December 14, 2006; and Luz B., Filipina domestic worker, Riyadh, March 11, 2008.

civil society, and government officials, some of whom also spoke from the perspective of being employers of domestic workers. We were unable to find employers willing to participate in a formal interview with Human Rights Watch but we engaged in informal conversations with many employers about their experiences in hiring a domestic worker and their attitudes towards common practices regarding domestic workers, such as keeping their passports.

For the purposes of this report, we have not examined the working conditions of household workers such as drivers and gardeners, but have focused on women employed inside the home as nannies, housekeepers, and caretakers for the elderly and sick.

The domestic workers interviewed are not necessarily representative of all domestic workers in Saudi Arabia, but instead highlight the experiences of those who have suffered abuse, the regulatory framework that exposes them to such abuse, and the response of the Saudi authorities to their individual cases. The majority of the domestic workers we interviewed in Saudi Arabia are from among those who sought government assistance for unpaid wages, immigration problems, or other issues. Those interviewed in Sri Lanka involved a broader spectrum of experiences, including any domestic worker who had returned from Saudi Arabia in the previous year. Our interviewees included:

Domestic workers: Human Rights Watch conducted in-depth, individual interviews with 86 female migrant domestic workers between 17 and 52 years old. The majority of women were between 22 and 35 years old.

- We interviewed 64 domestic workers in Saudi Arabia: 20 Sri Lankans, 20 Filipinas, 22 Indonesians and two Nepalese. Interviews took place in Riyadh and Jeddah in embassy shelters, the Saudi government MOSA shelter for domestic workers in Riyadh, and in private homes. We interviewed 54 domestic workers in December 2006 and 13 domestic workers in March 2008, including three of the same women we interviewed in 2006.
- We interviewed 22 recently returned domestic workers in Sri Lanka in November 2006. We conducted our research in seven of the eight main districts that send migrant women abroad. Interviews took place in private

homes, labor recruitment agencies, pre-departure training centers, and the Colombo airport shelter for returning workers.

We also conducted four group interviews with domestic workers in Saudi Arabia in December 2006 and March 2008, and monitored dozens of abuse cases through contacts with NGOs in labor-sending countries, embassy officials in Saudi Arabia, and press reports.

In some cases, we could not independently verify specific details of some of the abuse recounted to us, but given the recurring patterns and the convergence of accounts around specific experiences recounted by interviewees who would not have been in contact with one another, we have no reason to doubt their credibility.

Recruitment agents: Human Rights Watch conducted eight individual and group interviews with 13 labor recruitment agents. We have continued correspondence with some of these agents via email and phone after the initial interviews.

- Six Saudi labor agents at a group interview at the Chamber of Commerce, Riyadh, in December 2006.
- Seven Sri Lankan labor agents (specializing in Saudi Arabia) in Colombo and Kurunegala, Sri Lanka, in November 2006 and November 2007.

Government officials: Human Rights Watch conducted 39 individual and group interviews with government officials.

- Sixteen individual and group interviews with Saudi government officials in December 2006 and March 2008, including the ministers and other senior officials from the Ministries of Labor, Social Welfare, and Foreign Affairs; officials from the Ministry of Interior, Al Hair Prison, and police officials designated to deal with domestic worker cases; and commissioners from the Saudi Human Rights Commission.
- Seventeen individual and group interviews with embassy and consular officials for the Indonesian, Filipino, Sri Lankan, Nepalese, and Indian missions in Riyadh and Jeddah in December 2006 and March 2008, including ambassadors, labor attaches, legal counsel, and social welfare officers.

- Six individual and group interviews with senior officials from the Sri Lanka Ministry of Foreign Employment, the Ministry of Foreign Affairs, the Ministry of Labor, and the Sri Lanka Bureau of Foreign Employment in Colombo in November 2006 and November 2007.

Civil society: Human Rights Watch interviewed seven activists in Saudi Arabia in December 2006 and March 2008, including individuals involved with informal networks to assist abused domestic workers.

Our interviews with domestic workers typically lasted approximately 45 minutes to one-and-a-half hours, and involved questions about their reasons for migration, the recruitment process, their working conditions, treatment from their employers, and the response of the Saudi government and their own country in cases of abuse. Depending on the worker's spoken languages, we conducted interviews with interpretation between English and Arabic, Bahasa Indonesia, Sinhala, Tamil, and Tagalog, or in English itself.

We only conducted interviews after obtaining informed consent from each interviewee, describing the work of Human Rights Watch, and explaining the purposes and advocacy plans of the research and report. No monetary or other assistance was provided in exchange for the interviews and interviewees had the right to decline the interview or stop it at any time.

To ensure the safety and anonymity of the women with whom we spoke, we have used pseudonyms for the majority of domestic workers interviewed. In some cases, domestic workers explicitly requested or provided permission to use their real names. Many of the officials we interviewed from the foreign missions of labor-sending countries provided detailed information conditional on our withholding their identities to avoid jeopardizing their countries' diplomatic relations with Saudi Arabia.

III. Asian Women's Labor Migration to Saudi Arabia

Domestic workers have become a conspicuous consumption item.

—Embassy official from a labor-sending country, Riyadh, March 10, 2008

Women comprise half of all migrants worldwide. Migration from certain Asian countries has become particularly feminized, with 50-80 percent of documented migrants from the Philippines, Indonesia, and Sri Lanka newly hired or working abroad being women, the majority migrating as domestic workers to the Middle East and other parts of Asia.⁴ A combination of push and pull factors contribute to the growing ranks of Asian migrant workers in the Middle East.

According to the International Monetary Fund, “For many developing countries, remittances constitute the single largest source of foreign exchange, exceeding export revenues, foreign direct investment (FDI), and other private capital inflows.”⁵ For example, Filipino migrant workers, who include many women working in the Arab states of the Persian Gulf as domestic workers, sent home US\$15.2 billion in 2006—13 percent of the country's GDP.⁶

Remittances have grown steadily over the past three decades and the World Bank estimated that migrant workers from developing countries sent \$240 billion home in 2007.⁷ Migrants in Saudi Arabia sent home \$15.6 billion in 2006, approximately 5

⁴ Philippines Overseas Employment Administration, “OFW Global Presence: A Compendium of Overseas Employment Statistics 2006,” <http://www.poea.gov.ph/stats/2006Stats.pdf> (accessed May 29, 2008); Sri Lanka Bureau of Foreign Employment, “Estimated Stock of Sri Lankan Overseas Contract Workers by Country 2006,” <http://www.slbfe.lk/feb/statistics/status9.pdf> (accessed May 29, 2008); Komnas Perempuan and Solidaritas Perempuan/CARAM Indonesia, *Indonesian Migrant Domestic Workers: Their Vulnerabilities and New Initiatives for the Protection of Their Rights* (Jakarta: Komnas Perempuan and Solidaritas Perempuan/CARAM Indonesia, 2003), p. 9.

⁵ International Monetary Fund, “Workers’ Remittances and Economic Development,” *World Economic Outlook: Globalization and External Imbalances* (Washington D.C.: IMF, 2005), pp. 69-84.

⁶ World Bank, *Migration and Remittances Factbook*, March 2008, <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~isCURL:Y~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html> (accessed April 9, 2008).

⁷ Ibid.

percent of Saudi Arabia's GDP, making Saudi Arabia the world's second largest remittance sender after the United States.⁸

According to Saudi Arabia's General Statistics department, over 8 million migrants work in the kingdom.⁹ They comprise roughly one-third of Saudi Arabia's population of 24.7 million.¹⁰ Indonesia, India, and the Philippines each contribute over one million workers to Saudi Arabia and more than 600,000 come from Sri Lanka. They sustain the Saudi economy by filling critical gaps and needed skills in the health, construction, domestic service, and business sectors.

Estimates of domestic workers in Saudi Arabia vary widely, given a lack of publicly available data and the difficulty in tracking some workers: employers do not always obtain a national identity card (*iqama*) for domestic workers, one of the mechanisms to monitor the numbers of workers in the country. According to press reports, official Saudi figures indicate that around 20,000 domestic workers arrive in the kingdom every month on employment visas, but the Indonesian embassy said that it alone approves 15,000 such new contracts per month.¹¹ An association of Saudi recruitment agencies estimated they bring in 30-40,000 domestic workers per month.¹²

The Saudi Ministry of Labor provided Human Rights Watch with official figures of 1.2 million household workers in Saudi Arabia, including domestic workers, drivers, and gardeners. According to these figures, 480,000 are registered as domestic workers.¹³ However, the deployment statistics of women domestic workers from countries of origin suggest the figures exceed one million domestic workers. Indonesia estimates

⁸ Ibid.

⁹ P.K. Abdul Ghafour, "Government Jobs for Saudi Women," *Arab News*, May 29, 2007, <http://www.saudi-us-relations.org/articles/2007/loi/070529-saudi-women.html> (accessed May 30, 2007).

¹⁰ United Nations Department of Economic and Social Affairs, "World Population Prospects: The 2006 Revision, Highlights," Working Paper No. ESA/P/WP.202, 2007, http://www.un.org/esa/population/publications/wpp2006/WPP2006_Highlights_rev.pdf (accessed June 10, 2008).

¹¹ Mariam Al Hakeem, "Runaway maids face jail and flogging," *Gulf News*, April 5, 2007; Human Rights Watch interview with official R, Embassy of Indonesia, Riyadh, November 29, 2006.

¹² Human Rights Watch group interview with recruitment agents, National Committee of Saudi Recruitment Agencies, Saudi Chamber of Commerce, Riyadh, December 12, 2006.

¹³ Human Rights Watch interview with Fawzi Al-Dahan, general manager, Manpower Planning Department, Ministry of Labor, Riyadh, March 10, 2008.

approximately 600,000 domestic workers in Saudi Arabia,¹⁴ Sri Lanka recorded approximately 275,000 documented workers,¹⁵ and the Philippines recorded 200,000.¹⁶ Estimates in the press attempt to capture the number of undocumented workers as well and typically place the national figure at two million domestic workers. In the wake of recruitment agreements signed in late 2007 and early 2008 with Nepal and Vietnam, domestic workers arriving from these countries may increase. Saudi Arabia also hosts smaller numbers of domestic workers from other countries, including India, Bangladesh, Ethiopia, and Eritrea.¹⁷

Asian Women's Status and Reasons for Migration

I was living in a very small hut that I made out of cloth, and my husband was jobless and I had five children to look after. Due to poverty and financial problems I decided to go abroad to earn an income.... I looked for a job [in Sri Lanka], but I did not find any.... During the rainy days we sometimes did not have food to eat.

—Noor F., a repeat Sri Lankan migrant domestic worker to the Middle East, Gampaha, Sri Lanka, November 8, 2006

Women and girls' unequal status profoundly influences their access to education and employment and drives many to migrate to survive. The Indonesian, Filipino, and Sri Lankan governments have mixed records protecting women's rights, and gender-based discrimination and violence remain serious problems.¹⁸ Facing poverty and limited job opportunities in their home countries, women in Indonesia, the

¹⁴ The Indonesian embassy in Riyadh recorded 626,895 Indonesian workers in 2007, of whom 96 percent are domestic workers and drivers, but noted that the Saudi labor department recorded more than 980,000 Indonesian workers in total. Human Rights Watch interview with Sukanto Jalavadi, labor attaché, Embassy of Indonesia, Riyadh, March 2008.

¹⁵ Sri Lanka Bureau of Foreign Employment, "Estimated Stock of Sri Lankan Overseas Contract Workers by Country 2006."

¹⁶ Human Rights Watch group interview with Filipino embassy officials, Riyadh, March 2008.

¹⁷ Human Rights Watch interviews with embassy officials from labor-sending countries, Riyadh, December 2006 and March 2008.

¹⁸ For country-specific analyses of women's rights violations and related government reforms, see <http://www.un.org/womenwatch/daw/cedaw/reports.htm>. This site contains government submissions to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the Committee's concluding observations. The CEDAW Committee, comprised of independent experts, monitors the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981.

Philippines, Sri Lanka, and other sending countries must often seek employment overseas.

Women's status varies widely within and across the three countries. All three countries have experienced progress in recent decades and vibrant women's rights movements have raised awareness, catalyzed provision of support services, and initiated policy reform on discrimination and gender-based violence. Girls' education rates have dramatically increased, and in all three countries, boys' and girls' primary and secondary school enrollment are approximately equal.¹⁹

Violence against women and girls occurs in all three countries and takes many forms, including domestic violence, trafficking, and sexual violence. Several factors create barriers to seeking redress through the criminal justice systems in Indonesia, the Philippines, and Sri Lanka. Law enforcement officials are often inadequately trained to handle gender-based violence cases and methods for collecting evidence. Survivors may not report cases due to social stigma, fear of retaliation, and lack of information about their rights.

Gender inequality still manifests itself in higher education, labor force participation, and earning power.²⁰ Women's average earned income is only 41-61 percent of men's average earned income in all three countries, as shown in Table 1, below.

The striking differences between men's and women's income is attributable to several factors, including the concentration of women in less regulated industries and the fact that women confront social and cultural barriers to entering higher paying, male-dominated industries. Government and private sector lack of commitment to affordable child care, maternity benefits, sexual harassment policies, and protections against gender discrimination in hiring also affect women's labor force participation and earning power.

¹⁹ World Bank, "Gender Stats: database of gender statistics," updated regularly, <http://devdata.worldbank.org/genderstats/home.asp> (accessed August 20, 2007).

²⁰ *Ibid.*

Table 1: Estimated Earned Income for Men and Women in 2005²¹

Country	Earned income, female (\$)	Earned income, male (\$)	Ratio of women's earnings to men's earnings (%)
Indonesia	2,410	5,280	46
Philippines	3,883	6,375	61
Sri Lanka	2,647	6,479	41

While some women sought new experiences and adventure, most migrant women interviewed by Human Rights Watch said they migrated out of desperation, not out of unconstrained choice. Chandrika M., a 45-year-old Sri Lankan woman preparing to migrate for the ninth time, said,

I'm crying inside my heart. I think that it is foolish to migrate when I remember my little girl.... If I can solve my financial problems this time, I will never migrate again.... If we have no money, we have no other choice but to go abroad. The government has to get rid of this poverty.²²

Yuniarti, an Indonesian migrant, said, "I hope the next generation does not have to come here to work in Saudi Arabia. I hope they just come for pilgrimage.... The [government] should make employment opportunities in Indonesia."²³ Some women that Human Rights Watch interviewed also migrated to escape domestic violence.

More typically, domestic workers migrate to finance the education of their siblings or children, build or repair homes, earn money for daily necessities, or to repay loans for health care or business losses. For example, Farzana M., a Sri Lankan migrant, said, "I needed money [to regain] our house: we had a debt of Rs. 70,000 [\$625] to

²¹ 2005 is the most recent year for which data is available for comparison. United Nations Development Programme (UNDP), "Human Development Report 2007/2008, Fighting climate change: Human solidarity in a divided world," November 27, 2007, <http://hdrstats.undp.org/indicators/> (accessed April 9, 2008). According to the UNDP, estimated earned income is derived on the basis of the ratio of the female non-agricultural wage to the male non-agricultural wage, the female and male shares of the economically active population, total female and male population, and GDP per capita (PPP \$).

²² Human Rights Watch interview with Chandrika M., Sri Lankan domestic worker, Kurunegala, Sri Lanka, November 4, 2006.

²³ Human Rights Watch interview with Yuniarti, Indonesian domestic worker, Jeddah, Saudi Arabia, December 8, 2006.

pay. My husband wanted me to come to Saudi Arabia. He said, ‘If you can earn enough money, we can get the house back.’ I had to come to pay the debt, there was no [other] choice.”²⁴ Adelina Y. started crying when she told Human Rights Watch, “I am a single mother and I want my kids to go to school and to help my family. I came here [to Saudi Arabia] because I want money, but it wasn’t good for me.”²⁵ Hemanthi J.’s husband forced her to migrate. She said, “I didn’t want to come to Saudi, but my husband forced me to come.... He said, ‘Go abroad and earn money so we can get our own house.’”²⁶

In some cases, even highly educated women were unable to earn enough money in their home country and resorted to domestic work abroad to pay their bills. Marilou R., a Filipina domestic worker whose Saudi employer later failed to pay her wages said, “I have a BS [Bachelors degree in Science] in Agriculture, in Crop Science. I was a technician in Mindanao. Yes I enjoyed it so much, I earned 5,000 pesos [\$107]. [I migrated because] I have a nephew who had heart failure. Every month we need 10,000 pesos [\$214] for his heart medicine.”²⁷

Many women encounter returned migrants who have been successful in earning money overseas, and compare their earning capacity at home to potential income abroad. In one such case, Krishnan S. said, “I think working abroad is better [than working on a tea estate] because in two months I can earn 20,000 rupees [\$179], but if I work on an estate, they deduct for this and that, and I will get 2,000 or 3,000 rupees [\$18-27].”²⁸

Women make the decision to migrate not once, but many times. Confronted with relentless financial pressures, most migrants and their families found it difficult to save, and after finishing a two-year contract, women faced the same expenses that led them to migrate initially. Human Rights Watch interviewed women who had migrated as many as 14 times as a domestic worker. Krishnan S., mentioned above,

²⁴ Human Rights Watch interview with Farzana M., Sri Lankan domestic worker, Riyadh, December 15, 2006.

²⁵ Human Rights Watch interview with Adelina Y., Filipina domestic worker, Jeddah, December 9, 2006.

²⁶ Human Rights Watch interview with Hemanthi J., Sri Lankan domestic worker, Riyadh, December 14, 2006.

²⁷ Human Rights Watch interview with Marilou R., Filipina domestic worker, Jeddah, December 10, 2006.

²⁸ Human Rights Watch interview with Krishnan S., Sri Lankan domestic worker, Maskeliya, Sri Lanka, November 13, 2006.

said, “I managed to buy a television and radio, managed to send money to my house for daily expenses like looking after my daughter and meals, and I managed to buy some gold jewelry. Now I have to feed four people and pay the electricity bill, that’s why I’m planning to go abroad again after giving birth.”²⁹

As will be discussed later in more detail, some women and girls migrate involuntarily through deception or coercion in cases that amount to trafficking.

Women’s Status in Saudi Arabia

Women from Indonesia, the Philippines, and Sri Lanka often enjoy a greater degree of freedom and range of rights in their home countries than their female Saudi employers. Migrant women may be unfamiliar with and shocked by restrictions on their dress, freedom of movement, interaction with unrelated men, and freedom of religion. For example, Journey L. said, “You have left your loved ones to earn some money for a living.... Then when you come here, you will be shocked by the culture. You arrive from an open country ... and here you are not allowed to talk to men. You know you have to wear an abaya, but you cannot adjust to it immediately, to wear it every time even when in a hurry. And it feels dangerous to walk alone.”³⁰

Systemic discrimination against Saudi women denies them equal access to employment, health care, public participation, equality before the law, and a range of other rights. The UN ranked Saudi Arabia 92nd out of 93 evaluated countries with respect to gender empowerment, an indicator determined by women’s participation in economic and political life.³¹ Saudi women’s low and unequal status affects migrant women’s rights and treatment as domestic workers. Strict gender segregation exacerbates their isolation and confinement in the workplace.

Saudi government policy and societal practices tightly circumscribe women’s rights by requiring adult women to obtain permission from male guardians to work, travel,

²⁹ Ibid.

³⁰ Human Rights Watch interview with Journey L., Filipina domestic worker, Riyadh, March 12, 2008.

³¹ UNDP, “Human Development Report 2007/2008.” The gender empowerment measure is a composite indicator that captures gender inequality in three areas: the extent of women’s political participation, economic participation, and power over economic resources.

study, marry, receive health care, or access many public services. The government, religious institutions, and society treat women as legal minors and exercise inordinate control over their daily lives and activities. The government enforces strict gender segregation, including through the *mutawwa'* (religious police). Most offices, restaurants, shopping malls, and private homes maintain separate spaces for men and women.

Saudi women confront barriers to redress through the criminal justice system. Given prevailing norms of sex segregation, Saudi women are often hesitant to walk into a police station as all police officers are male. Saudi Arabia criminalizes contact between unmarried individuals of the opposite sex, putting rape victims at risk of prosecution for “illegal mingling” or forbidden extramarital sexual relations if they cannot meet the strict evidentiary standards to prove rape. In the high-profile Qatif case, a court not only convicted a gang-rape victim of “illegal mingling” and blamed her for going out alone, but doubled her sentence to six months imprisonment and 200 lashes for reaching out to the media.³² King Abdullah pardoned the young woman after an international outcry, but the Saudi system continues to impose formidable obstacles to seeking justice in cases of sexual assault.

A 2008 Human Rights Watch report, “Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia,” discusses these women’s rights violations and the system of male guardianship for adult women in greater detail.³³

Scale of Abuses

I will admit that a lot of violations and inhumane treatment takes place. If I tell you I know the figure I would be lying. The only thing I know is that those cases that come to our attention are punished.

— Dr. Ghazi al-Qusaibi, minister of labor, Riyadh, December 3, 2006

³² “Saudi Arabia: Rape Victim Punished for Speaking Out,” Human Rights Watch news release, November 17, 2007, <http://hrw.org/english/docs/2007/11/16/saudia17363.htm>; “Saudi Arabia: Ministry of Justice should Stop Targeting Rape Victim,” Human Rights Watch news release, November 29, 2007, <http://hrw.org/english/docs/2007/11/28/saudia17433.htm>.

³³ Human Rights Watch, *Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia*, 1-56432-307-2, April 2008, <http://hrw.org/reports/2008/saudiArabia0408/>.

Contracts are not clear, agents in KSA [Saudi Arabia] are lousy and dishonest.... Some employers treat domestic workers like slaves, some treat them like members of their families. We have to face it.

— Dr. Abd al-Muhsin al-`Akkas, minister of social affairs, Riyadh,
December 2, 2006

In interviews with Human Rights Watch and with the press, officials from the Saudi Ministries of Labor and Social Affairs maintain that most employers treat their domestic workers well, even as members of their families. They claim that only a small number of domestic workers confront abuse and that these cases are handled appropriately through the courts. One labor official said, “Torture is not normal.... The majority of cases receive good treatment. There may be one case of murder, one case of beating, but not the majority.”³⁴

Estimating the prevalence of abuse is difficult, and underreporting is likely given the isolation of domestic workers in private homes, the power of employers to directly repatriate domestic workers before they can seek help, and the socially and legally sanctioned nature of some abuses, such as restrictions on movement or excessively long working hours. Human Rights Watch interviewed domestic workers in their home countries who had suffered abuse in Saudi Arabia but never had the opportunity to obtain assistance.³⁵ Such cases are also documented in the countries of origin by state foreign employment departments, nongovernmental organizations, and local media.

While no data exist to estimate the exact number of domestic workers who confront abuse, available information suggests it is a significant problem. The most common types of abuses are those that are socially sanctioned and unregulated. For instance, even domestic workers who report being “happy” in their jobs may face having their passports held by their employers, working excessively long hours with no rest day, and not being paid for overtime. Greater research is required to determine the

³⁴ Human Rights Watch interview with Fawzi Al-Dahan, March 10, 2008.

³⁵ This report explicitly features interviews Human Rights Watch took in Sri Lanka, but the general findings also reflect interviews taken in Indonesia in May 2006.

prevalence of these types of working conditions, but existing information suggests they are widespread.

Given the current legal framework, often only egregious cases involving unpaid wages, physical abuse, sexual harassment and abuse, or immigration problems reach the authorities. Human Rights Watch could not obtain a reliable estimate of how many such cases the Saudi Ministry of Social Affairs handles, but it operates a shelter in Riyadh, discussed later in the report, that processes several thousand domestic worker cases each year.

The embassy of Indonesia in Riyadh reported that it handled 3,687 complaints in 2006 and 3,428 complaints in 2007.³⁶ These are aggregated separately from the consulate in Jeddah, which handles an average of 20 complaints per day.³⁷ Similarly, the Sri Lankan embassy in Riyadh handles 200-300 cases per month, and processed and repatriated 606 domestic workers between January 1 and March 11, 2008.³⁸ The shelter for Filipina domestic workers in Riyadh housed 1,129 women in 2007 and the embassy of Nepal, with significantly fewer numbers of domestic workers in the country, handled 94 cases between August 2007 and March 2008.³⁹

³⁶ Human Rights Watch interview with Sukanto Jalavadi, labor attaché, Embassy of Indonesia, Riyadh, March 2008.

³⁷ Human Rights Watch interview with Winardi Hanafi Lucky, vice consul, Consulate of Indonesia, Jeddah, December 2006.

³⁸ Human Rights Watch interview with N.L.D. Abeyratne, counselor, Embassy of Sri Lanka, Riyadh, March 2008.

³⁹ Human Rights Watch interviews with Rustico S.M. Dela Fuente, labor attaché, Embassy of the Philippines, Riyadh, March 2008, and Prakash Kumar, deputy chief of mission, Embassy of Nepal, March 2008.

IV. Legal Framework for Migrant Domestic Workers

Saudi Arabia's justice system falls far short of international standards and imposes particularly formidable obstacles to migrant domestic workers. Labor laws exclude domestic workers from key protections and immigration policies place migrants at risk through a highly restrictive *kafala* or sponsorship system. Labor-sending governments may have policies regulating minimum standards for their workers abroad, although neither the Philippines, Indonesia, nor Sri Lanka have been able to negotiate a bilateral labor agreement on domestic workers with Saudi Arabia.

Saudi Arabia applies its interpretation of Sharia (Islamic law) as the governing legal framework. The absence of codified Sharia laws and rules of precedent leaves the government and judiciary significant room for divergent interpretations of the law, and undermines equality before the law.⁴⁰ For a more detailed analysis of unfair trials, due process violations, and treatment of children in Saudi Arabia's criminal justice system, see the March 2008 Human Rights Watch reports "Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia" and "Adults Before Their Time: Children in Saudi Arabia's Justice System."⁴¹

Saudi Arabia has recently begun to introduce administrative laws. In 1992 King Fahd instituted the Basic Law, a proto-constitution declaring Saudi Arabia an Islamic monarchy whose constitution is comprised of the Quran and the Sunna (traditions of the Prophet Muhammad).⁴² Since 1992 the government has created new laws to address gaps left by the Basic Law, including a Civil Procedure Code in 2000 and a Criminal Procedure Code in 2002.

⁴⁰ Saudi Arabia follows the Hanbali school of jurisprudence. Sunni Muslims generally follow one of four schools of thought, named after their founding scholars, Shafi'i, Hanafi, Maliki, or Hanbali. Hanbalis shun using precedents or derivative sources of law or scholarly consensus (*ijma*) to adjudicate any given issue. Other schools of thought give *ijma* the force of legally binding opinion. Instead, Hanbali jurists prefer to employ their own original legal reasoning (*ijtihad*) to the Quran and Sunna to derive rulings for cases.

⁴¹ Human Rights Watch, *Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia*, vol. 20, no. 3(E), March 2008, <http://hrw.org/reports/2008/saudijustice0308/>, and *Adults Before Their Time: Children in Saudi Arabia's Justice System*, vol. 20, no. 4(E), March 2008, <http://hrw.org/reports/2008/saudicrdo308/>.

⁴² The king also decreed a Law of the Provinces that set forth the division of powers between the provinces and the central government. Currently, all of the provincial governors are royal princes. The third administrative law concerned the Majlis al-Shura (Advisory Council). The king appointed its 60 members (now 150), who could "study" and "interpret," but not initiate, legislation.

Exclusion from Labor Laws

Saudi Arabia amended its Labor Law through Royal Decree No. M/51 on September 27, 2005.⁴³ As it currently stands, Saudi Arabia excludes domestic workers from the provisions of the labor law, leaving them without the protections guaranteed to other workers.⁴⁴ These protections include limits to working hours, and restrictions on salary deductions, rest days, and mechanisms for resolving labor disputes.

The Saudi government has proposed an annex to the Labor Law to address migrant domestic workers. According to a memorandum that the Ministry of Labor gave to Human Rights Watch researchers, the draft annex on domestic workers consists of 49 articles covering definitions of work, employers' duties, domestic workers' duties, the work contract, an end of service award, working hours and leave, and violations of the contract. The Ministry of Labor memo states that employers would be required to pay all recruitment fees, treat the worker with respect, pay wages on time, provide suitable accommodation such as a furnished private bedroom with bathroom, and provide medical care. Furthermore, the new annex would require written, fixed-term contracts and provisions for overtime pay.⁴⁵

These changes would represent a dramatic improvement over current regulations and reflect the recognition that “the employer needs to treat the employee like a human being.”⁴⁶ However, it is unclear whether the annex will extend protections to domestic workers equal to those enjoyed by other workers in Saudi Arabia, or whether there would continue to be specific exclusions. For example, the current draft provides for a maximum of 12 hours of work per day or 72 hours per week for domestic workers, in comparison to 48 hours per week for other workers.⁴⁷ Furthermore, the Saudi authorities have not clarified how the rights and duties

⁴³ Saudi Arabia Labor Law, Royal Decree No. M/51, September 27, 2005, Part VI.

⁴⁴ *Ibid.*, Part I, Chapter Two, Art. 7(2).

⁴⁵ Deputy Ministry for Planning and Development, Ministry of Labour, “A Short Note on the Draft of the Regulation for the Employment of ‘Domestic Helpers and the Like,’” provided to Human Rights Watch, December 3, 2006. Human Rights Watch interview with Fawzi Al-Dahan, March 9, 2008.

⁴⁶ Human Rights Watch interview with Fawzi Al-Dahan, March 9, 2008.

⁴⁷ *Ibid.*

outlined in the annex will be enforced, for example, whether the primary mechanism will be through the labor courts as with other categories of workers.

The *Kafala* System

Migrant domestic workers are not only at risk due to their exclusion from labor laws, but also as a result of highly restrictive immigration policies that rely on sponsor-based visas. The kingdom has instituted policies to increase the Saudi component of its workforce that have to date largely failed. These Saudi-ization policies have attempted to limit and control the number of foreign workers and their distribution in various economic sectors. One main strategy has been the *kafala*, or visa sponsorship system, where a worker's visa and legal status is tied to her employer. This system creates a profound power imbalance between employers and workers and imposes tight restrictions on migrant workers' rights.

Most migrant workers arrive in Saudi Arabia on two-year contracts in which their visas are tied to their employer, or "sponsor." The sponsor bears responsibility for the worker's recruitment fees, completion of medical exams, and possession of an *iqama*, or national identity card. The worker must obtain the sponsor's consent to transfer employment or to leave the country (get an "exit visa"). This gives the employer an inordinate amount of power over the worker's ability to change jobs or to return to her country of origin.

As will be discussed later, some abusive employers exploit the *kafala* system and force domestic workers to continue working against their will and forbid them from returning to their countries of origin. This legal obstacle, which can result in the arbitrary and unlawful denial of a domestic workers' right to leave Saudi Arabia and return home, is clearly incompatible with article 13 of the Universal Declaration of Human Rights (UDHR), which provides for the right to freedom of movement and the right to return to one's country.⁴⁸ In addition to its legal basis under treaty law,⁴⁹ the

⁴⁸ Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948).

⁴⁹ See, for example, International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 12. The Migrant Workers Convention also protects the right of migrants to enter their country of origin. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention), adopted

right to return to one's own country has been recognized as a norm of customary international law.⁵⁰

The Saudi Ministry of Labor and the Saudi Human Rights Commission have informed Human Rights Watch that the sponsorship system is under review, and that alternatives are being researched.⁵¹ One proposal is to create three or four large recruitment agencies that would act as sponsors for all migrant workers in the country. This proposal would purportedly address the control that employers have over workers when they also act as immigration sponsors.

According to the Saudi Minister of Labor, Dr. Ghazi al-Qusaibi,

There are currently about 350 recruiting labor agencies. We will introduce radical reforms to reduce the number to three big agencies, with resources, supervised by the government. We keep closing the bad agencies but new ones come, and we close them.... We want to have requirements that the agents must have a university education and a financial deposit. So many agencies have meager resources, they are small shops with one or two people working there. We will dissolve them and form big, private companies supervised by the government.⁵²

If such a proposal was to move forward, these recruitment agencies would wield an enormous amount of power and money. The government would need to regulate and monitor such recruitment agencies rigorously, with clear standards for operating procedures, penalties in case of abuse, and provisions for independent monitoring. One official from a labor-sending country pointed out that a similar system is implemented in Kuwait with poor results. He said, "There are bad aspects. The girl is lost in the agency system. The sponsor may return her to the agency and the agency

December 18, 1990, G.A. Res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force July 1, 2003, art. 8. Saudi Arabia is not party to either convention.

⁵⁰ See "Current Trends in the Right to Leave and Return," U.N. Doc. E/CN.4/Sub.2/1985.

⁵¹ Human Rights Watch interview with Fawzi Al-Dahan, March 10, 2008.

⁵² Human Rights Watch interview with Dr. Ghazi al-Qusaibi, minister of labor, Riyadh, December 3, 2006.

redeploys her.... Why are agencies interested [in this proposal]? Because there is a big bracket of a high-income expat population. The agencies want to exploit that market.”⁵³

Employment Contracts and Recruitment Practices

In the absence of protection under labor laws, employment contracts are the primary mechanism for outlining both employers’ and workers’ rights and obligations. Recruitment practices, including initial fees charged to employers and payment of domestic workers’ return tickets home, also define certain financial obligations and incentives.

Employment contracts typically stipulate a domestic worker’s monthly wage, a two-year period of employment, and the employer’s responsibility to provide the domestic worker’s meals and accommodation in addition to her salary. These contracts often provide domestic workers a paid one-month vacation every two years. These contracts have many weaknesses. They rarely contain specific information on the conditions of work such as limits on working hours and a detailed description of work responsibilities. These contracts do not have the same types of enforcement mechanisms as protection under labor laws. Chapter VI, below, discusses problems with deceptive recruitment practices and situations in which migrant workers receive different contracts upon recruitment and actual employment.

Recruitment agencies broker a range of agreements with employers and domestic workers in regard to payment of return tickets. Employers must pay for a domestic worker’s air ticket home if she successfully completes her two-year contract or in cases of mistreatment. If a domestic worker terminates her contract early, she may be responsible for paying for own ticket home. Many agencies, both in labor-sending countries and in Saudi Arabia, also offer probation periods in which they provide employers a “replacement maid” within three months if either the employer or the domestic worker decides the arrangement is a poor fit. In such cases, recruitment agencies may pay for the domestic worker’s flight home or for a transfer to a new employer, while in other cases they renege on such promises. The ways in which

⁵³ Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, March 10, 2008.

some domestic workers struggle to obtain their ticket home is discussed later in the report.

Initial recruitment fees may also profoundly influence the working relationship and the conditions of work. Recruitment agencies charge Saudi employers between 5,000 and 9,000 riyals (US\$1300-2340) to hire a domestic worker. When employers bear the responsibility for initial recruitment fees, domestic workers can ideally avoid incurring crushing debts when they migrate. At the same time, many employers feel they have made a significant financial investment and point to their initial payments to justify restrictive measures that prevent a domestic worker from “running away,” such as taking her passport, withholding her wages, and physically confining her to the workplace.

One critical area of reform is to protect domestic workers’ right to freedom of movement and decent work conditions. In addition to outlawing and punishing abusive practices, and educating employers that such treatment likely increases the possibility that a domestic worker will attempt to escape, the Saudi government should also address the concerns of employers who have not committed abuse, for example by introducing an insurance program to recover recruitment fees in cases where domestic workers leave their employment early.

International Agreements

In addition to its domestic legal system, Saudi Arabia has also acceded to five international human rights treaties obligating states to eliminate racial and gender discrimination, protect children’s rights, prohibit torture, and prevent and punish trafficking in persons.⁵⁴ The duties outlined in the treaties commit Saudi Arabia to

⁵⁴ CEDAW, ratified by Saudi Arabia on September 7, 2000; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969, acceded to by Saudi Arabia on October 23, 1997; Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, acceded to by Saudi Arabia on January 26, 1996; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, acceded to by Saudi Arabia on September 23, 1997; and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol), G.A. Res. 25, annex II, U.N. GAOR, 55th Sess. Supp. No. 49, at 60, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force December 25, 2003, acceded to by Saudi Arabia on July 20, 2007.

ensuring its policies prevent conditions leading to trafficking and protect domestic workers from discrimination and degrading treatment.

According to Saudi officials, these international treaties are automatically incorporated into domestic law. As a result, these international standards have the same legal status as domestic legislation and can be directly invoked in domestic court proceedings.⁵⁵ However, Saudi Arabia entered sweeping reservations to these treaties upon accession, stating in the case of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), “In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.” Reservations that are incompatible with the object and purpose of a treaty violate international law and are unacceptable precisely because they would render a basic international obligation meaningless.⁵⁶

Migration transcends national borders, and both sending and receiving countries have increasingly relied on bilateral labor agreements or informal mechanisms to establish transnational recruitment policies. Labor-sending countries also initiate measures through labor-emigration regulations. For example, the Philippine Overseas Employment Administration (POEA) ruled that effective December 15, 2006, the salary of Filipina household workers would not be less than \$400 per month and they would not be authorized to immigrate on work visas unless they receive this minimum salary.⁵⁷ Angered by reports of abuse against migrant domestic workers, Indonesia suspended migration of domestic workers for five months in 2005.⁵⁸

In other cases, recruitment associations in labor-sending and labor-receiving countries agree on set wages for migrant workers but rarely address other conditions

⁵⁵ UN Committee on the Rights of the Child, “Summary Record of the 1114th Meeting (Chamber A),” U.N. Doc. CRC/C/SR.1114, January 30, 2006, [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/eeebbc1b779d9c72c12571070058bo61/\\$FILE/Go640238.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/eeebbc1b779d9c72c12571070058bo61/$FILE/Go640238.pdf) (accessed July 26, 2007), para. 13.

⁵⁶ See Vienna Convention on the Law of Treaties, May 23, 1969, entered into force on 27 January 1980, art. 19., United Nations, Treaty Series, vol. 1155, p. 331.

⁵⁷ Philippines Overseas Employment Administration (POEA), “Guidelines on the Implementation of the Reform Package Affecting Household Service Workers (HSWs),” <http://www.poea.gov.ph/> (accessed April 9, 2008).

⁵⁸ Ali Al-Migbali, “Kingdom, Indonesia Iron Out Maid Flap,” *Al-Eqtisadiyah/Arab News*, August 1, 2005.

of employment. For example, in September 2007 the Chamber of Commerce in Saudi Arabia and counterparts in Indonesia agreed upon a minimum wage of 800 riyals (\$208) per month for Indonesian domestic workers, and as of January 1, 2008, the Sri Lankan government and the Saudi Chamber of Commerce raised the minimum wage for Sri Lankan domestic workers from 400 riyals (\$104) to 650 riyals (\$169) per month.⁵⁹

Given uneven bargaining power between labor-receiving and labor-sending countries, bilateral labor agreements tend to be weak. Unhealthy competition between labor-sending countries means that labor-sending governments have often been reluctant to push for labor standards such as weekly days off or higher salaries for fear of losing jobs to other countries' workers. Greater multilateral cooperation is essential for developing and enforcing sound, rights-based migration policy. The International Labour Organization (ILO) recommends that bilateral agreements be negotiated within the framework of multilateral and regional agreements.⁶⁰

In January 2008 Saudi Arabia participated in the "Gulf Forum on Temporary Contractual Labor" (the "Abu Dhabi Dialogue"), which brought together for the first time 22 labor ministers from Asia and the Persian Gulf to discuss regional contract labor migration. Other emerging international initiatives include the Global Forum on Migration and Development and a proposed ILO Convention on Domestic Work. These have the potential to serve as vehicles for addressing migrant domestic workers' rights.

Recent Reforms

The Saudi government has begun to adopt reforms addressing labor exploitation and trafficking in persons. These include the decision of the Minister of Labor No. 738/1 dated 16/5/1425h (July 4, 2004) banning all forms of trafficking in persons and establishing a foreign workers' care department.⁶¹ In another decision, migrant

⁵⁹ Human Rights Watch interview with Fawzi Al-Dahan, March 10, 2008. See also Mariam Al Hakeem, "Sri Lankan maids' wages up by 65 percent," *Gulf News*, December 31, 2007.

⁶⁰ Piyasiri Wickramasekara, "Labour Migration in Asia: Role of Bilateral Agreements and MOUs," ILO presentation at the JIPLT workshop on International Migration and Labour Market in Asia, Tokyo, February 17, 2006.

⁶¹ Decree, Ministry of Labor No. 738/1 dated 16/5/1425h.

workers may now get an exemption from obtaining their employer's permission for an exit visa if they have not been paid for three months or cannot locate their employer.⁶²

The Ministry of Labor has also created a guidebook in different languages for foreign workers advising them about their rights and resources for making complaints. The guidebook states that foreign workers have free movement as long as they hold valid residence permits and they can keep their passports with them.⁶³ The extent of distribution of these guidebooks remains unclear.

The Saudi minister of labor told Human Rights Watch that workers may now also take their cases directly to labor courts instead of being required to register them with the police first.⁶⁴

In practice, these positive steps tend to focus on other types of migrant workers, and do not address the particular situation of domestic workers. For example, the foreign workers' care department, housed in the Ministry of Labor, does not have the specific mandate to deal with domestic workers.⁶⁵ The exemption from the requirement to obtain an employer's permission for an exit visa applies primarily to other migrant workers, since domestic workers in dispute with their employers are referred to the Ministry of Social Affairs (see Chapter X, below). There is no advice guide specifically for domestic workers, who confront a different regulatory framework than other migrants since they are not included in the labor law. However, the government did conduct a media campaign targeted toward employers in late 2007 about decent treatment of domestic workers.⁶⁶

⁶² P.K. Abdul Ghafour, "New Measures to Help Workers," *Arab News*, February 1, 2007.

⁶³ Ministry of Labor, "Guidebook for Expatriates Recruited for Work in the Kingdom of Saudi Arabia," 2006.

⁶⁴ Human Rights Watch interview with Dr. Ghazi al-Qusaibi, December 3, 2006. Dr. Ghazi al-Qusaibi did not specify when this change was introduced or by what mechanism.

⁶⁵ Human Rights Watch interview with Mohamed Rashid Al-Suleiman, director, Expatriate Workers' Care Department, Ministry of Labor, Riyadh, December 13, 2006.

⁶⁶ "Be nice to your maids, Be kind to your guests," *Manila Times*, October 9, 2007, <http://www.manilatimes.net/national/2007/oct/09/yehey/opinion/20071009opi1.html> (accessed October 16, 2007).

The Saudi government has yet to adopt the major reforms required to provide adequate protection to domestic workers, though some of these reforms are under consideration. These include the proposed annex to the 2005 Labor Law and the proposal to reform the *kafala* system so that all migrant workers are sponsored by three or four large recruitment agencies instead of by their employers. There is no clear timeline for adoption and implementation, and most of these proposals have been under discussion with little result for years.

V. Forced Labor, Trafficking, Slavery, and Slavery-like Conditions

Human Rights Watch documented a wide range of abuses against migrant domestic workers in Saudi Arabia, including deception during recruitment, violations of freedom of movement, physical and sexual abuse, labor exploitation, and double victimization in the criminal justice system. Subsequent chapters will discuss all of these issues in greater detail. In some cases, domestic workers experienced several of these abuses simultaneously.

Human Rights Watch interviewed 36 women and girl domestic workers whose situations clearly amounted to forced labor, trafficking, slavery, or slavery-like conditions. The following case studies demonstrate how the multiple abuses domestic workers may experience during recruitment and employment can intersect to create these conditions.

No estimates exist regarding the number of such cases in Saudi Arabia, though these egregious abuses likely comprise a minority in comparison to more typical complaints involving delayed payment of wages and overwork. However, many cases of forced labor, trafficking, slavery, or slavery-like conditions are likely never to be identified or reported, due to the worker's isolation, lack of information about her rights, and the employer's ability to repatriate her at will.

International law proscribes forced labor, trafficking, and institutions and practices amounting or similar to slavery or servitude. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the ILO Forced Labor Convention, the Trafficking Protocol, the Slavery Convention, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Supplemental Slavery Convention), and the Rome Statute establishing the International Criminal Court are the principal sources of international law that define and prohibit these practices.⁶⁷ In 1962 then-King Faisal abolished slavery in Saudi Arabia by royal decree.

⁶⁷ ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 28, 1930, 39 U.N.T.S. 55, entered into force May 1, 1932, ratified by Saudi Arabia June 15, 1978; Protocol to Prevent, Suppress and Punish

Forced Labor

Nour Miyati

This was my third time migrating. The first time I was in Medina for four years. The second time I was in Ta'if for two years. My previous employers were good and provided my full salary.

[The third time in Riyadh], the wife of the employer beat me, she did not work. Everyday she beat me. She beat my head, so I would cover it with my hands. She hit my foot with her sharp high heels. Everyday she did this until my foot was injured. When I told the husband about his wife's behavior, he also beat me. After she beat my hands and they became swollen, [they made me] wash my hands with ... one whole cup of bleach. I felt very hurt and had a lot of pain. I never got enough food. After one year, they still had not paid my salary.

I never got a chance to rest, I woke up at 4 a.m., made breakfast for the children, I worked all day without rest. I went to sleep at 3 a.m. So many times I didn't get a chance to sleep at night, I worked around the clock.

My employer had my passport. He is a policeman [a member of the National Guard]. I never got a chance to leave the house. They locked me in from the outside. When I had stayed there for one year, I got a chance to escape, it was a Thursday and I ran out. My condition was bad, my left eye couldn't see, I was swollen all over. I got a taxi that took me to a police officer.... My employer came to the station and took me back. I refused, I said, "My employer is a bad person." My employer said, "You haven't finished your contract yet, it should be two years."

When I reached the house, they beat me again. They beat my mouth and one tooth fell out [shows scar on her lip]. After that, they locked all the doors, only the bathroom door was unlocked. I was never allowed to go out, not even to throw out

Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol); Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (Slavery Convention), adopted September 25, 1926, 60 L.N.T.S. 253, entered into force March 9, 1927; UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted September 7, 1956, 226 U.N.T.S. 3, entered into force April 30, 1957, acceded to by Saudi Arabia July 5, 1973; and Rome Statute of the International Criminal Court (Rome Statute), U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002.

the garbage. They didn't let me use the telephone. The situation got very bad. The husband and wife beat me every day, they never gave me medicine.

It got worse after I tried to run away.... In the last month I slept in the bathroom.... they put tape on my mouth so I couldn't say anything because my employers didn't want the neighbors to know about me.

I didn't escape, I asked [my employer] to take me to the hospital because of my condition. First I had to promise not to tell about their behavior to me. They forced me to stay silent.

[A doctor identified the abuse and notified authorities. Nour Miyati then underwent intensive medical treatment over several months, including amputation of her fingers due to gangrene.

The criminal proceedings of her case have stretched over three years, while Nour Miyati has waited in the overcrowded Indonesian embassy shelter for its resolution. A Riyadh court initially convicted Nour Miyati of making false allegations, sentencing her to 79 lashes, but later overturned this decision. The court dropped charges against her male employer. It sentenced the female employer to 35 lashes for committing abuse, but on May 19, 2008, a judge also dropped the charges against the female employer. That judge still awarded Nour Miyati 2,500 riyals (\$668) in compensation, a small fraction of the amounts typically awarded for the types of injuries sustained.⁶⁸ The Indonesian embassy plans to appeal the latest judgment.]⁶⁹

[crying] *I just worry I cannot work because of my hands. I don't know about my future.*
—Nour Miyati (real name used upon request), Indonesian domestic worker, Riyadh, December 5, 2006, and March 11, 2008

According to the ILO Convention on Forced Labor, Number 29, forced or compulsory labor “shall mean all work or service which is exacted from any person under the

⁶⁸ This figure uses the exchange rate between the US dollar and the Saudi riyal on May 21, 2008.

⁶⁹ “Saudi Arabia: Nour Miyati Denied Justice for Torture,” Human Rights Watch news release, May 21, 2008, <http://www.hrw.org/english/docs/2008/05/21/saudia18914.htm>.

menace of any penalty and for which the said person has not offered himself voluntarily.”⁷⁰

The ILO elaborates examples of “menace of penalty” to include: “physical violence against a worker or close associates, physical confinement, financial penalties, denunciation to authorities (police, immigration) and deportation, dismissal from current employment, exclusion from future employment, and the removal of rights and privileges.”⁷¹ In the majority of Saudi Arabia forced labor cases we reviewed, employers confined domestic workers to the workplace, including by locking them in from the outside, and withheld their passports, placing them at risk of arrest and punishment if they escaped. As in the case of Nour Miyati, several employers committed or threatened physical violence, and punishments often increased in severity if the domestic worker attempted to escape.

Examples provided by the ILO of the involuntary nature of work include: physical confinement in the work location, psychological compulsion (order to work backed up by a credible threat of a penalty), induced indebtedness (by falsification of accounts, excessive interest charges, etc.), deception about types and terms of work, withholding and non-payment of wages, and retention of identity documents or other valuable personal possessions.⁷²

We documented numerous cases of domestic workers whose experiences met these criteria. Saudi government officials, embassy officials, and domestic workers agree that as a standard practice employers retain domestic workers’ passports. Withholding and nonpayment of wages is the most common complaint presented by domestic workers to authorities. As will be discussed in more detail, many labor agents deceive domestic workers about the terms of their work.

⁷⁰ ILO Forced Labour Convention, art. 2. The European Court of Human Rights also uses this standard to interpret the prohibition on slavery, forced or compulsory labor in the European Convention on Human Rights (*Van der Musselle v. Belgium*, November 23, 1983 Series A No. 70; *Siliadin v. France* February 1, 2005 ECHR 2005).

⁷¹ ILO, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights of Work* (Geneva: ILO, 2005), p. 6.. The European Court of Human Rights has also found that in the absence of a specific “penalty” being imposed, an equivalent situation arises where there is a perceived seriousness of a threat of a penalty – such as a fear of arrest or deportation if found without a passport or papers, or if they try to escape. *Siliadin*, para. 118.

⁷² ILO, *A Global Alliance Against Forced Labour*, p. 6.

Saudi Arabia's requirement that domestic workers obtain their employers' consent in order to receive the necessary clearance ("exit visa") to leave the country greatly increases the risk of forced labor. Human Rights Watch interviewed several domestic workers who were forced to work for months, and in some cases, years, beyond their contracts, because their employers would not allow them to leave the country. This requirement and its consequences are discussed more fully in Chapter VI, below.

Even if migrant domestic workers have arrived in Saudi Arabia willingly and with full information, they may end up in situations of forced labor. The ILO notes that it is possible for workers to revoke freely given consent: "many victims enter forced labour situations initially of their own accord ... only to discover later that they are not free to withdraw their labour. They are subsequently unable to leave their work owing to legal, physical or psychological coercion."⁷³ For example, many domestic workers in Saudi Arabia migrate voluntarily but end up in forced labor situations because their employers do not approve their exit visas to leave the country, withhold months or years of wages, or lock them in the workplace.

Trafficking

Ani R.

I married a Saudi, he's a teacher. We married in Indonesia. He came to P.T. Sariwati [labor agency], he told the [labor agent] he was looking for a wife. I met him in the P.T., because [an intermediary] from Cianjur introduced us.

I met him at 5 p.m. and I married him at 12 o'clock at night.... I did it because I wanted to help my parents' economic situation [starts crying]. He promised me 15 million rupiah [\$1,636]⁷⁴ before marriage, but the dowry was not given. He promised he would give it to me when I went with him to Saudi Arabia, that ... he would send this money to my parents ... via the person from Cianjur. [still crying]

My father received 6 million rupiah. I don't know what happened to the other 9 million. When I got married, my husband took me to Saudi Arabia, and for the first

⁷³ ILO, *A Global Alliance Against Forced Labour*, p. 6.

⁷⁴ This figure uses the exchange rate between the US dollar and the Indonesian rupiah on December 5, 2006.

month he was nice. Then ... he treated me like a housekeeper and he beat me up.... My husband didn't let me make phone calls or write letters.

When he asked me to marry him, he said he was unmarried. After we had sex, he told me he had two wives and six children. Each wife has three children. I wanted to go home when I heard that.... The labor agent in Indonesia knew that my husband was married and he still let me marry him. That Cianjur lady was working in his sister's house as a maid [and had deceived me].

When [my husband] faced problems outside, he was angry at home. He would check the bookcase with a tissue to see if there was dust or not. If he saw dust, he grabbed my hair and said, "You are lying," and he grabbed my hair and took me to the bedroom and beat me several times. He always told me I didn't work very well and beat me.

The first time I ran away, I was [in a shelter].... They were all runaways, with the same problems as me, their sponsors beat them. I stayed there for one week and my husband came and a police officer asked me to go with my husband. The police told me to go with him because they only knew that he was my sponsor, they thought that I was his maid....

The police forced me to go back to my husband, my sponsor. They forced me to go with him. I told the police, "I don't want to go with the sponsor, because he is not good, he always beats me, I want to go to the Indonesian embassy." The police said, "You are better off with the sponsor because you didn't even earn enough for your ticket home." After I came home, my husband gave money to the police. A lot, I don't know how much.

When I came back with him in his car, he threw away my clothes. I took two dresses and two pairs of underwear and on the way home, he threw out the rest of my clothes. When we reached home, he beat me again. I said, "I'm hurt," but he never stopped. I was crying, but he didn't care.

At his mother's house, she treated me like a maid, because she didn't know that I was his wife. Even his sister didn't know.

I just want to go home. [crying] I don't want to see my husband anymore. I am afraid of my husband. I have been traumatized because he beat me, I always remember how he beat me. If I stay here, I will be stressed and depressed. It is better for me to go home to Indonesia to my parents.

—Ani R., 17-year-old Indonesian girl led to believe she was marrying a Saudi man but brought in on a domestic worker employment visa, Riyadh, December 5, 2006

Trafficking includes any act of recruitment, transport, transfer, receipt, sale, or purchase of human beings by force, fraud, deceit, or other coercive tactics for the purpose of placing them into conditions of forced labor or practices similar to slavery or servitude.⁷⁵ Such conditions occur when labor is extracted through physical or non-physical means of coercion, including blackmail, fraud, deceit, threat or use of physical force, or psychological pressure.

Migration and trafficking are interlinked, as traffickers often exploit the processes by which individuals migrate. For example, recruiters may deceive prospective domestic workers about their actual working conditions. In the case of Ani R., a Saudi man, an Indonesian labor agent, and an Indonesian migrant worker deceived her into believing she was migrating for marriage, yet the Saudi man brought her into the country as a domestic worker and treated her accordingly. Trafficking victims may be found in situations of forced domestic labor and other forms of forced labor, forced sex work, and forced marital arrangements.

Saudi Arabia's anti-trafficking decree (see "Recent Reforms," above) prohibits all forms of trafficking, and includes specific provisions addressing migrant workers and children. For example, the decree prohibits the sale of work permits, receiving commissions in return for employment, breaching contractual agreements, and immoral treatment.⁷⁶ The penalties are relatively light, with violators prevented from

⁷⁵ UN Trafficking Protocol, art. 3.

⁷⁶ Decree, Ministry of Labor No. 738/1 dated 16/5/1425h.

recruiting foreign workers for five years. Repeat violations can result in a permanent ban on recruiting foreign workers.⁷⁷

The annual United States Trafficking in Persons report has repeatedly highlighted Saudi Arabia as one of the worst countries in the world regarding its response to human trafficking. The US State Department has noted that recruitment abuses, the *kafala* system, and employers' treatment of migrant workers contribute to trafficking for forced labor. The 2008 report stated,

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 continues to lack adequate anti-trafficking laws, and, despite evidence of widespread trafficking abuses, did not report any criminal prosecutions, convictions, or prison sentences for trafficking crimes committed against foreign domestic workers.⁷⁸

Given Saudi Arabia's failure to institute even minimum standards to fight trafficking, it is eligible for punitive sanctions from the United States. However, for three years, the United States has waived these sanctions in the name of its national interest.

Slavery and Slavery-like Conditions

Haima G.

I am 17 years old, from Mindanao. I have finished three years of high school. I was 15 when I left. I wanted to help my family. My cousins fooled me into coming here, my parents thought I'd be with them, but actually they were far away.... They really fooled me, if I had known what Saudi Arabia is like, I wouldn't have come, not even if they gave me millions [eyes filling with tears]. My father didn't ask my permission, I had to go. I thought I would babysit children and go to school at the same time. I did not know I would be a full-time maid, cleaning. I didn't even know my wages.

⁷⁷ Ibid.

⁷⁸ US Department of State, *Trafficking in Persons Report 2007* (Washington, D.C.: U.S. Department of State, June 2008), <http://www.state.gov/g/tip/rls/tiprpt/2008/105389.htm> (accessed June 10, 2008).

They took me to an agency [in Saudi Arabia] where they trick people. I stayed in the agency for one week. I had to work in five houses in one week. One day the agent said he would take me to his sibling's house. He was the only one there. He started holding me, kissing me. He said he would marry me, that he would call my family, and give me money. He asked how old I am. I said, "I am 24." He said, "I know you are not 24." He was kissing me. I was crying, "don't do this to me, I am Muslim."

When we went back to the agency, my true employer, the one I would be sold to, was there. I didn't want to go back to the agency because he touched me all over and kissed me and I thought maybe he would rape me. The true employer got me and brought me to the house. He said, "Be good so I don't send you back [to the agency]."

After a while, the employer started showing some affection for me. He called me into his bedroom. He said, "I want to tell you how I got you from the agency." He said, "I bought you for 10,000 riyals." That is when I found out I had been sold....

He said, "I will do something to you, but don't tell anyone." He injected me with something, but I don't know what it was. He said, "If you don't want to go back to the agency, you better stay here." I felt dizzy and feverish after the injection. He really threatened me, "Don't tell madam."

[gets quiet] I felt there was no hope. The employer raped me. The lady employer was noticing something about me, that I was exhausted. The employer raped me many times. Not in my bedroom, because I locked the door, but around the house.

[crying] I thought, I can't take it anymore, I stayed in my bedroom for two days, I had a phone in my room because they are rich, and they called me. I told everything to madam. Madam also cried. Madam said, "We can't do anything about it, I know he's really bad, every time that he is drunk, he does bad things."

I said, "I want to go to the Philippines." The whole family, madam, the employer, they didn't want me to go. They locked the doors and the gates. One night, still in

February, there was a party. I thought, now I can escape, and I prayed and prayed. I saw that the gate was unlocked ... [and escaped to the embassy.]

I went to the [police] station with an embassy official. After that, they brought the employer to Suleimaniya, he was put in prison. They brought me to the SSWA [a shelter run by the Ministry of Social Affairs]. I was there for one month. After four days in the SSWA, the employer who was in prison came to the SSWA and we had another interview. He asked how much money I wanted [for an out of court settlement]. I said, "I don't want money, I want him to suffer and go to jail."

I don't want to go home feeling empty like the others, without bringing money, even just one riyal. I cry, how long will I have to wait here in the embassy? I have been here nine months.

One day, they told me the case was unsuccessful [and I will be sent to deportation to return home.]

I was treated really badly. It is as if I don't have a family and I am not a human being.
—Haima G., Filipina domestic worker, 17 years old, Riyadh, December 7, 2006

Situations of slavery are distinguished by exercising powers of ownership over a human being.⁷⁹ The Elements of Crimes, which elaborates how the Rome Statute (establishing the International Criminal Court) should be interpreted, provides the most contemporary definition of enslavement: "The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as purchasing, selling, lending or bartering such a person or persons, or by imposing on them a similar deprivation of liberty."⁸⁰ It adds that

such deprivation of liberty may, in some circumstances, include exacting forced labour or otherwise reducing a person to a servile

⁷⁹ Slavery Convention, art. 1.

⁸⁰ Elements of Crimes, ICC-ASP/1/3, art. 7(1)(c).

status as defined in the Supplementary Convention on the Abolition of Slavery.⁸¹

Haima G.'s situation amounts to trafficking and conditions of slavery, as relatives deceived Haima G. about her promised job abroad, her agent sexually harassed her, and her employer threatened to return her to her abusive agent if she complained. Her employer sexually assaulted her, retained her passport, and locked her in the workplace so that she could not escape.

We found that the combination of the high recruitment fees paid by Saudi employers and the power granted them by the *kafala* system to control whether a worker can change employers or exit the country made some employers feel entitled to exert “ownership” over a domestic worker. According to recruitment agents and embassy officials interviewed by Human Rights Watch, employers typically pay approximately 6,000-9,000 riyals (\$1,560-2,340) to hire a domestic worker. The employer's reference to “buying” Haima G. for 10,000 riyals because he had paid a recruitment fee illustrates the sense of ownership that creates slavery-like conditions.

Some employers justify retaining domestic workers' passports and restricting their freedom of movement on the basis of having paid large sums of money for their recruitment and not wanting them to run away, thereby losing their “investment.” Throughout this report, there are examples of employers who refer to having paid a lot of money to justify abusive behavior. As in the case of Haima G., employers may convey to their domestic worker the impression that they have been bought, often manipulating migrant women's isolation and fears about their rights in Saudi Arabia.

We interviewed many domestic workers, embassy officials, and Saudis who felt that some employers' dehumanizing treatment and attitudes towards domestic workers resembled slavery-like conditions. In several interviews, domestic workers specifically referred to their employer as their “master” or “owner,” or their experience of being “sold.” A senior consular official told us, “Saudis treat them like

⁸¹ Ibid.

chattel, slaves, like cattle. A domestic worker is like a slave and slaves have no rights. That is why they are not covered under a labor law.”⁸²

Recruitment agents may also subject domestic workers to slavery-like conditions or conditions of servitude by forcing them to work for new employers when they wish to go home, mistreating them, and taking their salaries. Human Rights Watch interviewed domestic workers who thought they were being bought and sold. Gina R. said, “When I was in the agency, it was locked. I was only given plain rice once a day.... I wanted to go to the Philippines. I told him I want to go. They didn’t tell me anything, they were going to sell me to another employer. I said, ‘I don’t want to work anymore.’ I slept on the floor without any blanket.”⁸³

Once Haima G. approached the Filipino embassy and the Saudi police, they were able to arrest her employer. According to the system of *diya* (blood money) in *qisas* (retribution) cases, a victim can accept financial compensation from the perpetrator after receiving a final judicial guilty verdict. Haima G.’s case failed, and after waiting for more than a year for her case to conclude, she returned to the Philippines with nothing.

⁸² Human Rights Watch interview with consular official E from a labor-sending country, Jeddah, December 9, 2006.

⁸³ Human Rights Watch interview with Gina R., Filipina domestic worker, Riyadh, December 7, 2006.

VI. Recruitment and Immigration-related Abuses, and Forced Confinement

The large numbers of Asian women migrating for work and the strong demand in the Gulf for cheap domestic labor has created a lucrative market for employment agencies specializing in domestic workers. In Sri Lanka, Indonesia, and the Philippines, these agencies are typically involved in recruitment of potential migrants, training, securing job orders, and processing requirements such as passports, visas, and medical certificates. In Saudi Arabia, agencies liaise between employers and recruitment agencies in the labor-sending countries, and handle employment transfers, disputes between employers and domestic workers, and early termination of contracts.

Inadequate regulation and minimal government oversight combine to give employment agencies enormous influence over the fates of migrant domestic workers. While some recruitment agencies and associations are trying to improve recruitment policies and practices, others take advantage of the money-making possibilities involved, at the expense of migrant women's safety and rights.

Abuses by Recruitment Agents in Labor-sending Countries

I paid 22,000 rupees to the agent to go to Dubai, but he sent me to Saudi Arabia; he played it wrong [tricked me].

—Padma S., returned domestic worker, Katunayake, Sri Lanka,
November 1, 2006

The practices of agents in labor-sending countries can place migrant women at risk of situations of abuse, forced labor, and trafficking. These include deception about work conditions, charging excessive fees that induce indebtedness, threats against or lack of information about ending two-year contracts early, and failure to assist domestic workers when approached for help.

Recruitment agents, including “subagents” (informal labor brokers at the village level), are responsible for informing women about the terms and conditions of their

work abroad and providing employment contracts. These agents are the primary interlocutors between migrant women and the government, recruitment agents abroad, and their future employers.

One of the most commonly recorded complaints is that labor agents promised domestic workers a certain wage, a day off per week, and other specific terms of work, yet when these women began working the conditions were significantly different. Sometimes employers reneged on contractual obligations, other times recruitment agents made false promises. Deception by recruitment agents becomes clear when their promises depart markedly from the standard salaries and working conditions abroad. For example, Chitra G. said, “I had no day off. The agency [in Sri Lanka] told me that if my employer is good, they will give me a day off and a salary of 600 riyals. But when I came here, they said, ‘No, the salary is 400 riyals.’”⁸⁴ The standard wage for Sri Lankan workers in Saudi Arabia at the time was 400 riyals (US\$104). Similarly, the standard wage for Filipina workers was \$200 at the time that Marjorie L. told us, “In the Philippines, they promised me a \$300 salary, but when I got here, it was only \$200.”⁸⁵

Agents often prefer to send women to Saudi Arabia given the high commissions they receive and its high demand for domestic workers. According to a Sri Lankan official, labor agents typically pay village-level subagents 35,000-45,000 rupees (\$329-423)⁸⁶ commission for recruiting a domestic worker for Saudi Arabia and 5,000-10,000 rupees (\$47-94) commission for other countries in the Middle East.⁸⁷ Human Rights Watch documented cases where recruitment agents deceived or forced domestic workers to accept employment in Saudi Arabia. Several women we spoke to had agreed to migrate to other countries in the Gulf, but found out they were going to Saudi Arabia on the day of their flight. Indrani P. said, “I went to the agent ... I wanted Dubai, they said we will put you in a house with no kids.... I didn’t know that I

⁸⁴ Human Rights Watch interview with Chitra G., Sri Lankan domestic worker, Riyadh, December 6, 2006.

⁸⁵ Human Rights Watch interview with Marjorie L., Filipina domestic worker, Jeddah, December 9, 2006.

⁸⁶ This figure uses the exchange rate between the US dollar and the Sri Lankan rupee on November 5, 2006.

⁸⁷ Human Rights Watch interview with Srilatha Aryaratne, Sri Lanka Bureau for Foreign Employment, Kurunegala, Sri Lanka, November 5, 2006.

was not going to Dubai, I only found out on the day that I was leaving. When they handed me the ticket I saw that I was going to Riyadh.”⁸⁸

Saudi Arabia is different from many of the other major labor-receiving countries for Asian domestic workers in that it requires employers to bear the cost for the domestic workers’ recruitment and transit, approximately 5,000-9,000 riyals per worker. The unmet demand for Muslim domestic workers means that some women actually receive payments to take up jobs in Saudi Arabia, as in the case of Fathima S.: “I did not pay any money to the subagent, but he gave me 10,000-15,000 rupees because I am a Muslim.... I did not spend five cents; he paid for my medical, food, and travel.”⁸⁹ Theoretically, domestic workers should not have to pay anything to secure a job in Saudi Arabia. Many migrants are unaware of this provision and pay various charges levied by unscrupulous agents seeking double profits. For example, Sandra C. said, “A recruiter came to my village. The recruiter said that when I came here I would [forfeit] ... a total of six months pay for recruitment fees.”⁹⁰

Many domestic workers did not have complete information about their rights or their contractual obligations. Labor agents often pressured them into believing they were forbidden from leaving their employment earlier than the two years specified, even if experiencing abuse. In other situations, labor agents threatened them with heavy financial penalties if they left their contracts early, or failed to fulfill commitments to pay for return tickets in cases when employers rejected domestic workers within the first three months of employment.

Recruitment agents often failed to provide domestic workers with contact details of their Saudi counterparts or to respond when contacted for assistance. In such cases, they had no local contacts to assist them in case of problems, with the exception of escaping to their embassy or consulate if they worked in Riyadh or Jeddah (see below). Prema C. said, “I have the Sri Lankan agency address, but they didn’t give me the number or address for the Saudi agency.”⁹¹ Local recruitment agents

⁸⁸ Human Rights Watch interview with Indrani P., Sri Lankan domestic worker, Riyadh, December 15, 2006.

⁸⁹ Human Rights Watch interview with Fathima S., returned domestic worker, Habaraduwa, Sri Lanka, November 14, 2006.

⁹⁰ Human Rights Watch interview with Sandra C., Filipina domestic worker, Jeddah, December 9, 2006.

⁹¹ Human Rights Watch interview with Prema C., Sri Lankan domestic worker, Riyadh, December 15, 2006.

promised to assist workers in case they had problems, but often ignored their calls or failed to intervene. Indrani P. said that her agents said, “If you face any problem, then call us.... When I faced problems, I called them, and they didn’t do anything.”⁹²

The systems of pre-departure labor recruitment, the levels of regular and irregular migration, and how systems of indebtedness occur are described in more detail in previous Human Rights Watch reports, including “Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates”; “Swept Under the Rug: Abuses against Domestic Workers around the World”; and “Help Wanted: Abuses against Migrant Female Domestic Workers in Indonesia and Malaysia.”⁹³

Abuses by Recruitment Agents in Saudi Arabia

Many domestic workers have little contact with their labor recruiter in Saudi Arabia as they are picked up directly by their employer from the airport. However, the labor recruiter is often the person they must contact if they wish to change employers or leave their contract early. While many domestic workers have no complaint with their agent, others said their agent refused to assist or recounted stories of abuse and exploitation.

Fathima S. had an extremely heavy workload at her employer’s house, working 16 hours a day in a large house, cooking, cleaning, and looking after young children and an old woman who could not move. Her employer verbally abused her and hit her. Fathima S. said,

The lady called the agent and complained that I’m not working. The agent spoke to me and shouted at me on the phone and said, “You are behaving like a breastfed baby and if you continue to do that I will take you back to the agency and beat you thoroughly.” I told him I am

⁹² Human Rights Watch interview with Indrani P., Sri Lankan domestic worker, Riyadh, December 15, 2006.

⁹³ Human Rights Watch, *Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates*, vol. 19, no. 16(C), November 2007, <http://hrw.org/reports/2007/srilanka1107/>; *Swept Under the Rug: Abuses against Domestic Workers around the World*, vol. 18, no. 7(C), July 2006, <http://hrw.org/reports/2006/wrdo706/>; *Help Wanted: Abuses against Migrant Female Domestic Workers in Indonesia and Malaysia*, vol. 16, no. 9(B), July 2004, <http://hrw.org/reports/2004/indonesia0704/>.

working but this lady is finding fault with me and shouting at me and I asked him to send me to Sri Lanka to my home.... He told me that he will not send me back to Sri Lanka and I have to stay in that house working until I finish working two years, and only then will he send me back to Sri Lanka. I cried. I had no other options.... I asked him to change my employer. He refused and said that he had got the visa and everything for me to work in that house and nowhere else.⁹⁴

The Ministry of Labor issued Executive Regulations that outline the responsibilities of recruitment agencies. These regulations forbid agencies from accepting any recruitment fees from workers, housing women workers, and renting out their services to others. Recruitment agencies also have an active obligation to screen the partners it works with in other countries to ensure they are competent and reputable.⁹⁵ The penalty for violations is revocation of the agency's operating license. Human Rights Watch documented cases where labor agencies violated these provisions yet faced no penalties. For example, Human Rights Watch interviewed domestic workers who said their labor recruiter forced them to work in several different households while residing in the agency.

In some instances the agents compounded the harm by failing to pay the workers whom they were illegally deploying on part-time assignments. Neelima R. had to work in five different houses for two months while her agent pocketed her salary.⁹⁶ When Yanti S. escaped from an employer who did not allow her to seek health care, she found an agent who sent her to clean multiple households. She said, "This illegal agent was really selling me to other employers, for 10,000 riyals, but he didn't give me the money. They took my three months' salary and 10,000 riyals."⁹⁷

Several domestic workers approached their labor agent to send them back home but were instead deployed to a new employer. As one diplomat dealing with domestic

⁹⁴ Human Rights Watch interview with Fathima S., returned domestic worker, Habaraduwa, Sri Lanka, November 14, 2006.

⁹⁵ Executive Regulations, Ministry of Labor, "Regulations for the non-renewal of an accreditation or its termination."

⁹⁶ Human Rights Watch interview with Neelima R., Sri Lankan domestic worker, Riyadh, March 11, 2008.

⁹⁷ Human Rights Watch interview with Yanti S., Indonesian domestic worker, Riyadh, December 5, 2006.

worker abuse cases said, “The worker pays a transfer fee. The agent gets a lot of money ... They want to make the girl ashamed to go home without money.”⁹⁸

We also documented cases of agents physically and sexually abusing domestic workers or confining them to the agency. Hasna M.’s employer returned her to her agency when she failed her medical examination. She said, “The agent hit me. Everyday he hit us and hit us [the other domestic workers at the agency]. This scar below my eyes is from the agent.... He hit me with his hand and with a stick, on my legs also. I stayed 10 days at the agency, I only ate four of those days.”⁹⁹ Hasna M. escaped to her embassy, but was terrified that if she reported the abuse her agent would come and beat her again.

Farzana M. and fellow domestic workers had to devise an escape plan out of the locked agency where they were held. She said, “Five of us all jumped [ran away]. It was on the ground floor, we escaped by putting a table in the bathroom, put a chair on a barrel and jumped. Otherwise the agency people would beat us if we refused to go out and work.”¹⁰⁰ Gina R., said, “Three Filipinos including me ... jumped from the third floor at 3 a.m. We jumped. I fell down and hurt my hip and elbow so they brought me to the hospital.... I had to get a cast on my foot. When we jumped, a Filipino guy passed by and took us to the hospital in a cab.”¹⁰¹

We documented three cases where Saudi recruitment agents sexually harassed and abused domestic workers. For example, Rosa L. told Human Rights Watch,

Sometimes I saw that [the agent] would call my fellow women, and when he called them, they returned crying. When I asked them what happened, I think they were scared to talk. Then I was called. We were totally sexually harassed. He would kiss us, touch my body, he totally sexually harassed us. I felt worse for the other women with me. I was married, but some of the women were single, and had no sexual

⁹⁸ Human Rights Watch interview with embassy official A from a labor-sending country, Riyadh, November 29, 2006.

⁹⁹ Human Rights Watch interview with Hasna M., Sri Lankan domestic worker, Riyadh, December 6, 2006.

¹⁰⁰ Human Rights Watch interview with Farzana M., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹⁰¹ Human Rights Watch interview with Gina R., Filipina domestic worker, Riyadh, December 7, 2006.

experience, this was their first time. I really pitied them.... One Indonesian fought back because when she came back, she had bruises, and a black eye.¹⁰²

Confinement by Employers

My employer kept my passport and iqama. They locked me in the house from the outside with a key. There is no way that I could leave.

—Sri H., Indonesian domestic worker, Riyadh, December 5, 2006

My employer didn't allow me to go back to Indonesia for six years and eight months.... I never got any salary, not even one riyal!... My employer never got angry with me, she never hit me. But she forbade me from returning to Indonesia.

—Siti Mujjati W., Indonesian domestic worker, Jeddah, Saudi Arabia, December 11, 2006

Employers may use several methods that effectively trap domestic workers in the workplace, including locking domestic workers inside the house, withholding wages, taking the worker's passport, threatening the worker with violence, and overworking her. Wati S. told us, "I never went out, not even in the company of my employer. I love to walk around and see things, but my employer never allowed me out. They locked me in the house, the employer kept the key. I did not have a key."¹⁰³ When employers control a domestic worker's movement to the extent that she is unable to escape an abusive labor relationship, this characterizes abuse amounting to servitude.

Confiscation of passports

Every domestic worker we spoke with said her employer retained her passport. This is despite the fact that in 2003 the UN Committee on the International Convention on the Elimination of all forms of Racial Discrimination (CERD) had "noted with

¹⁰² Human Rights Watch interview with Rosa L., Filipina domestic worker, Riyadh, December 7, 2006.

¹⁰³ Human Rights Watch interview with Wati S., Indonesian domestic worker, Jeddah, December 11, 2006.

satisfaction” that the Saudi government had taken measures “to put an end to the practice of employers retaining the passports of their foreign employees, in particular domestic workers.”¹⁰⁴ In some cases, employers failed to obtain an *iqama* (residency permit) for domestic workers in accordance with immigration requirements, putting them at higher risk for arrest and detention if they escaped without documents. These practices, in combination with employers’ power to prevent domestic workers from transferring jobs or leaving the country, contributed to situations of forced labor and servitude.

A prominent leader of an association of recruitment agencies said, “I keep the passport of my domestic worker, she is like a member of the family.”¹⁰⁵ We spoke to many employers who justified restricting domestic workers’ movements, citing fears of domestic workers becoming pregnant or running away. One employer said,

There is a social cost and a financial cost [of the fees paid to hire a domestic worker]. I am an employer of a maid, driver, and a cook. I do not let my maid out. I will take her out with my family. But if she goes out alone, she may go with a foreign man, and get pregnant. No one can accept this.¹⁰⁶

These fears are neither an acceptable justification for restricting women’s movements, nor based on a realistic assessment of risk. For example, the Indonesian embassy handled 17 cases of pregnant domestic workers in 2007 out of an estimated 600,000-900,000 women working in the country.¹⁰⁷ Human Rights Watch reviewed several cases of domestic workers who became pregnant as a result of rape. International law protects both the right to liberty and freedom of

¹⁰⁴ See concluding Observations of the Committee on the Elimination of Racial Discrimination: Saudi Arabia, CERD/C/62/CO/8, March 21, 2003, para. 6.

¹⁰⁵ Human Rights Watch group interview with recruitment agents, National Committee of Saudi Recruitment Agencies, Saudi Chamber of Commerce, Riyadh, December 12, 2006.

¹⁰⁶ Human Rights Watch interview with a Saudi employer, Riyadh, March 8, 2008.

¹⁰⁷ Human Rights Watch interview with an Indonesian embassy official who requested anonymity, March 10, 2008.

association, both of which are denied when laws, policies, or tolerated practices allow or facilitate employers to forcibly confine domestic workers.

Employers dictated domestic workers' ability to return home or visit their families. Fatima N. said, "They had my passport ... They kept my *iqama*. My family asked me to return home. I asked my sponsor if I could return home, but they always refused. I was sad, I wanted to see my parents.... That's why I want to go home, because my father passed away while I was here. I asked if I could go to the funeral, but they didn't give me permission."¹⁰⁸ In another case, Chemmani R. said,

My father told me that my ... mother was killed in the tsunami.... [I also] lost my grandmother, my cousin, my younger sister's son.... My father wanted me to send some money for my son's medical expenses. I asked the employer for money, they refused.... I [wanted] to leave because why should I be here if they are not giving money to send to my son and Baba [her male employer] is trying to misbehave with me. I did not have any chance to leave because everything was locked up. When Baba and Mama were out they locked the doors to the outside. I did not run away because I did not have a chance, because there is no house nearby.¹⁰⁹

Sutiati S. said,

I have been working here for nine years and four months. In that time, I have not visited my family in Indonesia. The employer promised me that I could visit when he hired a second domestic worker, but I still could not go when she arrived. My mother and father need money, they need me to go home, but my employer didn't want me to leave.¹¹⁰

¹⁰⁸ Human Rights Watch interview with Fatima N., Indonesian domestic worker, Riyadh, December 5, 2006.

¹⁰⁹ Human Rights Watch interview with Chemmani R., returned domestic worker, Habaraduwa, Sri Lanka, November 14, 2006.

¹¹⁰ Human Rights Watch interview with Sutiati S., Indonesian domestic worker, Jeddah, December 11, 2006.

Sandra C. told Human Rights Watch, “My employer told me, ‘If you want to go, go! But, I won’t give you a ticket to go to the Philippines, I will send you to another country.’ It has been three years and I want to go home.”¹¹¹

Restricted communication

If my children have gotten married, I do not know.

—Sutiati S., Indonesian domestic worker, Jeddah, December 11, 2006

I wanted to call my family, to write letters. They told me, “For two years, you will have no contact with your family.”

—Chitra G., Sri Lankan domestic worker, Riyadh, December 6, 2006

Domestic workers reported their employers forbid them from making or receiving phone calls, writing letters, and communicating with their family or other migrants in Saudi Arabia. Isolation increases domestic workers’ vulnerability to abuse. Among domestic workers reporting other types of problems including unpaid wages, physical abuse, or food deprivation, almost all reported tight monitoring and controls on their communication.

Many domestic workers reported that the letters they wrote would not be posted, and the ones sent to them would not be handed over. Prema C. said, “I was not able to use the phone.”¹¹² Long-distance phone calls, made at great expense by the domestic worker’s family, would not be given to them. For example, Adelina Y. said, “My family in the province, we have had no contact. Sometimes my mother called me, but madam didn’t give the phone to me, she said, ‘You have to work.’ Madam said, ‘If your mother calls you, you will run away.’ I said, ‘Madam, she got a calling card, and it costs a lot of money to call me.’ But she didn’t want me to talk to my family.”¹¹³

This level of control caused many domestic workers anguish, as they were not able to convey messages about their well-being to their family or to hear important news

¹¹¹ Human Rights Watch interview with Sandra C., Filipina domestic worker, Jeddah, December 9, 2006.

¹¹² Human Rights Watch interview with Prema C., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹¹³ Human Rights Watch interview with Adelina Y., Filipina domestic worker, Jeddah, December 9, 2006.

from home. Shanthi A. reflected the sentiments of many when she said, “My parents in Sri Lanka still don’t know if I am still alive here.”¹¹⁴ Sandra C. said, “My husband died because of kidney problems. There was no communication and I didn’t know.”¹¹⁵ A Filipina domestic worker, Marilou R., said, “I could not talk to my companions, the other maids. I could not have a mobile, call the Philippines, or write letters. I have spent six months without communication. That is why I always cry, I worked without a salary and without communicating with my family.”¹¹⁶

Some employers locked the rooms where phones were kept to prevent domestic workers from reaching out, and forbade domestic workers from having cell phones. Fatima N. said, “They also put the phone in their room when they went out so I couldn’t make a phone call.”¹¹⁷ In some cases, domestic workers attempted to keep mobile phones secretly, and had friends who would buy additional phone credit for them remotely.¹¹⁸ Some domestic workers’ contracts expressly forbade them to bring mobile phones, like Cristina M., who told us, “I was not able to communicate with my family.... I had no mobile, because in my contract, it said don’t bring a mobile, that’s why.”

Physical confinement in the employer’s home

At least 24 of the domestic workers interviewed by Human Rights Watch had employers who locked them in the workplace from the outside. Cristina M. said, “They locked the house from the outside every day. That is why I climbed out of the window. I felt crazy when I was inside. You think, ‘how can I get out of the house?’”¹¹⁹ An abuse in itself, forced confinement prevented domestic workers from escaping from other types of abuses or returning home to respond to family emergencies.

¹¹⁴ Human Rights Watch interview with Shanthi A., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹¹⁵ Human Rights Watch interview with Sandra C., Filipina domestic worker, Jeddah, December 9, 2006.

¹¹⁶ Human Rights Watch interview with Marilou R., Filipina domestic worker, Jeddah, Saudi Arabia, December 10, 2006.

¹¹⁷ Human Rights Watch interview with Fatima N., Indonesian domestic worker, Riyadh, December 5, 2006.

¹¹⁸ Human Rights Watch interview with Dolores P., Filipina domestic worker, Jeddah, December 8, 2006.

¹¹⁹ Human Rights Watch interview with Cristina M., Filipina domestic worker, Jeddah, December 10, 2006.

Several domestic workers recounted being locked into their bedrooms or the bathroom, sometimes as a one-time punishment and sometimes as a regular practice to prevent escape. Eni M. told us, “My employer always locked me in my bedroom from 9 p.m. until the morning.”¹²⁰ Lilis H. said, “If my employer went out she locked me in the bathroom. This took place over eight months.”¹²¹ Such punishments often came after domestic workers asked for their salaries or tried to run away. For example, after an unsuccessful escape attempt, Ponnamma S. said, “That day onwards, for five months, they didn’t let me have any phone calls. They locked me in my room and beat me up.”¹²²

Even when employers did not lock domestic workers in the house, the workload was often prohibitive to leaving the workplace. Chandrika M. said, “Saudi Arabia was totally like prison. There was freedom to go out but no time because of the work.”¹²³

Escape

Options for escape are extremely limited. In some instances, the only way that domestic workers could escape was by jumping out of windows or by waiting for the rare occasions when their employers forgot to lock the doors and gates. Some workers escaped as soon as any opportunity arose, often when an employer forgot to lock the door. Winarti N. said, “One day the children were fighting, the door was open. Then I ran. I just ran away without any of my belongings.”¹²⁴ Cristina M. said, “Madam shouted and slapped us. I cannot work without food and with no rest. I brought two pants, two bras, five underwear, and I wore them all to save time. We all went together at 5:30 a.m. when our employers were praying. I jumped out of the window.”¹²⁵

Even if the door was unlocked, many workers felt they could not leave because they did not have possession of their identity documents or were afraid of being accused

¹²⁰ Human Rights Watch interview with Eni M., Indonesian domestic worker, Jeddah, December 8, 2006.

¹²¹ Human Rights Watch interview with Lilis H., Indonesian domestic worker, Jeddah, December 11, 2006.

¹²² Human Rights Watch interview with Ponnamma S., Sri Lankan domestic worker, Riyadh, December 14, 2006.

¹²³ Human Rights Watch interview with Chandrika M., returned domestic worker, Kurunegala, Sri Lanka, November 4, 2006.

¹²⁴ Human Rights Watch interview with Winarti N., Indonesian domestic worker, Jeddah, December 11, 2006.

¹²⁵ Human Rights Watch interview with Cristina M., Filipina domestic worker, Jeddah, December 10, 2006.

of crimes. The Saudi government treats runaways harshly and metes out severe punishments for theft. Prema C. said, “At least three times, they went on vacation and would leave me at home. They wouldn’t lock the door. [But] they kept my passport.... I want to go to Sri Lanka. I can’t go because I have no *iqama*.”¹²⁶ Dammayanthi K. said, “I decided to keep working because my passport was with the employer and they had to buy a ticket for me to come back [home].... I did not know how to get out of the house and go out alone. Also, if I ran away they could have made up stories that I have stolen things from their house and run away.”¹²⁷

In some cases, domestic workers escaped to the embassy or consulate, in other cases to the police, and in others, sought assistance from other migrants. For example, Lilis H. told us,

The day that I escaped, my employer...beat me with the cable over my whole body. She told me to go to the bathroom because she wanted to beat me some more. Before I went to the bathroom, I saw the key in the door and I ran away.... I hid behind the stairs until I saw a Pakistani delivery person. I asked him to help me. He said, “You are Muslim, I am Muslim, don’t be afraid. I will take you to the consulate, to the Indonesian people.”¹²⁸

Some migrant workers in Saudi Arabia have devised innovative ways to support their fellow nationals who may be in distress: Filipino migrants have created a mobile telephone hotline. They publicize this number through informal community networks. When a domestic worker in trouble gets a chance, either through a hidden or borrowed mobile phone, she may send a text message to the hotline and her message goes to a local migrant, an NGO in the Philippines, and the Filipino embassy.¹²⁹ After getting in touch, they will advise her of her options. An Indonesian migrant worker part of a more informal support group, said, “They don’t know my

¹²⁶ Human Rights Watch interview with Prema C., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹²⁷ Human Rights Watch interview with Dammayanthi K., returned domestic worker, Kandy, Sri Lanka, December 10, 2006.

¹²⁸ Human Rights Watch interview with Lilis H., Indonesian domestic worker, Jeddah, December 11, 2006.

¹²⁹ Human Rights Watch interview with Daniel S., Filipino migrant worker and activist, Riyadh, November 29, 2006.

face, we never meet, only through the phone. The number is passed through word of mouth.”¹³⁰

Otherwise, there are few places where a domestic worker can turn. As detailed in other parts of the report, some labor agents and the police assisted domestic workers, whereas others forced them to return to abusive employers. While workers in Riyadh and Jeddah could find refuge in their embassy or consulate, those in other cities had nowhere to go. For example, Sri H. worked in a smaller city with no embassy or consulate. She said, “Several times I tried to run away, but I was unsuccessful because of the long distance.”¹³¹ The limited transportation options for women in Saudi Arabia and the risks of traveling unaccompanied by one’s guardian tighten the constraints. Domestic workers able to escape may not have the money for a taxi or be able to accept the assistance of a male migrant worker in case she is arrested for morality-related crimes. One woman who was not paid for six years said, “I couldn’t escape. I was in Yanbu... I was afraid to escape because there are no taxis.”¹³²

In some cases, the only way that domestic workers were able to leave their abusive employer was when their health deteriorated to such an extent they required hospitalization. Sevandhi R. told Human Rights Watch that her employer “locked me in my room for four days and left ... I was in the room for four days without food and water. I had fainted. I [was taken to] the hospital and they [the employers] bought me a ticket [home].”¹³³

Those who wished to keep working in Saudi Arabia sometimes resorted to dangerous escapes in order to seek employment as undocumented workers. One Filipina domestic worker, Marisa G., described escaping from her employer and going to Jeddah hidden in the back of a commercial goods truck. She said, “There were four of us Filipinas. We had to pay 500 riyals [\$130]. We spent 15 hours traveling. I felt

¹³⁰ Human Rights Watch interview with Edi L., Indonesian migrant worker and member of informal support group, Riyadh, December 2, 2006.

¹³¹ Human Rights Watch interview with Sri H., Indonesian domestic worker, Riyadh, December 5, 2006.

¹³² Human Rights Watch interview with Siti Mujiati W., Indonesian domestic worker, Jeddah, December 11, 2006.

¹³³ Human Rights Watch interview with Sevandhi R., returned domestic worker, Katunayake, Sri Lanka, November 1, 2006.

dizzy. We didn't take a break. There was no light, and no window in the truck. It was all closed. I was nervous.”¹³⁴

Those who do find alternate work often find employers willing to pay higher salaries and to provide more flexible part-time working arrangements. These employers may not have been able to obtain official permission to hire a domestic worker, and are willing to pay the extra cost of hiring one outside the legal channels. Chemmani R. said that after her escape, “I was staying [in the mosque] and I knew Babas and Mamas, a lot of men and women, come there to pick maids.... There was a lady who came and saw me and told me she would pay me 700 riyals [\$182], and I would have to look after only her two children.... My passport was with my earlier Baba.... That was the reason that she [the lady] was paying me more. She was paying extra 300 riyals because I was staying without a passport or visa and she knew that when I had to come back to Sri Lanka I would have to go to the embassy.”¹³⁵

¹³⁴ Human Rights Watch interview with Marisa G., Filipina domestic worker, Jeddah, December 8, 2006.

¹³⁵ Human Rights Watch interview with Chemmani R., returned domestic worker, Habaraduwa, Sri Lanka, November 14, 2006.

VII. Psychological, Physical, and Sexual Abuse

She beat me until my whole body burned. She beat me almost every day.... She would beat my head against the stove until it was swollen. She threw a knife at me but I dodged it. I had a big black bruise on my arm where she had beaten my arm with a cooking spoon, she beat me until the spoon broke into two pieces. This behavior began from the first week I arrived. It was the lady employer, the man was good.... She would scream, "I hope you die! I hope your family dies! I hope you become deformed!" She never paid me for 10 months. I thought if I don't escape, I will die.

—Wati S., Indonesian domestic worker, Jeddah, December 11, 2006

In many cases, domestic workers experienced a combination of psychological, physical, or sexual abuse. Many domestic workers also reported that their employers deprived them of adequate food. The Indonesian and Sri Lankan embassies reported that physical abuse and mistreatment comprised approximately 10-19 percent of the complaints they receive, while sexual harassment and abuse comprised 6-8 percent.¹³⁶ Human Rights Watch is aware of at least six cases in 2007 in which domestic workers in Saudi Arabia died from their injuries.

Domestic workers' isolation in private homes and the imbalance of power between employers and workers heightens the risk of such abuse. Migrants may endure abuse for months or years given confinement in the workplace, lack of information about where to seek help, barriers to approaching authorities, and intense financial pressures that make them reluctant to lose their employment.

Media in Saudi Arabia, Indonesia, Sri Lanka, and the Philippines regularly carry stories about egregious cases of abuse, most notoriously the case of Nour Miyati (featured in Chapter V, above), whose employers starved her, beat her, and locked

¹³⁶ "Record of Placement and Protection: Indonesian Migrant Workers (TKI) in Saudi Arabia, 2007," data provided by Embassy of Indonesia, March 10, 2008; and Human Rights Watch interview with a Sri Lankan embassy official who requested anonymity, Riyadh, March 2008.

her up until she developed gangrene. While some cases attract international attention, innumerable cases remain unreported or unnoticed.

Psychological and Verbal Abuse

She always said bad things, like “you’re a dog, you’re poor, you’re only a servant here.” I said, “Yes, I’m a servant.” She was angry everyday. She was jealous of me. She told me, “Don’t talk to your Baba, if you do, I will kill you.” I said I treated him like my father. She said, “Don’t say that, you’re not a baby...” I heard all bad things from her, she told me, “You’re crazy, you’re garbage.” I was hurt. I said, “I’m human.” She said, “No, you are not human, you are an animal.”

—Adelina Y., Filipina domestic worker, Jeddah, December 9, 2006

The vast majority of domestic workers interviewed by Human Rights Watch reported some form of psychological or verbal abuse, including shouting, insults, belittlement, threats, and humiliation. Employers often combined psychological, verbal, and physical abuse of domestic workers. Leilani P. said, “My madam ... hit me, she kicked me. When she got angry, she would pull my hair and slap my face. She always told me that I’m shit. She used a lot of bad words. She said, ‘You’re a liar, you’re shit.’”¹³⁷ In other cases, employers attempted to exert complete control over domestic workers’ every move. Mina S. said, “I had to ask permission for offering my prayer, to pee, to go to the bathroom.”¹³⁸

Sometimes employers intensified their humiliation of workers if they tried to assert their rights. Shanika R., a gaunt woman with a recently shaved head at the time of her interview with Human Rights Watch said, “I told [my employer], ‘I have a small child, please give me my salary....’ I asked for my salary, and they shaved my head completely bald.... Whenever I asked for my salary, they would cut my hair, but the last time they shaved my head.”¹³⁹ Some domestic workers chose to fight back, despite risking additional abuse. Eni M. said, “Everyday they were shouting or hitting

¹³⁷ Human Rights Watch interview with Leilani P., Filipina domestic worker, Jeddah, December 9, 2006.

¹³⁸ Human Rights Watch interview with Mina S., Indonesian domestic worker, Riyadh, March 12, 2008.

¹³⁹ Human Rights Watch interview with Shanika R., Sri Lankan domestic worker, Riyadh, December 14, 2006.

me.... The male employer would take a chair and throw it at me. They would call me an animal. When they were shouting I felt strong and I fought back.”¹⁴⁰

A common pattern involved employers insulting domestic workers in the course of excessive and repeated criticism of their job performance, often requiring them to redo their work several times. Lucy T. told us, “If she didn’t like the food she would throw the tray of food, always shouting.”¹⁴¹ Mina S. said,

My employer would ask me, “What time did you wake up?” If I told her the truth I was wrong and if I didn’t tell the truth I was also wrong. If I did some work she would ask, “Why did you do that without my knowledge, do you think that you are the owner of this house?” If I did not do anything, she would say that I don’t have a brain. What should I do then?¹⁴²

Many domestic workers reported that they were treated like animals, or even worse than household pets. Other employers treated domestic workers as if they were dirty and as if any contact was polluting. An Indonesian migrant, Nur A., told us, “They treated me like a dog, not like a human being. The whole family treated me like this.... Everything [had to be] separate for me. I was not allowed to be with them. Even my clothes couldn’t be put in the washing machine. I had to hand wash them separately. I had to use separate forks and spoons.”¹⁴³

Racism and discrimination against non-Muslims also factored into some employers’ treatment of migrants as less than human. Dammayanthi K., a Sri Lankan worker, told Human Rights Watch, “They treat non-Muslims very badly, and when they came to know that I am a non-Muslim they started to shout at me the word ‘infidel’ [frequently].... They did not like me at all for not being Muslim.... They also shouted at me, ‘dog,’ and ‘bull.’”¹⁴⁴

¹⁴⁰ Human Rights Watch interview with Eni M., Indonesian domestic worker, Jeddah, December 8, 2006.

¹⁴¹ Human Rights Watch interview with Lucy T., Filipina domestic worker, Jeddah, December 8, 2006.

¹⁴² Human Rights Watch interview with Mina S., Indonesian domestic worker, Riyadh, March 12, 2008.

¹⁴³ Human Rights Watch interview with Nur A., Indonesian domestic worker, Riyadh, December 7, 2006.

¹⁴⁴ Human Rights Watch interview with Dammayanthi K., returned domestic worker, Kandy, Sri Lanka, November 10, 2006.

Employers also intimidated workers through threats of physical violence, murder, and disposing of their bodies as garbage. For example, one Sri Lankan domestic worker said, “They beat me, they told me they would heat the iron and burn me. She slapped me and said she was going to iron my face. I got scared and ran away.”¹⁴⁵

Physical Abuse

I was ironing some clothes and the lady [employer] wanted me to make tea for her. I told her I am ironing, let me finish and switch off the iron because there are children and I was afraid they would pull the iron.... She got angry, came and took the iron and put the hot iron on my hand.

—Sithy M., returned domestic worker, Habaraduwa, Sri Lanka,
November 14, 2006

Many migrant domestic workers bore either fresh wounds or scars from physical abuse. In several cases, the physical abuse was so severe that migrant women required hospitalization or died from their injuries. For example, in August 2007 a Saudi family accused four Indonesian domestic workers of performing witchcraft on their son and beat them so badly that two died from their injuries, and the other two were placed in a hospital’s Intensive Care Unit.¹⁴⁶ Shanika R., whose employers shaved her head when she asked for her salary, was missing a tooth and showed multiple scars on her arms, shoulders, and head to a Human Rights Watch interviewer. She said,

[My female employer] also cut my finger. She also cut both of my ears. She gave me Clorox to drink.... It was scary! She threatened to kill me. She said after Ramadan, she will kill me.... I got scared and ran away. I was not supposed to say anything when she yelled at me. I had to keep my hands down. I was not supposed to raise my hand until she

¹⁴⁵ Human Rights Watch interview with Indrani P., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹⁴⁶ Human Rights Watch telephone interview with Nasser Al-Dandani, lawyer for the Indonesian embassy, Riyadh, August 14, 2007; Ridwan Max Sijabat, “Two RI workers dead, two others hospitalized in Saudi Arabia,” *The Jakarta Post*, August 13, 2007; “Saudi Arabia: Migrant Domestic Workers Killed by Employers,” Human Rights Watch news release, August 17, 2007, <http://hrw.org/english/docs/2007/08/17/saudia16699.htm>.

was done beating me. [My employers] got scared that I will run away and locked me in the bathroom for three days. They removed my fingernails.¹⁴⁷

Abusive employers often prohibited domestic workers from receiving medical attention after beatings. Lilis H., a 25-year-old Indonesian woman with a scar below her eye, said, “My employer beat me with a cable. She beat me with a wooden stick on my head. It was very thick and a few feet long. She beat me everyday. She beat me on my eyes and on my back. My head swelled and I have some scars. I never went to the hospital.”¹⁴⁸ Sisi R. said, “My employer heated a knife and put it on my cheek. He ordered me to stick out my tongue and put the hot knife on my tongue. A week after that I ran away.... When I got injured from their beatings, they did not take me to the hospital.”¹⁴⁹

Many women said physical violence worsened if they demanded their salaries, asked to return to their home countries, or tried to assert other rights. Miming the action of her employer taking a knife and holding it to her head, Ponnamma S., a 52-year-old domestic worker, said,

For one year and five months, [I received] no salary at all. I asked for money and they would beat me, or cut me with a knife, or burn me. They beat my head also. In one arm, they burned me. And this arm they cut me with a knife. There are markings on my back. My body ached all over. I was beaten all over. They would take my head and bang it against the wall. Whenever I requested my salary, there would be a fight.¹⁵⁰

We interviewed Sevandhi R. on the day she returned from Saudi Arabia to Sri Lanka. She had several burn marks on her arms and said, “When I asked to call Sri Lanka, [my employers] beat me up. The lady employer used the iron [to burn me]. When she

¹⁴⁷ Human Rights Watch interview with Shanika R., Sri Lankan domestic worker, Riyadh, December 14, 2006.

¹⁴⁸ Human Rights Watch interview with Lilis H., Indonesian domestic worker, Jeddah, December 11, 2006.

¹⁴⁹ Human Rights Watch interview with Sisi R., Indonesian domestic worker, Riyadh, March 11, 2008.

¹⁵⁰ Human Rights Watch interview with Ponnamma S., Sri Lankan domestic worker, Riyadh, December 14, 2006.

started beating me up on my head as well, I started having headaches frequently.... When I asked for my salary, she beat me.”¹⁵¹ Padma S., whom we also met in Sri Lanka, had been scalded on her arms when she had tried to defend herself: “[My employer] beat me on the head with a broomstick and I still have the pain. The second time she tried to do it I removed my slipper and hit her back. The lady got ready to beat me.... The lady put hot water and was getting ready to put it on my face when I put my arms up to protect my face.”¹⁵²

Several domestic workers told Human Rights Watch that physical abuse occurred routinely. For example, Winarti N. said, “My employer beat me often. She hit me on the cheek. She pulled my hair. She picked up anything she could and threw it at me. She did this everyday, or at least every other day.”¹⁵³

Food Deprivation

The employers locked the refrigerator and would count the items inside.

—Marisa G., Filipina domestic worker, Jeddah, December 8, 2006

A common form of mistreatment that serves to reinforce the inferiority of domestic workers’ status in the household is to deny them adequate food. Out of 86 domestic workers interviewed for this report by Human Rights Watch, 32 reported that they had been given inadequate quantities or spoiled food. Domestic workers may lose significant weight or experience health problems as a result. Nour Miyati, discussed earlier, told Human Rights Watch, “When I first came to Saudi Arabia, I was 60 kilos. By the end, I was about 45 kilos.”¹⁵⁴

Many domestic workers complained that their employers did not provide them enough time to eat or berated them for requesting more food. Malini S. said, “They gave me very little food. At the very time that I was eating, they would call me a

¹⁵¹ Human Rights Watch interview with Sevandhi R., returned domestic worker, Katunayake, Sri Lanka, November 1, 2006.

¹⁵² Human Rights Watch interview with Padma S., returned domestic worker, Katunayake, Sri Lanka, November 1, 2006.

¹⁵³ Human Rights Watch interview with Winarti N., Indonesian domestic worker, Jeddah, December 11, 2006.

¹⁵⁴ Human Rights Watch interview with Nour Miyati, Indonesian domestic worker, Riyadh, December 5, 2006.

hundred times, so finally I would get fed up and throw the food out. They always scolded me while I was eating, with bad words.”¹⁵⁵

Some employers threatened domestic workers with beatings if they tried to eat more food, or they used food deprivation as a punishment for “mistakes” in the housework. Mina S. told us,

My employer was mean. At first she gave me food but later on she did not give me any food, and once I was not given food for two days so I only drank tap water. Once I was very hungry so at 2 a.m. I took the rubbish and ate it, sneakingly, and I had to watch whether she saw me or not, because otherwise she would whip me with an electric cable.¹⁵⁶

Teresa O., visibly upset, said, “There was not too much food. Sometimes I got it twice a day, nothing was regular. I was starving for food, there was not enough time to eat. I was so tired.... I was hungry during that time.... they didn’t allow me to buy food ... it really hurt me.”¹⁵⁷

Sexual Harassment and Abuse

My employer was always trying to rape me. I refused because I have a husband and children. [Starts crying] I tried to work for eight months because I have to pay a loan at home. I have a debt to my neighbors for my children’s treatment in the hospital. My husband doesn’t work.

On the night of Eid al-Fitr, everybody had gone out, the employer told me to clean the ground floor where my male employer lives. When I was on that floor, there was nobody else there, and he was there naked. My employer raped me. He pushed me, I tried to resist, but I couldn’t push him off. He raped me on the sofa.

¹⁵⁵ Human Rights Watch interview with Malini S., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹⁵⁶ Human Rights Watch interview with Mina S., Indonesian domestic worker, Riyadh, March 12, 2008.

¹⁵⁷ Human Rights Watch interview with Teresa O., Filipina domestic worker, Riyadh, December 7, 2006.

He said, "I have not taken advantage of you, because I paid a lot of money for you." I said, "You have taken advantage of me because you raped me."

—Isdiah B., Indonesian domestic worker, Jeddah, December 11, 2006

Twenty-eight of the 86 domestic workers we interviewed reported sexual harassment or assault by their employers or agents. Embassy officials corroborated that sexual violence is a major complaint among women seeking help. Typically, male employers or relatives, including teenage or adult sons, were the perpetrators of such abuse, involving a range of actions, from inappropriate touching, hugging, and kissing, to repeated rape. For example, Chamali W. described the sexual harassment she experienced from her employer's two sons: "The first six or seven months they were nice to me, then they started to misbehave. They removed their trousers. They have pictures of naked girls on their mobile phone and they showed them to me."¹⁵⁸

In some cases, employers harassed women by offering money for sex or threatening to withhold their salaries unless they submitted to rape. Nining W. said, "My employer was sexually harassing me.... When I asked for my salary, he asked me to have sex with him. When the lady employer was sleeping, he would come and hug me, and try to kiss me. He said to me, 'Do me up and down.' When I asked, 'What's that?' he said, 'You are a woman, you should know.'"¹⁵⁹ In another case, Lina B. escaped from her employer's house because, "I was afraid of his 25-year-old son. There was one instance where the ... guy told me to sit down, he told me that he liked me, and he asked if I wanted money. I said no, and I showed a picture of my husband and child. He looked at it and laughed."¹⁶⁰ Sutiati S. told us, "When I was alone, my employer tried to seduce me, but I said I only want *halal* (permissible under Islamic law) money, I won't do such things. I was angry, I just wanted to work well and cleanly, that is all."¹⁶¹

¹⁵⁸ Human Rights Watch interview with Chamali W., Sri Lankan domestic worker, Riyadh, December 14, 2006.

¹⁵⁹ Human Rights Watch interview with Nining W., Indonesian domestic worker, Riyadh, December 6, 2006.

¹⁶⁰ Human Rights Watch interview with Lina B., Filipina domestic worker, Riyadh, December 7, 2006.

¹⁶¹ Human Rights Watch interview with Sutiati S., Indonesian domestic worker, Jeddah, December 11, 2006.

The women Human Rights Watch interviewed had varying experiences when they tried to resist or complain about incidents of sexual harassment and violence. Kamala K.'s employer sexually harassed her, and beat his wife when she reprimanded him about his behavior. Kamala K. escaped after two months of harassment. As for her options now, she commented, "What can we do? He has not harmed me. He has paid my salary. I cannot complain."¹⁶² In some cases, domestic workers were trapped in abusive situations and in others they were able to terminate their employment or escape. The accessibility of shelters is key. When the 20-year-old son of her employer raped her, Dian W. said, "I wanted to get out and went to the embassy shelter."¹⁶³

In other cases, domestic workers feared retaliation for seeking help or were dismissed as liars if they complained. Amihan F. said, "There was only one time that [my employer] fucked me. From November 22, I bled for three days. I wanted to call my madam, but I was afraid.... I could not go near my boss, I locked myself in the bathroom until he left the house [each morning]. That time that he finished fucking me, he said, 'Don't tell madam. I didn't tell her because I was afraid he would catch me.'"¹⁶⁴ Nur A. said,

The [employer's] wife said, 'You are a liar' when I complained about what the [employer's] brother had done. Sometimes the [employer's] mother went out of the house, and that is when the brother raped me. He is a big guy, I couldn't do anything. It happened three times. The first time when I was in the bathroom, he held my hair and dragged me around the door to the bedroom. It was useless for me to complain, because nobody believed me.¹⁶⁵

Some domestic workers related the intense pressure they were under to earn money to send home and their feeling they had to endure abuse in order to resolve family problems. Isdiah B., described above, started crying when she told Human Rights

¹⁶² Human Rights Watch interview with Kamala K., Nepalese domestic worker, Riyadh, March 10, 2008.

¹⁶³ Human Rights Watch interview with Dian W., Indonesian domestic worker, Riyadh, March 10, 2008.

¹⁶⁴ Human Rights Watch interview with Amihan F., Filipina domestic worker, Jeddah, December 10, 2006.

¹⁶⁵ Human Rights Watch interview with Nur A., Indonesian domestic worker, Riyadh, December 7, 2006.

Watch, “I got a loan for 2 million rupiah from my neighbor and now I will have to pay 5 million. The rest is now 10 million. If we can’t pay the money, they will take our house and land. The house is a small thing, but the important thing is our land.”¹⁶⁶

Employers may threaten the domestic worker with retaliation, including additional violence, if they report the abuse. Kumari G. said, “For three days, my employer came to me, trying to seduce me. I said, ‘I’ll tell your wife!’ He said, ‘If you tell her, I will kill you.’”¹⁶⁷ Chamali W. said,

The [employer’s adult son] asked for his mobile, all of a sudden he hugged me. I beat him with the iron, he threw the iron and grabbed my arm and dragged me to a separate room. My arm hit the wall, my arm had a bruise. He pushed me to the floor and removed all of my clothes. He raped me. I felt lifeless, I couldn’t get up, I felt so weak.... I reported to Mama, “I can’t work here anymore, please send me home.” Mama said, “You can’t leave halfway, finish your two years. Even if you are pregnant, I’ll take care of you.” They put me in my room and locked me there for four days. For four days I was locked in from the outside, I didn’t work. There was no way to get out, so I had to lie to them, I said, “I’ll work for you,” and then they allowed me out.¹⁶⁸

As will be discussed in greater detail in Chapters IX and X, below, domestic workers also face additional barriers in bringing such complaints to the authorities due to the risk of counter-accusations of adultery or fornication, lack of evidence, and stigmatization. Restrictions on movement and imprisonment of migrant women inside the home mean that collection of critical forensic evidence may be impossible. Sri H. told Human Rights Watch,

My own employer ... raped me once. But he touched me all the time, he did not only touch me, he also took off all my clothes. After raping me,

¹⁶⁶ Human Rights Watch interview with Isdiah B., Indonesian domestic worker, Jeddah, December 11, 2006.

¹⁶⁷ Human Rights Watch interview with Kumari G., Sri Lankan domestic worker, Riyadh, December 6, 2006.

¹⁶⁸ Human Rights Watch interview with Chamali W., Sri Lankan domestic worker, Riyadh, December 14, 2006.

the employer kept me in the bedroom. I had problems directly afterward. If I had gone to the hospital, they would have seen it, but they kept me locked in the house for two weeks.¹⁶⁹

Some domestic workers experienced social stigmatization and rejection from their families for suffering sexual violence while abroad. A recently returned domestic worker in Kandy, Sri Lanka, explained her husband's reaction upon finding out she had been raped and impregnated by her Saudi employer: "My husband beat me when I told him what happened. He threatened to kill me by choking me and pressing my neck and he kicked me on the back while I was sleeping. He told me to leave.... I did not even want to come to my village to give birth to the baby. Because in my village people come to know it is a shame ... it's a shameful thing ... and we are not accepted."¹⁷⁰

¹⁶⁹ Human Rights Watch interview with Sri H., Indonesian domestic worker, Riyadh, December 5, 2006.

¹⁷⁰ Human Rights Watch interview with Jayanadani A., returned domestic worker, Kandy, Sri Lanka, November 10, 2006.

VIII. Labor Abuses and Exploitation

My problem when I came here is that my employers didn't give me 750 riyals salary [per month], they gave only 600. After six months, they still didn't give me my salary. I only got five months salary out of three years.

—Sandra C., Filipina domestic worker, Jeddah, December 9, 2006

Domestic workers in Saudi Arabia labor under conditions that fail to meet standards set both by Saudi Arabia's labor code for other types of workers and international labor standards. Domestic workers may experience several types of labor rights violations, including unpaid wages, excessively long working hours, lack of rest periods, rest days, worker's compensation, and other benefits.

Not all domestic workers face abuse. Human Rights Watch interviewed some domestic workers who received their wages on time and planned to return to Saudi Arabia, as in the case of Nanmalar S., of Sri Lanka, who said, "They paid me on time monthly; I got the money from them whenever I needed it and sent it to my family here. I think I sent 50,000 rupees home.... I built a house for my family [with my earnings]." ¹⁷¹ One employer said, "In our tradition, we think it is bad not to give [the domestic worker] her rights. Usually, we give them more than their rights. At Ramadan, we will give her an extra 500 riyals (US\$130). If she is crying, we will buy a phone card for her to call her family without charge." ¹⁷²

However without any legal regulation of minimum standards, punishment for abuse, or ways to ease the forced isolation of domestic workers in private homes, far too many domestic workers continue to face highly exploitative working conditions.

Low and Unequal Wages

I found out that... Indonesian maids are paid 600 riyals and for Sri Lankans it's only 400 riyals. I used to cry before going to sleep,

¹⁷¹ Human Rights Watch interview with Nanmalar S., returned domestic worker, Talawakelle, Sri Lanka, November 12, 2006.

¹⁷² Human Rights Watch interview with a Saudi employer, Riyadh, March 10, 2008.

thinking that I have come here to work and earn and I am very poor and I don't have money to look after my children, but this lady ... is only paying me 400 riyals, for which I am doing a lot of work.

—Fathima S., returned domestic worker, Habaraduwa, Sri Lanka, November 14, 2006

Domestic workers' wages are particularly low, given that they often work long hours without any rest days. Several domestic workers stated that these wages were not sufficient to meet family expenses. Sri Lankan worker Mahilam G. said, "My salary was 400 riyals a month. It was not enough for my children's education and meals... I thought I would be getting 500 or 600 riyals...because they are paying 500 or 600 riyals to the Indonesian maids and I thought I would be getting the same."¹⁷³

In the past year the Philippines, Indonesia, and Sri Lanka have refused to authenticate contracts for their domestic workers unless Saudi Arabia met demands for higher wages. Filipinas' salary was increased from 700-800 riyals per month to 1400-1500 riyals per month (\$182-208 to \$364-390), Indonesian domestic workers' salaries went from 600 riyals to 800 riyals per month (\$156 to \$208), and Sri Lankan domestic workers rose from 400 riyals to 650 riyals (\$104 to \$169) per month.

Employers typically pay domestic workers different wages based on national origin. The labor recruitment industry discriminates against workers by setting pay scales according to nationality, rather than work experience, skills, or the nature of the work. While many domestic workers from the Philippines may come with a tertiary level of education and English skills, those with comparable skills from Sri Lanka or Indonesia still receive lower pay. As a party to the International Convention on the Elimination of all forms of Racial Discrimination (CERD), Saudi Arabia should not permit discrimination amongst domestic workers based on national origin. In 2004 the UN Committee on CERD reminded all states that they had to take measures "to eliminate discrimination against non-citizens in relation to working conditions and work requirements" and "to prevent and redress the serious problems commonly faced by non-citizen workers, in particular by non-citizen domestic workers,

¹⁷³ Human Rights Watch interview with Mahilam G., returned domestic worker, Maskeliya, Sri Lanka, November 13, 2006.

including debt bondage, passport retention, illegal confinement, rape and physical assault” (emphasis added).¹⁷⁴

As discussed in earlier sections, many domestic workers receive less money than originally promised by labor recruiters or their employers. Human Rights Watch interviewed at least 12 domestic workers who said that their wages were less than the amount agreed upon prior to departure or in employment contracts. Ponnamma S. said, “In Sri Lanka they promised me 700-800 riyals [per month]. Here they [agreed to] only 400.”¹⁷⁵

Unpaid Wages and Salary Deductions

My employer did not pay my salary for nine years and three months. [After I complained to the embassy] they paid me my salary for two years and seven months. They have not paid the rest. I have been here [at the embassy] for 11 months.... I will not go back home before I get my money.

—Sisi R. Indonesian domestic worker, Riyadh, March 11, 2008

Pay the laborer his wages before his sweat dries.

—Hadith narrated by Ibn Majah of Ibn ‘Umar¹⁷⁶

Unpaid wages lead the list of most frequent complaints by domestic workers in Saudi Arabia made to embassies of labor-sending countries, the Saudi Ministry of Social Affairs, and to Human Rights Watch. For example, a senior official from one labor-sending country’s embassy in Riyadh said, “The most common complaint is non-payment of wages. When they complain of unpaid wages, it is usually for six months, or more; in some cases, 13-14 months. Sometimes they have received no

¹⁷⁴ Committee on the Elimination of Racial Discrimination, General Recommendation No.30: Discrimination Against Non Citizens, adopted October 1, 2004.

¹⁷⁵ Human Rights Watch interview with Ponnamma S., Sri Lankan domestic worker, Riyadh, December 14, 2006.

¹⁷⁶ Al-Mutaqqi Al-Hindi, “The Treasure of Workers in Normative Words and Deeds,” Hadith 9125, <http://www.al-eman.com/islamlib/viewchp.asp?BID=137&CID=138> (accessed June 10, 2008).

wages at all.”¹⁷⁷ Of the 86 domestic workers Human Rights Watch interviewed in Saudi Arabia and upon return to Sri Lanka, 63 had not received their full wages.

In some cases recounted to us, employers withheld wages to compel domestic workers to continue working if they wanted to quit or had finished their contract. Furthermore, some employers make arbitrary and illegal deductions from salaries as a disciplinary tool, to pay for a worker’s medical expenses, or to recoup recruitment fees.

We interviewed women who had not received their wages over periods ranging from a few months to several years. For example, Sri H. told us, “I worked for eight months but they only gave me one month’s salary. They promised to give me my salary every month, but in fact I fought with my sponsor all the time about my salary.”¹⁷⁸ Some workers received wages intermittently, while others received no salary at all and worked in conditions of forced labor. Thanuja W. said, “I always asked them for my salary, and after two years, they still didn’t pay me, they sent me back to the agent.”¹⁷⁹ Fatima N. worked for almost 10 years without pay: “I arrived in 1997, and I have never received any salary.... They got angry when I asked about my salary.”¹⁸⁰

In some cases, employers eventually paid their domestic workers, but failed to do so on a regular, monthly basis. Even then, they sometimes made only partial payments. Although Saudi labor law currently excludes domestic workers, it entitles other workers to salary payments each month.¹⁸¹ Malini S. said, “Every month I requested my salary, but they only gave it once every three months. They always said, ‘Later, later.’”¹⁸² Nur A. told Human Rights Watch, “They would give me my salary, but only if I begged or cried. After four months, they would give me two months’ pay.”¹⁸³ Prema C., whose employers paid her every three months, claiming to never have cash on

¹⁷⁷ Human Rights Watch interview with embassy official J from a labor-sending country, December 13, 2006.

¹⁷⁸ Human Rights Watch interview with Sri H., Indonesian domestic worker, Riyadh, December 5, 2006.

¹⁷⁹ Human Rights Watch interview with Thanuja W., Sri Lankan domestic worker, Riyadh, December 7, 2006.

¹⁸⁰ Human Rights Watch interview with Fatima N., Indonesian domestic worker, Riyadh, December 5, 2006.

¹⁸¹ Saudi Arabia Labor Law, Royal Decree No. M/51, September 27, 2005, Part VI, art. 90.

¹⁸² Human Rights Watch interview with Malini S., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹⁸³ Human Rights Watch interview with Nur A., Indonesian domestic worker, Riyadh, December 7, 2006.

hand, summed up the situation of many other workers when she said, “We did not have a good understanding about the salary, I never knew if they would pay it or not.”¹⁸⁴

Some employers withhold salaries to prevent domestic workers from leaving employment before the contract period ends. Bethari R. told Human Rights Watch, “They didn’t give me five months salary. They said that is the fee and that it is a guarantee because they are afraid I will not finish the contract.”¹⁸⁵ Some employers waited until the domestic worker was departing the country in order to cheat her of full payment. For example, Meena P. said, “They did not pay me one year’s salary.... When I went to the airport to come here they gave me a check for four months and when I went to the bank they told me the check could not be cashed.”¹⁸⁶

The same factors that make it difficult for domestic workers to escape from physical or sexual abuse also make it hard for them to escape from situations in which employers force them to work without regular pay: forced confinement in the workplace, restrictive visas that prevent them from seeking other employers, financial pressures and loans in their home countries, and the belief that they are obligated to finish their two-year contract regardless of the working conditions.

Many domestic workers continue to work in the desperate hope that employers will fulfill their promises to provide their wages “later” or that they will receive their full payment at the end of their two-year contract. Domestic workers who run away from employers who have failed to pay them confront formidable obstacles to reclaim their wages, described in more detail in Chapters IX-XI, below.

In some cases, employers exerted withholding of wages along with other forms of control and humiliation, or threatened them with beatings or other penalties. Sandra C.’s employer threatened to take her to the police repeatedly and told her that they “would put me in jail when I asked for my ticket [back to the Philippines].”¹⁸⁷ Latha P.

¹⁸⁴ Human Rights Watch interview with Prema C., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹⁸⁵ Human Rights Watch interview with Bethari R., Indonesian domestic worker, Riyadh, March 11, 2008.

¹⁸⁶ Human Rights Watch interview with Meena P., returned domestic worker, Talawakelle, Sri Lanka, November 12, 2006.

¹⁸⁷ Human Rights Watch interview with Sandra C., Filipina domestic worker, Jeddah, December 9, 2006.

said, “Whenever I asked for my salary, they beat me up. I got the first three months salary somehow. I got a call that my father was really sick, then I asked for my salary and they beat me up.”¹⁸⁸ Shanika R., as described in the previous chapter, had her head shaved for asking for her salary.¹⁸⁹

Having migrated due to financial necessity and needing their salaries in a timely way to address pressing family emergencies at home, most women felt unpaid wages to be an especially grievous offence. Marilou R. left her family and home in the Philippines when a family member developed a heart condition and needed expensive medicines. “My salary here was [equivalent to] 10,000 [pesos] per month, and I spent six months without a salary. It is better to work in the Philippines with 5,000 pesos because at least you get paid.”¹⁹⁰

Some employers cut the salaries of their domestic workers, charging them for perceived mistakes or damages sustained during the course of housework, or simply as a form of control. For example, Wati S. said,

When the Pepsi was almost finished, the employer would accuse me of drinking it and cut my salary. Before they paid me [each month], they would have cut the whole salary. They deducted my salary if a fork was lost or if the iron was not hot. They accused me of breaking it.... My employer never paid me for 10 months.¹⁹¹

Cristina M said, “My salary is 750 riyals, but madam did not give it to me. I had to buy my own food, all my needs, my own napkins, soap, buy my own medicine if sick. She would cut my salary if the kitchen was not stocked with enough tomatoes or chicken. When the chicken finished, she cut 300 riyals from my salary.”¹⁹²

¹⁸⁸ Human Rights Watch interview with Latha P., Sri Lankan domestic worker, Riyadh, December 15, 2006.

¹⁸⁹ Human Rights Watch interview with Shanika R., Sri Lankan domestic worker, Riyadh, December 14, 2006.

¹⁹⁰ Human Rights Watch interview with Marilou R., Filipina domestic worker, Jeddah, December 10, 2006.

¹⁹¹ Human Rights Watch interview with Wati S., Indonesian domestic worker, Jeddah, December 11, 2006.

¹⁹² Human Rights Watch interview with Cristina M., Filipina domestic worker, Jeddah, December 10, 2006.

Some employers shirk their obligation to pay for a domestic worker's ticket home after completion of her contract by deducting the price of the ticket from the worker's wages. For example, Isdiah M. said her employer "bought my tickets using my salary. He used three months salary for the ticket and gave me [only] five months salary."¹⁹³ Praveena A. told Human Rights Watch, "I demanded [my employer] pay for my return ticket. She said no. She did not pay me initially. She [finally] paid me, deducting the cost of two tickets."¹⁹⁴

Employers used different tactics to escape detection for failing to pay their employees regularly and in full. Some domestic workers reported that they were required to sign receipts indicating they had received their full salaries even when this was not the case. Jayanadani A. said, "Whenever I had pending [salary] of 1,200 riyals [\$312], they paid me only 800 riyals. They would take my signature for giving me money."¹⁹⁵

Excessive Workload, Long Working Hours, Lack of Rest Periods

There were six people in the house where I worked as a domestic helper.... Anything is okay as long as I get enough rest and my salary. Sometimes I started work at 5 a.m., sometimes I ended at 5 a.m., because of Ramadan. Sometimes I got to rest two or four hours. Sometimes they woke me up when I was sleeping. I am just a servant, I had to obey their wishes.

—Teresa O., Filipina domestic worker, Riyadh, December 7, 2006

Overwork and lack of sufficient rest was another of the most common complaints among domestic workers interviewed by Human Rights Watch and reported by embassy officials and migrants' groups in labor-sending countries. Of domestic workers interviewed for this report, the average time spent working was 18.7 hours per day, seven days per week.

¹⁹³ Human Rights Watch interview with Isdiah B., Indonesian domestic worker, Jeddah, December 11, 2006.

¹⁹⁴ Human Rights Watch interview with Praveena A., returned Sri Lankan domestic worker, Katunayake, Sri Lanka, November 1, 2006.

¹⁹⁵ Human Rights Watch interview with Jayanadani A., returned Sri Lankan domestic worker, Kandy, Sri Lanka, November 10, 2006.

Most domestic workers reported long working hours around the clock, without adequate rest breaks or time to sleep. For example, Wati S., a 19-year-old Indonesian domestic worker, said, “I worked every day from 6 a.m. to 2 or 3 a.m. I got to rest three hours in the afternoon and at night. I never got a day off.”¹⁹⁶ Similarly, Hemanthi J. told us, “Sometimes I would finish at 12 a.m. or 1 a.m. I couldn’t sit down and take a break, I had no time to sleep, no time to go to the toilet even. I had no day off.”¹⁹⁷ Ponnamma S. said, “I had no time to relax at all, when I had any rest, the madam would find some work for me to do. I had no days off.”¹⁹⁸

With no day off, domestic workers could find themselves working months or years on end without a full day’s rest. Some domestic workers had been promised days off during recruitment or had them in their employment contract terms, yet did not receive them once they started work. Sri H. told Human Rights Watch, “There was no day off. They said I would get one every two months, but they were lying.”¹⁹⁹ Most Filipina workers’ contracts provide for a weekly day of rest. One Filipina worker, Sandra C. said, “There was no day off. My employer said, ‘If you want a day off, go to the Philippines.’”²⁰⁰

In addition to long hours and inadequate rest, domestic workers often struggled to meet excessive workload demands, juggling cleaning, caring for children and the elderly, and cooking, sometimes for very large households. Several domestic workers reported being employed in multi-family households with as many as 22 members. Chitra G. said,

I came here to work for only one family, but instead there were three families in the house. Each floor had a different family. On the first floor was the grandmother, on the second was the employer and his wife and their nine kids, and on the third, was one son, his wife, and their two girls and son. I slept at 1 a.m. and if the children had school, I

¹⁹⁶ Human Rights Watch interview with Wati S., Indonesian domestic worker, Jeddah, December 11, 2006.

¹⁹⁷ Human Rights Watch interview with Hemanthi J., Sri Lankan domestic worker, Riyadh, December 14, 2006.

¹⁹⁸ Human Rights Watch interview with Ponnamma S., Sri Lankan domestic worker, Riyadh, December 14, 2006.

¹⁹⁹ Human Rights Watch interview with Sri H., Indonesian domestic worker, Riyadh, December 5, 2006.

²⁰⁰ Human Rights Watch interview with Sandra C., Filipina domestic worker, Jeddah, December 9, 2006.

woke up at 4 a.m.... I worked the whole day cleaning, cooking, and ironing.²⁰¹

Similarly, Sepalika S. said, “In Saudi Arabia I had to look after an old lady as well as seven children, in a two-story building. The eldest child was 24, the youngest was four. I had to clean the house, wash and iron clothes, cook, and look after that old sick lady, [which was] like looking after a child.... by the time I went to bed it was 12 or 1, and I had to get out of bed at 5:30. They should have two or more maids to do the work in the house, but I was the only one who did all the work.... I told them, ‘You are not paying me any salary and I am doing the work of three people and when work is delayed you shout at me.’”²⁰²

In some instances, long working hours and lack of rest intertwined with employer’s psychological abuse and control over the domestic worker. Lina B. said, “I had no time to rest. My madam didn’t want to see me sitting. The minute I woke up and went down, madam would lock my room so I couldn’t go back inside. Even if I wanted to take a bath, I couldn’t because my clothes were in the room. When I finished at 2 a.m., that is when I took a bath.”²⁰³

Many employers expected domestic workers to be on call around the clock. Ummu A. worked from 6 a.m. to 1 a.m. without any days off. She said, “But even after I went to sleep the lady knocked on my door in the middle of the night and asked me to prepare a meal for Baba.”²⁰⁴ Similarly, Chemmani R. said, “If they knocked on my door after midnight I had to get up and I had to cook when they told me.”²⁰⁵ Several domestic workers said they had to work extra hours or perform more duties without extra compensation when their employers had guests or during Ramadan. Fathima R. told Human Rights Watch, “I had to get up at 4 a.m.... But every Friday all the family

²⁰¹ Human Rights Watch interview with Chitra G., Sri Lankan domestic worker, Riyadh, December 6, 2006.

²⁰² Human Rights Watch interview with Sepalika S., returned domestic worker, Katunayake, Sri Lanka, November 9, 2006.

²⁰³ Human Rights Watch interview with Lina B., Filipina domestic worker, Riyadh, December 7, 2006.

²⁰⁴ Human Rights Watch interview with Ummu A., returned Sri Lankan domestic worker, Attanagalla, Gampaha district, Sri Lanka, November 8, 2006.

²⁰⁵ Human Rights Watch interview with Chemmani R., returned domestic worker, Habaraduwa, Sri Lanka, November 14, 2006.

would come there—she had 10 children, all married. Fridays were the worst. I usually finished at 9, sometimes 10 p.m., but I finished at 1 a.m. on Fridays.”²⁰⁶

Inadequate Living Accommodation

There is a closet for dresses. I slept on the floor, I had a very thin blanket.

—Isdiah B., Indonesian domestic worker, Jeddah, December 11, 2006

Some domestic workers reported a lack of privacy and inadequate living accommodations. Saudi employers are responsible for providing domestic workers with room and board in addition to their regular wages. Human Rights Watch interviewed many domestic workers who had acceptable living conditions, including their own bedroom and occasionally their own bathroom. But other domestic workers reported they had to sleep in communal parts of the house, often in degrading circumstances, such as on the kitchen or bathroom floor. For example, Chemmani R. said, “The lady refused to give me a separate room to stay so I used to stay in an empty space on the staircase.”²⁰⁷ Prema C. said: “There was no separate room. I slept on a space on the floor, with no pillow and no bedsheet.”²⁰⁸

Poor accommodation contributed to the other abuses described in this report, including psychological abuse and lack of rest. Domestic workers felt that inadequate sleeping arrangements, particularly in contrast to the wealth of their employers, was humiliating. Asanthika W., a 42-year-old domestic worker said, “My second employer only gave me a place to sleep under the staircase like a dog. I am not a dog, I am a human being.... I migrated to work, I came here to do my best, but our employers also have to give us proper facilities.”²⁰⁹ Sasindi O. said, “I slept in the corridor. I saw an old mattress that was big enough for me, but my employers

²⁰⁶ Human Rights Watch interview with Fathima Razana (real name used upon request), returned domestic worker, Attanagalla, Gampaha district, Sri Lanka, November 8, 2006.

²⁰⁷ Human Rights Watch interview with Chemmani R., returned domestic worker, Habaraduwa, Sri Lanka, November 14, 2006.

²⁰⁸ Human Rights Watch interview with Prema C., Sri Lankan domestic worker, Riyadh, December 15, 2006.

²⁰⁹ Human Rights Watch interview with Asanthika W., returned domestic worker, Kurunegala, Sri Lanka, November 4, 2006

threw it away and didn't give it to me. There was no room for me ... If I had any rest time, I had to rest in the latrine."²¹⁰

²¹⁰ Human Rights Watch interview with Sasindi O., returned domestic worker, Rambukkana, Sri Lanka, November 6, 2006.

IX. Criminal Cases Against Domestic Workers

The court decision was that if you have unwanted sex and have babies you are imprisoned for one-and-a-half years; that was the charge for me. I don't exactly know what has happened [to my employer who raped me], but I think he was arrested and [he] paid a bribe.

—Amanthi K., returned domestic worker, Katunayake, Sri Lanka, November 1, 2006

Saudi Arabia's criminal justice system can also be a serious problem for migrant domestic workers. Some find themselves facing spurious charges of theft or witchcraft from their employers against whom they may have lodged complaints of mistreatment, or 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 may also be subject to prosecution for immoral conduct, adultery, or fornication. Punishments for this range of crimes include imprisonment, lashes, and, in some cases, death. Within the justice system, they are likely to experience uneven or severely delayed access to interpretation, legal aid, and access to their consulates.

Migrant domestic workers confront these issues within the broader context of a criminal justice system wracked with problems. Saudi Arabia does not have a written penal code. Judges often do not follow procedural rules, and issue arbitrary sentences that vary widely. Many judges do not provide written verdicts, even in death penalty cases.²¹¹

Procedural Violations

We receive diplomatic notices about our nationals who are charged and in jail only about 20 percent of the time, and this is erratic, often with up to three months' delay.

²¹¹ Human Rights Watch, *Precarious Justice*; Human Rights Watch, *Adults Before Their Time*.

—Embassy official L from a labor-sending country, Riyadh, March 8, 2008

Saudi Arabia regularly violates international standards of due process and fairness, and domestic workers charged with crimes may be unable to obtain an interpreter, legal counsel, or access to their consular officials when arrested, detained, or on trial.

Human Rights Watch interviewed diplomatic officials from six labor-sending countries who all reported that it often takes several months to learn about arrests, criminal proceedings, convictions, and deportation of their nationals, often at points too late to provide legal assistance or to advocate for the rights of the accused. Saudi protocol dictates that notification of arrests and other criminal proceedings, as well as requests to visit detained nationals, pass through the Ministry of Foreign Affairs (MOFA), and this requirement causes delays.²¹²

Most officials from foreign missions must develop other strategies for finding out about and assisting detained nationals. For example, some cultivate personal contacts in police stations and prisons. As one official said, “If we wait for the Ministry of Foreign Affairs, [in the meantime, the Saudi authorities] will extract a confession, there will be no proper translator and it will be in broken Arabic. There needs to be direct communication between the [investigations] side and the embassy.”²¹³ Officials from the Indonesian and Sri Lankan embassies told Human Rights Watch that they suspect many more of their nationals have been arrested and convicted of crimes, but they do not have any further information.²¹⁴

Saudi authorities interviewed by Human Rights Watch told us that they comply with these procedures in a timely way. The minister of foreign affairs said, “We at the Ministry of Foreign Affairs inform the embassy immediately.”²¹⁵ However, the officials from labor-sending countries said that such notifications and permissions are

²¹² Human Rights Watch interview with Prince Sa’ud al-Faisal, minister of foreign affairs, Riyadh, December 2, 2006: “There is an order from the cabinet that if any foreigner is arrested, the Ministry of Foreign Affairs should be informed.”

²¹³ Human Rights Watch interview with embassy official C from a labor-sending country, Riyadh, December 4, 2006.

²¹⁴ Human Rights Watch interviews with embassy officials from Sri Lanka and Indonesia, Riyadh, March 2008.

²¹⁵ Human Rights Watch interview with Prince Sa’ud al-Faisal, December 2, 2006.

grossly delayed, and sometimes nonexistent. One official said, “It is a long time before we are notified. Yesterday we received notice from Foreign Affairs about several deaths of [our nationals] whose bodies we repatriated several months ago. We found out [earlier] from their families.”²¹⁶ Another official said, “We don’t get to speak to them [our nationals] before their case is tried.... [In some cases] we can’t talk to [our nationals], we see them through a window. If she has her passport, they may repatriate her without our knowledge.”²¹⁷

These practices violate Saudi Arabia’s criminal procedure code, which stipulates, “Anyone who is arrested or detained ... shall have the right to call whomever he likes to inform him of his arrest,” and that, “Each defendant has the right to have a representative or attorney to defend him during investigation and trial.”²¹⁸ Current practices also violate Saudi Arabia’s international obligations under the Vienna Convention on Consular Affairs, which mandates that consular officials have access and the ability to freely communicate with their nationals, and reciprocally, for foreign nationals to have access and communication with officials from their consulate.²¹⁹ Saudi Arabia has an obligation to inform detained foreigners about their right to contact their consulate, and to permit consular officials to visit the detainee and to arrange for his or her legal representation.²²⁰ The UN Committee on the Convention Against Torture, to which Saudi Arabia is a party, has reminded the government that it has obligations as part of the safeguards against prohibited treatment of detainees to “ensure, in practice, that persons detained in custody are able to exercise prompt access to legal and medical expertise of choice, to family

²¹⁶ Human Rights Watch interview with embassy official B from a labor-sending country, Riyadh, December 3, 2006.

²¹⁷ Human Rights Watch interview with embassy official J from a labor-sending country, December 13, 2006.

²¹⁸ National Society for Human Rights, *First Report on the Situation of Human Rights in the Kingdom of Saudi Arabia* (Riyadh: NSHR, 2007), p. 11.

²¹⁹ Vienna Convention on Consular Relations, adopted April 24, 1963, 596 U.N.T.S.261, entered into force March 19, 1967, art. 36. states, “[I]f he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner.... The said authorities shall inform the person concerned without delay of his rights under this subparagraph;... [C]onsular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgement.”

²²⁰ *Ibid.*

members and, in the case of foreign nationals, to consular personnel” (emphasis added).²²¹

Another practice that obstructs fair trials is poor access to written judgments. Human Rights Watch spoke to embassy officials and lawyers representing domestic workers in criminal cases who were unable to obtain written judgments in cases of convictions, impeding their ability to file and prepare appeals. In the cases where they do get information, several diplomats explained they have trouble understanding the documents: “They transliterate into Arabic and we can’t figure it out. Sometimes the information from Foreign Affairs is hard to understand, both names and exact places.”²²²

Domestic workers must rely on ad hoc arrangements for interpretation in police stations and court proceedings and often have no legal counsel. In some cases, the Saudi government or the worker’s embassy offers an interpreter; in other cases, the worker must rely on her rudimentary Arabic or doesn’t understand the proceedings at all. Furthermore, according to an official from the Saudi Ministry of Interior, “The law does not say that we have to wait for a lawyer to show up before we start interrogation.”²²³

In a case that garnered protests from groups around the world, a Saudi court convicted Rizana Nafeek, a 19-year-old Sri Lankan domestic worker of killing the baby in her care, and sentenced her to death. Nafeek did not have interpretation when the police extracted her confession, which she later retracted, and she did not have legal counsel in the two years during her trial. Nafeek, who was 17 at the time, was an inexperienced domestic worker who claims the baby choked on milk and died. Nafeek’s case was still under appeal as of June 2008.

²²¹ Conclusions and recommendations of the Committee against Torture : Saudi Arabia, June 12, 2002, CAT/C/CR/28/5, para. 8(h).

²²² Human Rights Watch interview with embassy officials C and J from labor-sending countries, Riyadh, December 4 and 13, 2006.

²²³ Human Rights Watch interview with Shaikh Al Abdallah, head, Department of Prosecutions and Investigations, Ministry of Interior, November 29, 2006.

Countercharges of Theft, Witchcraft, or False Allegations

I was running in the street without knowing where to go, and without wearing an abaya. I went without the abaya because I was afraid that if I took it, they would accuse me of stealing and cut off my fingers.

—Journey L., Filipina domestic worker, Riyadh, December 4, 2006

A common problem is that domestic workers who have run away from their employers or who file complaints may face spurious countercharges of theft or witchcraft from their employers.²²⁴ An official from a labor-sending country told us, “The police ... being Muslims, they will believe other Muslims, and those of the same nationality.... [But] we are seeing something very encouraging. The police are becoming accustomed to these trumped up charges ... that is a big improvement from the past.”²²⁵ Despite attitude shifts among some police, the threat of countercharges remains a serious problem, however. An official handling labor issues for his embassy said it is difficult for workers to claim unpaid wages, as “a worker may be afraid of telling the truth [about her wages] because of the threat of countercharges.... [T]he worker tends to forego the claim.”²²⁶

Nurifah M. described to us her experience after she ran away from her employer and sought refuge at the Indonesian consulate: “After that, the employer made a report claiming that I stole 60,000 riyals (US\$15,600) and gold. The police called the consulate that I have to go to the police station. I have no money. If I did have money, I would not have come to the consulate. If I had money, I would have run away to my country.”²²⁷ In Nurifah M.’s case, the police concluded that she had not stolen any money, but despite a subpoena to the employers and multiple visits to their home, Nurifah M. has not been able to recover her lost wages.

In other cases, domestic workers with criminal complaints against their employers may be subject to intensive scrutiny and charged with making false allegations. Nour

²²⁴ Human Rights Watch interview with embassy official B from a labor-sending country, Riyadh, December 3, 2006.

²²⁵ Human Rights Watch interview with embassy official L from a labor-sending country, Riyadh, March 8, 2008.

²²⁶ Human Rights Watch interview with embassy official P from a labor-sending country, Riyadh, March 8, 2008.

²²⁷ Human Rights Watch interview with Nurifah M., Indonesian domestic worker, Jeddah, December 11, 2006.

Miyati, described in the section on forced labor, was sentenced to 79 lashes for making false allegations against her employer despite the female employer's confession to committing abuse and the extensive medical treatment Nour Miyati required for injuries sustained from beatings and starvation. A Riyadh court overturned the sentence against Nour Miyati in April 2006. More than three years after the original case was filed in March 2005, the court dropped the charges against the female employer in May 2008.

Workers who run away may also face sanctions for breaking their contracts and leaving their employers, therefore violating immigration rules. In 2007 a court in Ha'il sentenced two Sri Lankan domestic workers to 45-day jail terms and 70 lashes each for running away from their employers, while two Sri Lankan men, convicted of assisting them, received sentences of three months in prison and 200 lashes each.²²⁸

Witchcraft cases

As briefly mentioned in the section on physical violence, seven members of a Saudi family who employed four Indonesian domestic workers beat them in early August 2007 after accusing them of practicing "black magic" on the family's teenage son. Siti Tarwiyah Slamet, 32, and Susmiyati Abdul Fulan, 28, died from their injuries. Ruminih Surtim, 25, and Tari Tarsim, 27, were receiving treatment in the Intensive Care Unit of Riyadh Medical Complex when Saudi authorities removed them from the hospital, detained them for interrogations about their alleged "witchcraft," and initially denied them access to officials from the Indonesian embassy.²²⁹

The Indonesian embassy is trying to explore legal options for domestic workers already convicted of witchcraft. For example, they are working on the case of a domestic worker in Gassim who initially received the death penalty for a conviction of witchcraft and had her sentence reduced to 10 years' imprisonment.²³⁰ In two

²²⁸ Mariam Al Hakeem, "Runaway maids face jail and flogging," *Gulf News*, April 5, 2007.

²²⁹ "Saudi Arabia: Migrant Domestic Workers Killed by Employers," Human Rights Watch news release. After protracted negotiations, the women were cleared of the charges and Ruminih Surtim received 30,000 riyals (\$7,800) and Tari Tarsim received 15,000 riyals (\$3,900) as compensation, Human Rights Watch interview with Indonesian embassy official who requested anonymity, Riyadh, March 10, 2008.

²³⁰ Human Rights Watch interview with Nasser Al-Dandani, lawyer, Embassy of Indonesia, Riyadh, March 10, 2008.

witchcraft cases involving Indonesian domestic workers in Hofuf, the embassy is aware that they have been found guilty, but does not know the sentence as they have not been able to secure copies of the judgments.²³¹

Charges of witchcraft are arbitrary and flout international human rights standards. The crime of witchcraft is not defined by Saudi law and there is no common understanding of what types of activities constitute witchcraft, presenting enormous challenges to defendants. In interviews with Human Rights Watch, former and current officials from the Ministry of Justice were unable to clarify the exact definition of witchcraft, although they asserted it results in the endangerment of life.²³² Employers often target activities that may be a result of differing cultural practices, such as carrying an amulet, as proof of witchcraft. An embassy official from a labor-sending country said, “These cases are very hard, and it is complicated.... They will be accused of some small thing, like carrying a photo in their purse, or if their hair falls off [in the food],”²³³ and this will be seen as evidence of attempting witchcraft.

“Moral” Crimes

Usually we send them home quietly. The police also don’t want to pursue these cases. We have several cases this year of women detained for adultery or fornication. Usually around five months. They may also get physical punishment.

—Embassy official A from labor-sending country, Riyadh, November 29, 2006

Adultery, fornication, prostitution, and being in the presence of unrelated men are among the most common reasons a domestic worker is convicted and imprisoned in Saudi Arabia.²³⁴ The punishments are severe. For example, in a sample of cases

²³¹ Ibid.

²³² Human Rights Watch interview with M.R. Abdulhameed Al-Galiga, consultant, Ministry of Justice, M.R. Deefallh Al-Onzu, researcher, Ministry of Justice, and D.R. Naser Al-Shahrani, department of investigations and prosecutions, Riyadh, March 12, 2008.

²³³ Human Rights Watch interview with embassy official M from a labor-sending country, Riyadh, March 10, 2008.

²³⁴ Human Rights Watch interviews with officials B and E from labor-sending countries, Jeddah and Riyadh, December 3 and 9, 2006, and embassy official J from a labor-sending country, Riyadh, March 11, 2008; and “Details of Sri Lankan Female

analyzed by Human Rights Watch, Sri Lankan domestic workers convicted of prostitution received prison sentences of 18 months and between 60 and 490 lashes.²³⁵ An embassy official noted that those accused of prostitution were often simply found in the company of unrelated male acquaintances, with no further evidence of sexual activity.²³⁶

While some domestic workers are acquainted with the laws in Saudi Arabia, others have little information. Most domestic workers come from countries where being in the presence of unrelated men is not criminalized, and they may not fully be aware of the consequences. In some cases, domestic workers must put themselves at risk when relying on assistance from unrelated male migrants to escape abusive employers.

Human Rights Watch documented cases in which Saudi courts convicted domestic workers of “moral” crimes, often in situations where they had no control. For example, Bethari R. was sentenced along with her employer to lashes for his entrance into the women-only section of her workplace. Arriving in Saudi Arabia as a tailor, Bethari R.’s employers forced her to perform extensive housecleaning and childcare duties and to work long hours. Her employers also had a history of conflict with the religious police. Bethari R. had no ability to transfer employment or negotiate her work responsibilities. She said, “They shouted at me. The female employer was very arrogant. She treated us like slaves.... The beauty parlor was closed by the *mutawwa*’ (religious police) several times. I did not want to be involved with this.”²³⁷

During the trial, all parties had a different version of events with no conclusive evidence. The judge sentenced the male employer to 11 months’ imprisonment and 200 public lashings. The judge did not address Bethari R.’s allegation that her

Prisoners/Detainees,” written communication from official who requested anonymity, Sri Lanka Ministry of Foreign Affairs, Colombo, Sri Lanka, November 20, 2006.

²³⁵ “Details of Sri Lankan Female Prisoners/Detainees.” An official from another labor-sending country said that typical punishments ranged from 50 to 250 lashes for cases involving “moral” crimes. Human Rights watch interview with embassy official H from a labor-sending country, Riyadh, March 8, 2008.

²³⁶ Human Rights Watch interview with Nasser Al-Dandani, March 11, 2008.

²³⁷ Human Rights Watch interview with Bethari R., Indonesian tailor forced to perform domestic work, Riyadh, March 11, 2008.

employer raped her. He blamed Bethari R. for not complaining about the employer's entrance into the women's section and for working late hours, sentencing her to 70 lashes and deportation.²³⁸ At the time we spoke to her the Indonesian embassy was trying to appeal the punishment.

The criminalization of mingling with unrelated persons of the opposite sex and consensual sexual relations flout international standards protecting rights to liberty and privacy. In addition, evidentiary standards discriminate against women, whose testimony is valued at half that of men's. According to Sharia, the only guaranteed way to obtain a rape conviction is if the accused confesses or there are four adult male witnesses to the act of penetration. Otherwise, the courts have no consistent standards of proof for rape. As a result, courts sometimes view a woman's allegations of rape as an admission of illicit sex, making sexual assault victims susceptible to prosecution themselves. The evidentiary standards to prove rape are difficult to meet especially as domestic workers are isolated in private homes where there may be no witnesses, and because they might not be able to leave the house to seek forensic examinations that could serve as evidence.

Women who became pregnant as the result of either rape or voluntary sexual relationships are at risk of prosecution given that their pregnancy is considered evidence of illicit sexual relations outside of marriage. For example, we learned in March 2008 of a Nepalese domestic worker who alleges the son of her employer raped her. She was imprisoned after giving birth to her baby and was awaiting trial at the time.²³⁹

One embassy official said that in the previous six months he had handled four to five pregnancy cases and that many pregnant domestic workers end up in Malaz prison.²⁴⁰ Officials from labor-sending countries handling complaints said that, sometimes, Saudi police cooperate with them and do not press charges against

²³⁸ Judgment from Qubba Public Court, 15/8/1428, and Human Rights Watch interview with Nasser Al-Dandani, March 11, 2008.

²³⁹ Human Rights Watch interview with a source who requested anonymity, Riyadh, March 2008.

²⁴⁰ Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, March 10, 2008.

women who are pregnant. One embassy official said, “But those who give birth must go to jail.”²⁴¹

Amanthi K. became pregnant after her employer raped her. She was sentenced to nine months in prison for adultery in 2006 and said, “The [judge] told me, ‘You have come here to work and you have committed a crime.’ I said that the boss has committed a crime and not me. Later on I was admitted to the hospital and after giving birth we [my daughter and I] ended up in prison.”²⁴² Amanthi K. reported that there was an interpreter between Arabic and Sinhala, but that she had no lawyer. The Saudi authorities did not provide her with an opportunity to notify the Sri Lankan mission about her case and she had no contact or assistance from them during her ordeal.

Officials from labor-sending countries told Human Rights Watch they usually advised women workers not to pursue cases of sexual harassment or assault unless there was irrefutable evidence. Most felt it was not worth the risk given the stringent evidentiary requirements, the lengthy time required for criminal cases to be resolved, and the risk of prosecution for adultery and other “moral” crimes. One official said, “Out of 40 cases of sexual abuse or harassment, those that filed a complaint was around four.”²⁴³ Another official said,

Sometimes, to some ladies, we say, you have been abused, I don’t have the capacity to keep you in a shelter for one to two years. I cannot encourage my staff or my ladies to go forward. Who can provide the witnesses? This is required under Sharia. These are the implications, so we’re afraid to pursue these cases.²⁴⁴

²⁴¹ Human Rights Watch interview with embassy official M from a labor-sending country, Riyadh, March 10, 2008.

²⁴² Human Rights Watch interview with Amanthi K., returned domestic worker, Katunayake, Sri Lanka, November 1, 2006.

²⁴³ Human Rights Watch interview with embassy official B from a labor-sending country, Riyadh, December 3, 2006.

²⁴⁴ Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, December 13, 2006.

X. Saudi Protection Measures and Gaps

I cannot monitor eight million households. There is not anywhere else in the world like this, our society is addicted to cheap labor and workers are desperate to come here.

—Dr. Ghazi al-Qusaibi, minister of labor, Riyadh, December 3, 2006

The Saudi government has a deeply uneven record in responding to abuse against domestic workers. As discussed above in Chapter IV, below, existing labor and immigration policies fail to provide adequate protection and place domestic workers at risk of abuse. Human Rights Watch found that domestic workers seeking assistance often encounter formidable barriers to timely aid or redress. Although a royal decree abolished slavery and the Ministry of Labor’s anti-trafficking decree penalizes agencies involved in exploitative practices by banning them from recruiting workers, Saudi laws do not criminalize forced labor, trafficking, servitude, or slavery.

Saudi Arabia’s human rights obligations require them to take positive measures to protect domestic workers from abuse, exploitation, and situations of forced labor, slavery, or servitude. It also bears specific responsibility to take preventative and remedial measures against gender-based discrimination and violence experienced by migrant female domestic workers.²⁴⁵

Recent reforms and proposals for changes to the labor and immigration laws suggest Saudi Arabia has begun to acknowledge these problems and to improve its response. The Saudi government has created centers for domestic workers who have left their employment, and who in many cases have no passport or exit visa to return home. These centers provide mechanisms to repatriate domestic workers otherwise stranded in the country and to mediate wage disputes with employers. However,

²⁴⁵As a party to the Convention on the Elimination of All forms of Discrimination Against Women, Saudi Arabia has undertaken specific obligations regarding legal and policy protection of women’s rights. For example Article 2 and Article 6 respectively provide that “States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,” and “ States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women....”

many domestic workers had to accept settlements of wages far below the amount owed them by their employer. Furthermore, influential Saudis are often able to bypass or ignore mechanisms set up to assist domestic workers.²⁴⁶

The criminal justice system imposes other barriers: while some domestic workers interviewed by Human Rights Watch received assistance and support from the Saudi police, others encountered hostility and further abuse. Lengthy criminal trials against employers leave domestic workers trapped in embassy shelters for years with no employment, little family contact, and uncertain trial outcomes. These precedents provide little incentive for domestic workers to register cases of abuse with the police.

Human Rights Watch interviewed several Saudi officials who felt that the reporting of abuse against domestic workers is exaggerated and that the problems faced by Saudi employers ignored. Reflecting the opinions of many of the employers we spoke to, one official said, “there is no institution that protects the employer. What about cases of abuse of children by domestic workers or cases of witchcraft?”²⁴⁷ Another official asked, “Who gives the *kafil* (sponsor) his rights? He pays 6,000-8,000 riyals (US\$1,560-2,080) to accept her, and she runs away after being in KSA for one to two months.”²⁴⁸

Ministry of Social Affairs (MOSA) Center for Domestic Workers

There were no translators there, I couldn't talk. Whatever the [employers] said, the [police] wrote it down. The police asked for money for the ticket from me. I had no cash to give them.... The police and Baba thought I had money, they said I was lying.... There was another girl in the camp who knows a little bit of Arabic and Sinhala, so she helped me with translation. I said, "If they don't pay my salary,

²⁴⁶ Human Rights Watch interview with embassy officials from labor sending countries, Riyadh, March 11 and 12, and with a health professional working with Saudi families, Riyadh, March 13, 2008.

²⁴⁷ Human Rights Watch interview with Adel Farahat, international cooperation advisor, Ministry of Social Affairs, Riyadh, March 9, 2008.

²⁴⁸ Human Rights Watch interview with Fawzi Al-Dahan, general manager, Manpower Planning Department, Ministry of Labor, Riyadh, March 9, 2008.

just pay my ticket.” I asked to be put in another house, but Baba said “I don’t want her to work in another house”; madam also refused. I will forego my salary, I just need a ticket. There is no one to pay for the ticket.

—Latha P., Sri Lankan domestic worker, MOSA processing center, Riyadh, December 15, 2006

The Saudi government and the embassies of labor-sending countries receive thousands of complaints each year from domestic workers who are stranded in the country or who have not received their full wages. These women often do not have their passport or *iqama*, as their employer retained their documents; they are unable to obtain the required exit visa, since their employer refuses to consent to them leaving the country; and in many cases, they have no money, either because of unpaid wages or because they remitted all their money to meet expenses at home. In many cases, employers and recruitment agents renege on their contractual obligations to pay for these workers’ return tickets, leaving them in a desperate search of funds for their flights home.

In 1997 the Ministry of Social Affairs, in coordination with the Ministries of Labor and Interior, created a center to deal with the high volume of complaints from domestic workers, including those stranded at the airport when their employers failed to pick them up upon arrival.²⁴⁹ The main facility is located in Riyadh and though designed for half as many, typically houses 1,000-1,500 domestic workers.²⁵⁰

The staff at the MOSA shelter, with the support of Saudi police who are deployed to the center from different stations around Riyadh, assist domestic workers by collecting their belongings or identity documents from employers, recovering wages, or facilitating their authorization to leave the country. The MOSA shelter provides much needed services to domestic workers who otherwise have no legal protection

²⁴⁹ Human Rights Watch interviews with Abdullah Jazi al-Jad, manager, Ministry of Social Affairs center for domestic workers, Riyadh, December 6, 2006, and Adel Farahat, March 9, 2008.

²⁵⁰ Although the main such processing center is located in Riyadh, Human Rights Watch was unable to confirm the size and location of other such centers around the country. Officials from the Ministry of Social Affairs, the Ministry of Labor, and labor-sending countries gave widely varying answers, ranging from only one in Riyadh to additional and smaller centers in Dammam, al-Ahsa, and Buraida.

or physical shelter on which to rely. Diplomats from labor-sending countries commented that the MOSA shelter has greatly facilitated their ability to deal with domestic workers seeking help to leave the country or secure unpaid wages.

Although the MOSA center provides a useful conduit to assist domestic workers trapped by unreasonable immigration policies, 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. Some domestic workers reported the police at the MOSA center forced them to return to their employers against their will.

In some cases, MOSA staff fail to screen for physical and sexual abuse and do not provide adequate interpretation when taking statements or informing workers about the status of their cases. Nur A. told Human Rights Watch, “When the employer came to the SSWA [MOSA center], I kept waiting, I didn’t get my four months’ salary. I didn’t say anything about the rape to the police. There was no translator.²⁵¹ Police or labor officials did not always inquire about the incidence of physical or sexual abuse, and domestic workers, often intimidated by their surroundings, did not always volunteer this information without specific questioning. Gina R., who had been beaten by her agent, said, “The police [at the MOSA center] questioned me how many months I stayed with my employer, but they didn’t ask about my agent. They didn’t ask about my injuries because I was wearing an abaya.”²⁵²

As mentioned earlier in the section on “Employment Contracts and Recruitment Practices,” employers should pay for a domestic worker’s ticket home if she was forced to leave her employment early because of mistreatment. In practice this provision is not well-enforced. When employers refuse to pay, domestic workers must find the money themselves, sometimes appealing for funds from relatives at home. In some cases of egregious abuse, the Saudi government, the labor-sending country, or local organizations will donate the money. In other cases, agents provide tickets and resolve cases.²⁵³ But many times, a domestic worker must reach out to

²⁵¹ Human Rights Watch interview with Nur A., Indonesian domestic worker, Riyadh, December 7, 2006.

²⁵² Human Rights Watch interview with Gina R., Filipina domestic worker, Riyadh, December 7, 2006.

²⁵³ Human Rights Watch interview with embassy official P from a labor-sending country, Riyadh, December 3, 2006.

friends and family or agree to work for an additional two to three months for a new employer to raise the necessary funds.

Saudi officials criticized the foreign missions of labor-sending countries for failing to aid their nationals. For example, one official said, “the embassies are trying to get away from assisting these women because they want to avoid the financial burden of deporting them. That is why the Ministry of Social Affairs spends so much money in repatriating women.”²⁵⁴ On the other side, embassy officials assert they dip into funds to buy domestic workers’ tickets home and assist with investigations. One labor attaché said, “We have to use our own vehicles to trace sponsor’s homes.... We provided tickets to 97 ladies in the past few weeks alone.”²⁵⁵ In addition, he complained that they did not receive information about domestic workers referred directly to the MOSA center instead of via the embassy, saying, “They are still keeping all of their records manually and do not send us information.”²⁵⁶

Despite the shortcomings of the center, it is one of only a few ways to leave the country when a domestic worker’s employer has refused to grant her an exit visa. However, admittance is subject to strict health requirements. According to the administrator of the Riyadh shelter, domestic workers cannot have a cold, fever, other sicknesses, or be pregnant.²⁵⁷ These conditions are presumably imposed to prevent the spread of infection in the overcrowded shelters, and in the case of pregnancy, not to accept cases that may involve violations of Saudi law. Many workers and officials from labor-sending countries complained that workers are rejected even when they are not sick.

Long waiting periods and lack of information

For four months I did not get my salary. I don’t have money for a return ticket to Sri Lanka. I have no money. Not only me, but many people don’t have money. Now I have been here for one month. One person

²⁵⁴ Human Rights Watch interview with Fawzi Al-Dahan, March 10, 2008.

²⁵⁵ Human Rights Watch interview with embassy official O from a labor-sending country, Riyadh, March 11, 2008.

²⁵⁶ Ibid.

²⁵⁷ Human Rights Watch interview with Abdullah Jazi Al-Jad, December 6, 2006.

worked in Saudi Arabia for four years with no money, she has been in the Olaya camp [MOSA center] for six months.

—Mary J., Sri Lankan domestic worker, MOSA center, Riyadh, December 7, 2006

Long waiting periods in the MOSA center are common, with a domestic worker's life suspended for two weeks to eight months.²⁵⁸ An official from the Sri Lankan embassy confirmed that some Sri Lankan women had to wait for longer than one year.²⁵⁹ Women interviewed by Human Rights Watch there were typically desperate to leave the facility immediately and return to their countries, but had to wait for indeterminate amounts of time with little means for contacting their embassies or the Saudi authorities handling their cases. The women have committed no crime but are held in de facto detention. (Embassy officials report that in smaller cities with no access to the MOSA center, for example, 'Ar'ar in the province of al-Jawf, police keep escaped domestic workers with complaints against their employers in jail until their cases are resolved.²⁶⁰)

According to domestic workers in the MOSA center, "The ones who stay for many months are the ones who don't have money. Some of the maids have to beg for the money, for the amount of the ticket."²⁶¹ One diplomat handling labor cases said, "Even the authorities forget how long she has been waiting. It is not a big deal to them, ok, the employer didn't come, didn't pay, but we remind them."²⁶²

The long stays at the MOSA center may come at the end of long waits at other locations. For example, Human Rights Watch interviewed Thanuja W. who said, "I was at the agency for five months. Then I was at the embassy for three months. I have been here [at the MOSA center] for two months. I always asked my employers

²⁵⁸ The range of two weeks to eight months comes from Human Rights Watch's interviews with domestic workers and officials from labor-sending countries. The director of the MOSA center claimed most cases were dealt with in two weeks, but the minister of social affairs told Human Rights Watch, "The average runaway stays three to four months in our institutions," Human Rights Watch interview with Dr. Abd al-Muhsin al-'Akkas, minister of social affairs, Riyadh, December 2, 2006.

²⁵⁹ Human Rights Watch interview with a Sri Lankan embassy official who requested anonymity, Riyadh, March 2008.

²⁶⁰ Human Rights Watch interview with embassy official M from a labor-sending country, Riyadh, March 10, 2008.

²⁶¹ Human Rights Watch group interview with domestic workers, MOSA center, Riyadh, December 6, 2006.

²⁶² Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, December 13, 2006.

for my salary, after two years of working, they still didn't pay me, they sent me back to the agent."²⁶³

The indefinite periods of stay in the shelters imposes hardship on domestic workers, particularly since many had experienced trauma, had not received their wages and were desperate to start working again, or were anxious to reunite with their families. Nur A. told us, "I am nervous to go to the SSWA [MOSA shelter], because I know most people who go there spend three or four months there. I am worried if I go to the SSWA I will spend a long time there."²⁶⁴ Most confronted acute financial pressures and could not afford to spend months without pay.

The MOSA staff do not provide domestic workers in the shelter with adequate information about the shelter or regularly updated information about their situations. In addition, MOSA staff confiscate mobile phones and prevent domestic workers from reaching out to family or making independent calls to consular officials. One detained worker told Human Rights Watch, "One of my friends had a mobile and they took it. I cannot make a telephone call, we can't call the embassy."²⁶⁵

With little information about the nature of the MOSA center, their legal status, their rights, and the status of their cases, and with no freedom to leave the locked facilities, many domestic workers believed they were in a women's prison or detention center. A diplomat from a labor-sending country said, "Many of our girls have complained in our media [upon returning home]. They say the embassy sent us to jail."²⁶⁶ Human Rights Watch interviewed a returned domestic worker in Sri Lanka, Sepalika S., who had transited through the MOSA center and said,

[T]he police put me in a prison cell where the housemaids who have faced problems stay.... it's one of their police divisions.... I was locked up ... they have rooms for Sri Lankan housemaids, Indonesian housemaids, Filipina, and Nepalese housemaids. They asked me

²⁶³ Human Rights Watch interview with Thanuja W., Sri Lankan domestic worker, MOSA center, Riyadh, December 6, 2006.

²⁶⁴ Human Rights Watch interview with Nur A., Indonesian domestic worker, Riyadh, December 7, 2006.

²⁶⁵ Human Rights Watch group interview with domestic workers, MOSA center, Riyadh, December 6, 2006.

²⁶⁶ Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, December 13, 2006.

questions like whether I stole anything when I ran away, and they checked my body to see whether I had anything hidden. They asked me why I left that house, whether the Baba is not good, and did I take anything with me when I left.²⁶⁷

Officials from different embassies reported that in early 2008 some domestic workers in the MOSA center grew so frustrated with their long waits and lack of information that they protested, causing minor property damage to the center. The Saudi government imprisoned at least 12 domestic workers for two months for being the leaders of this protest.²⁶⁸

Labor dispute resolution

A major function of the MOSA center is to mediate labor disputes. Since the labor code currently excludes domestic workers, domestic workers do not have clear, enforceable standards on their conditions of work, access to labor courts, or standard complaint mechanisms through the Ministry of Labor.

The availability of police at the MOSA center to track down errant employers, to force them to present themselves to discuss wage disputes, and to pay withheld salaries greatly increases its enforcement capacity. Human Rights Watch found that the Saudi police were able to help some domestic workers partially or fully resolve their cases. However, we also learned of many cases in which employers refused to come to the MOSA center, and the domestic worker had little choice but to accept her fate and to scramble for money for her ticket home. For example, Indrani P. did not receive her owed wages and had to pay for her ticket home:

Twice the police spoke to my employers. The first day, they said there was no such maid at our house. The second time, no one picked up the phone. In the camp [MOSA center], the person who translated was another housemaid. They asked if I was willing to work in another

²⁶⁷ Human Rights Watch interview with Sepalika S., returned Sri Lankan domestic worker, Katunayake, Sri Lanka, November 9, 2006.

²⁶⁸ Human Rights Watch interview with embassy official M from a labor-sending country, Riyadh, March 10, 2008.

house, and I refused. They asked if I had cash for a ticket, and I said yes.²⁶⁹

Saudi law provides that in civil cases, domestic workers should receive their payments expeditiously when there are judgments in their favor. Article 199(c) in the second part of the civil procedure code stipulates, “A judgment incorporating a provision for expeditious execution, with or without bond at the discretion of the judge, shall be made in the following circumstances: ... (c) If the judgment is for the payment of wages to a servant, craftsman, workman, wet-nurse, or nurse-maid.”²⁷⁰ Domestic workers’ cases rarely reach the courts, but the principle of enforcing timely repayment of wages should be applied to the MOSA center labor dispute resolution mechanism.

The Saudi government has yet to enforce all employers’ compliance and does not consistently pursue employers who simply refuse to respond. For example, Sari L. said, “I don’t know if I’ll get my eight months’ salary.... They called my first employer and we sat together and she said I’ll bring money and she never came again. I have been here for one and-a-half months, the employer is not returning their phone calls anymore.”²⁷¹

Saudi officials denied the extent of unpaid wages and maintained that their courts often favored migrant workers. One official told Human Rights Watch, “The employer tries to give the salary to the domestic worker, but she refuses to take it. She asks the employer to keep it for safekeeping. Then when she asks for her salary, it is difficult for her employer to provide the full amount at once. When she is not provided her salary, she runs away.”²⁷² An official from the Ministry of Labor said, “in

²⁶⁹ Human Rights Watch interview with Indrani P., Sri Lankan domestic worker, Riyadh, December 15, 2006.

²⁷⁰ The Law of Procedure before Shari’ah Courts, Royal Decree No. M/21, 20 Jumada 1 1421 [19 August 2000], Umm al-Qura No. 3811 – 17, Jumada II 1421 [15 September 2000], part 2, art. 199c.

²⁷¹ Human Rights Watch interview with Sari L., Indonesian domestic worker, MOSA center, Riyadh, December 6, 2006.

²⁷² Human Rights Watch interview with Adel Farahat, international cooperation advisor, Ministry of Social Affairs, Riyadh, March 9, 2008.

the courts, the burden is on the *kafil* (sponsor) to provide evidence that he paid the salary.”²⁷³

Human Rights Watch documented many cases in which the domestic worker claimed she had not been paid for several months, and the employer either denied the accusation or failed to show up for questioning. Employers also wield great power since, under the *kafala* system, they control the worker’s ability to transfer to a new employer or obtain an exit visa to return home. This imbalance of power, combined with long waiting periods in the center, the uncertainty of the outcome trying to collect owed wages, and the desperation of many women to return home and be reunited with their families means that final settlements frequently involve domestic workers foregoing their full or partial wages in order to obtain exit visas to leave the country.

According to the Saudi Ministries of Labor and Social Affairs, employers who fail to pay wages may be blacklisted from hiring another domestic worker for five years, and, in egregious or repeat cases, for life.²⁷⁴ Employers do not face any other penalty and domestic workers receive no restitution. When asked whether the Saudi government had plans to institute more substantial penalties against delinquent employers, the officials Human Rights Watch spoke to suggested the current sanctions are sufficient.²⁷⁵ Despite several requests, the Saudi government did not provide Human Rights Watch with updated numbers of employers who have been blacklisted.

On occasion, in high-profile and egregious cases, an individual or organization steps in to assist the woman. In late 2007 Prince Salman, the governor of Riyadh, donated the equivalent of 12 years of salary to Girlie Malika Fernando, a 53-year-old Sri Lankan domestic worker whose employer had not paid her for 13 years and who died

²⁷³ Human Rights Watch interview with Fawzi Al-Dahan, March 10, 2008.

²⁷⁴ Decree, Ministry of Labour No. 738/1 dated 16/5/1425h. Human Rights Watch interview with Mohamed Rashid Al-Suleiman, director for Expatriate Workers’ Care Department, Ministry of Labor, Riyadh, December 13, 2006: “There is close coordination between the Ministry of Social Affairs and the Ministry of Labor. If the employer doesn’t pay wages for the housemaid, they send a letter to us, we put them on the blacklist.”

²⁷⁵ Human Rights Watch interviews with Dr. Ghazi al-Qusaibi, minister of labor, Riyadh, December 3, 2006, and Fawzi Al-Dahan, March 10, 2008.

before the case was settled.²⁷⁶ Media attention also helped apply pressure in the cases of Reeta Nisanka, a Sri Lankan domestic worker initially paid for only three months out of nine years of work (her employer paid her in full in an “amicable” agreement and received no other punishment), and Anista Marie, a Sri Lankan domestic worker paid for two years out of ten years of work.²⁷⁷ Even in highly publicized cases, there may be little punishment for employers or enforcement of wage settlements. Anista Marie’s employer refused to return her passport and, out of 40,000 riyals (\$10,400) owed, only paid 8,500 (\$2,210) to Anista Marie before her repatriation, agreeing to send 11,500 riyals (\$2,990) to her in Sri Lanka.²⁷⁸ In far too many other cases, the employer gets away with his or her crime completely, and the domestic worker goes home penniless.

The Saudi government has created other checks on the payment of wages, including forms for domestic workers to sign acknowledging monthly receipt of their salaries and asking immigration officials to screen for unpaid wages before a domestic worker’s departure to her home country. However, these measures have yet to be widely implemented.²⁷⁹ Furthermore, domestic workers are generally unaware of these procedures. As one embassy official commented, “The employer has written everything in Arabic, the girl gives her fingerprint, she doesn’t know what it’s for. But she hasn’t gotten her salary.”²⁸⁰ In other cases, domestic workers who may be intimidated by immigration officials, afraid of not getting on their flight, and sometimes instructed by their employers to lie, do not disclose unpaid wages.²⁸¹

Deportation

When domestic workers leave their legal immigration sponsors, whether escaping abusive conditions or seeking better work conditions and pay as undocumented

²⁷⁶ Mohammed Rasooldeen, “Salman Helps Maid Who Was Not Paid for 13 Years Go Home,” *Arab News*, November 4, 2007.

²⁷⁷ Mohammed Rasooldeen, “Sponsor Pays Maid Nine Years’ Back Wages,” *Arab News*, January 1, 2008.

²⁷⁸ Mohammed Rasooldeen, “Sri Lankan Maid Heads Home After 10 Miserable Years,” *Arab News*, January 9, 2008.

²⁷⁹ An official from the Ministry of Labour said that employers “sometimes” bring domestic workers to the passport office to verify whether they have received their full wages. Human Rights Watch interview with Fawzi Al-Dahan, March 10, 2008.

²⁸⁰ Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, March 10, 2008.

²⁸¹ Human Rights Watch interview with Dr. Ghazi al-Qusaibi, December 3, 2006: “This is a problem sometimes. They are afraid to say that they don’t get their wages.”

workers, they have two main options for returning to their home countries. The first is to seek assistance from government authorities, either their embassy or the Saudi Ministry of Social Affairs. The second is to go the “backdoor” route of deportation from Jeddah.

The deportation center in Jeddah was originally set up to help repatriate pilgrims who lost their documents or overstayed their trips in Mecca. As their only resort out of the country, migrants often pay bribes to enter the deportation center. Indonesians, who are primarily Muslim, paid the lowest fees, while Sri Lankans and Filipinos had to assume Muslim names and pay higher bribes to enter the facilities. Though Human Rights Watch did not obtain access to the deportation center, interviews with migrants, embassy officials, and Saudi officials indicate the deportation center is extremely overcrowded with poor living conditions.²⁸² According to a news report, there are 8,000 residents in the center, which has a capacity for 5,500.²⁸³

Migrant domestic workers unable to secure exit visas from their sponsors and unable to go through the MOSA center may have no other alternative than to pay a bribe and go to the deportation center to leave the country.²⁸⁴ Those who have left their original employers and have been working as undocumented “freelancers” for several years must typically leave the country through deportation.

According to consular officials in Jeddah, the MOSA center in Riyadh is not open to migrant domestic workers in Jeddah and other western provinces, and these officials struggle to find ways to repatriate domestic workers who have encountered problems with their employers. One consular official told us, “In Riyadh they have the SSWA [MOSA center]. They can endorse the exit visas, they are responsible, but here, no. We are the consulate, giving the call to the employer. There is no reply. There is nowhere to go.”²⁸⁵

²⁸² “Saudi Arabia: New Video Confirms Torture in Prison,” Human Rights Watch news release, April 27, 2007, <http://hrw.org/english/docs/2007/04/27/saudia15774.htm>.

²⁸³ Siraj Wahab, “Indian Overstayers Clog Deportation System,” *Arab News*, June 6, 2007, <http://arabnews.com/?page=1§ion=0&article=97133&d=6&m=6&y=2007> (accessed June 8, 2007).

²⁸⁴ Human Rights Watch interviews with Marisa G., Filipina domestic worker, Jeddah, December 8, 2006, and consular official F from a labor-sending country, Jeddah, December 10, 2006. See also Joe Avanceña, “Backdoor exit,” *The Saudi Gazette*, December 1, 2006.

²⁸⁵ Human Rights Watch interview with consular official E from a labor-sending country, Jeddah, December 9, 2006.

In such cases, a domestic worker's recruitment agent or peers may advise her to raise the money to pay the bribe money to go to the deportation center. For example, Human Rights Watch interviewed one domestic worker in Jeddah whose employer did not authorize her exit visa, and who was weighing her options on how she could return to the Philippines. She said, "Last week my agent ..., he said that in my case, Baba doesn't answer the phone. He said, 'If you want to go home, go to deportation.'"²⁸⁶ Her agent provided her with a return air ticket. Even domestic workers owed substantial sums of money from their employers may have to resort to this option. Sandra C. told us,

The embassy staff wants to go [to] the house of the employer with a case officer. They owe me 34,000 riyals [\$8,840]. Now I want to work for payment so I earn the 500 riyals [\$130] for deportation. My mother and father need money, they need me to go home, but my employer didn't want me to leave.... The embassy tells me that if my employers don't want to give me my salary, I will have to work one month to earn the deportation fees.²⁸⁷

In Jeddah several domestic workers reported that their embassy informally advised them to return home through the Jeddah deportation center rather than assisting them. For example, Marilou R. said, "I told the case officer that I want to go home. I only need the exit visa. For the ticket, I have friends who will give money.... A case officer told me it is better to go home through deportation. I said, 'No! I want my salary. I don't want to go as an illegal, I want to go legally.'"²⁸⁸

In some cases, domestic workers who left their original employers and continued to work in Saudi Arabia independently without full legal status may have children, typically through consensual relations with another migrant worker. These children have no documentation, as their parents must have a valid residency permit for a child to be registered. Both mother and child become effectively trapped in Saudi

²⁸⁶ Human Rights Watch interview with Adelina Y., Filipina domestic worker, Jeddah, December 9, 2006.

²⁸⁷ Human Rights Watch interview with Sandra C., Filipina domestic workers, Jeddah, December 9, 2006.

²⁸⁸ Human Rights Watch interview with Marilou R., Filipina domestic worker, Jeddah, December 10, 2006.

Arabia as efforts to repatriate or deport them could result in prosecution for adultery. An embassy official said,

We cannot get an exit visa for them because of the issue of immorality. The [Saudi authorities] will put them in jail first.... We have no way to repatriate the child.... The Saudi authorities refuse to concede this problem exists.... There should be an amnesty program for children, and for all the illegals in the country.²⁸⁹

Repatriation of Migrants' Remains

Why does a dead person need an exit visa?

—Embassy official from a labor-sending country, Riyadh, March 8, 2008

The constraints of the *kafala* system are particularly evident in the bureaucratic challenges and delays that embassies face in repatriating the remains of migrants who die in Saudi Arabia. When consular officials from labor-sending countries are unable to obtain the consent of the sponsor to approve the exit visa, either because the sponsor refuses or because the sponsor could not be identified, they must approach the governor of the province to clear the administrative hurdles. One embassy official told us, “Without the sponsor’s cooperation, it is hard to send the body back ... The main problem is the sponsor has to change and authenticate the documents.”²⁹⁰

Given the volume of migrants in the country, the embassies must often deal with numerous repatriations per month. One official from a labor-sending country said: “We send home an average of 20 bodies a month. Every month it is a problem, usually because of the sponsor. Illegal stayers or runaways usually have to go to the governor. You can imagine how long the line is. For legal migrants, it typically takes

²⁸⁹ Human Rights Watch interview with embassy official B from a labor-sending country, Riyadh, March 8, 2008.

²⁹⁰ Human Rights Watch interview with embassy official K from a labor-sending country, Riyadh, December 14, 2006.

three weeks to one month to repatriate the remains; for an illegal migrant, it could take months.”²⁹¹

Human Rights Watch interviewed diplomats who have struggled for up to a year to repatriate remains. For example, it took a year to send the body of a Sri Lankan domestic worker whose medical reports suggest she died from malnutrition and tuberculosis, and who was not paid for the entire five years of her employment. The employer was arrested and paid part of the owed wages to her family, but they could not repatriate the body until the financial settlement was cleared.²⁹² In another case, an official from the Indonesian embassy said, “We have a case of a lady who died six months ago.... We could not find the sponsor. We got permission from the governor [of Riyadh to get her exit visa] but the civil registration will not give us a certificate without her passport or *iqama*.”²⁹³

At other times, the Saudi authorities handling the case are slow, uncooperative, or demand kickbacks. One embassy official told us, “If the sponsor is not available, then the police can do it. They have been reluctant, when we talk to them, they say ‘*inshallah, inshallah*’ (God willing). [They expect us] to give some riyals or the ‘whiskey quota’ [diplomats in Saudi Arabia may bring in a quota of alcohol].”²⁹⁴

The Criminal Justice System

I want to go home. To go home, they said I have to drop the charges [against my employer]. I have been sitting here for eight months already. I have been sitting here, with no money and no job. If I return back home, my body has been beaten, I am without money, that is what makes me sad.... If it is my luck, it will be [my employers will get punished and I will get compensation]. Otherwise, I will accept my fate. I told my husband already and he said to let Allah punish my employer.

²⁹¹ Human Rights Watch interview with embassy official L from labor-sending country, Riyadh, March 8, 2008.

²⁹² Human Rights Watch interview with a Sri Lankan embassy official who requested anonymity and review of medical records, Riyadh, December 2006.

²⁹³ Human Rights Watch interview with an Indonesian embassy official who requested anonymity, Riyadh, March 2008.

²⁹⁴ Human Rights Watch interview with embassy official D from a labor-sending country, Riyadh, December 4, 2006.

—Mina S., Indonesian domestic worker whose employer beat her, deprived her of food, and failed to pay any salary, Riyadh, March 12, 2008

Under international human rights law, and specifically flowing from treaties that Saudi Arabia has become a party to, it has a clear legal obligation to ensure that there are effective penalties, including criminal sanctions, both on the books and in practice, for anyone who engages in or is complicit in all forms of forced labor and servitude, and abuse amounting to torture or inhuman and degrading treatment.²⁹⁵

Cases of police mistreatment and abuse

Domestic workers reported mixed experiences in obtaining assistance from the police. Some domestic workers received aid and referrals from the police that enabled them to leave abusive employers and then seek assistance at the Ministry of Social Affairs shelter or their embassy. In other cases, however, police officers refused to believe domestic workers' accounts, forcibly sent them back to their employers, or did not take proper measures to ensure their safety.

Several officials from labor-sending countries said that cooperation with police has improved, for example, in arranging rescues from workplaces where domestic workers are confined. However, this level of cooperation is not consistent and embassy officials may need to overcome bureaucratic hurdles. One official commented, "Sometimes we will get information from a housemaid illegally put in a house. We will talk to the police, but they need a letter from the governor, otherwise [they will not go to the house] they will just call."²⁹⁶

²⁹⁵ Article 4 (1) of the Forced Labour Convention, in force in Saudi Arabia since 1978 provides, "The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations." Article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, in force in Saudi Arabia since 1973, states, "Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about ... as soon as possible the complete abolition or abandonment of the following institutions and practices ... [d]ebt bondage, ... [s]erfdom." In *Siliadin*, the European Court of Human Rights held that France's failure to ensure that slavery and servitude were specifically classified as offences under French criminal law, was a violation of their positive obligation to ensure that both practices were prohibited. Article 4 of the UN Convention Against Torture requires that "[e]ach State Party shall ensure that all acts of torture are offences under its criminal law," and article 16 provides that "each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment...".

²⁹⁶ Human Rights Watch interview with embassy official M from a labor-sending country, March 10, 2008.

In other cases, police are negligent in their response to cases of abuse. Ponnamma S. described to Human Rights Watch her experience of approaching the police after escaping from her employers:

A senior officer came. I complained about the marks. I complained that Baba had beaten me up. Baba claimed that he was not there at the time. Then they asked if Baba paid me. I said, “For one-and-a-half years I have not been paid.” I refused to go back to Baba. I insisted to go to the embassy house.... The police told Baba to drop me at the embassy, but he took me back to the house.... The lady beat me really badly. She told me, “Anywhere you go in Saudi Arabia, they’ll return you back here. Even if we kill you, the police won’t say anything to us. If you hadn’t run, we would have killed you and thrown you in the trash.”²⁹⁷

In a few cases, domestic workers reported sexual harassment or sexual assault committed by a police officer. Sri H. told us, “Once I went to the police. I called 999 [emergency number for the police]. What happened is that the police asked me to go out with him and have sex with him.”²⁹⁸ Dian W. had run away from her employer and was trying to get entry to the MOSA center. She told us, “The police officer said, ‘Wait, if you want a letter from the police and the chance to sleep at the shelter, you should sleep with me and tomorrow you can enter the shelter.’”²⁹⁹

When Chemmani R. approached a police officer after escaping from her employer, a police officer took her to an isolated area and raped her.³⁰⁰ When he stopped the car and got out to buy water, she grabbed his driver’s license and ran out. She said, “When I went to the police station, they told me, ‘You are a housemaid, you are from Sri Lanka; he is from this country, he is a wealthy man, you can’t argue with him, it’s

²⁹⁷ Human Rights Watch interview with Ponnamma S., Sri Lankan domestic worker, Riyadh, December 14, 2006.

²⁹⁸ Human Rights Watch interview with Sri H., Indonesian domestic worker, Riyadh, December 5, 2006.

²⁹⁹ Human Rights Watch interview with Dian W., Indonesian domestic worker, Riyadh, March 11, 2008.

³⁰⁰ Human Rights Watch interview with Chemmani R., returned domestic worker, Habaraduwa, Sri Lanka, November 14, 2006.

better that you go back to your country.” The police then transferred Chemmani R. to the deportation center with no opportunity to pursue her case.³⁰¹

Many of the officials from foreign missions of labor-sending countries who support workers with criminal cases complained about the lack of systems and competence among the Saudi police. For example, if a police officer gets transferred, “They leave no file of the case. The new officer tells you to call the previous police officer.”³⁰² These officials also cited the need for a special desk in each police station to handle sexual violence cases.

Flawed investigations and protracted criminal proceedings

I haven't seen any rape case [that] has prospered to the point of conviction. Most cases are never able to be prosecuted.

—Embassy official B, who monitored all criminal cases for a labor-sending country for the past few years, Riyadh, March 8, 2008

In most cases we are settling for financial settlements. The domestic workers cannot withstand the rigors of trial, the long waiting periods, it takes nine months, a year. The court process is very slow.

—Consular official E from a labor-sending country, Jeddah, December 9, 2006

Inadequate investigation and collection of evidence in cases where employers or an agent has abused a domestic worker adversely affects the strength of their case. Human Rights Watch learned of cases where Saudi authorities refused to mandate paternity tests for Saudi men and boys accused of raping domestic workers who bore children as a result. A domestic worker raped by her employer and five months pregnant attempted to file a complaint with the police, but “they refused to register the case and forwarded her to the [MOSA] shelter. [To gain admission] they didn’t write that she was pregnant.”³⁰³

³⁰¹ Ibid.

³⁰² Human Rights Watch interview with embassy official B from a labor-sending country, Riyadh, December 3, 2006.

³⁰³ Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, March 10, 2008.

In many cases, domestic workers are not able to pursue criminal charges against an abusive employer or agent due to pressure from the Saudi authorities or insufficient evidence. With the assistance of their embassy, they may be able to get an out-of-court financial settlement, but in other cases they go home with nothing. Domestic workers are often only able to escape from their employer's home several days or weeks after the incident of violence occurred. In such cases, they are required to file a police report before they can undergo a forensic exam for any remaining evidence.³⁰⁴ This requirement presents further delays, especially as they must return to the police of the jurisdiction where the crime was committed. An officer from a labor-sending country dealing with such cases noted, "One of the problems is that the domestic worker does not know where she lives. She is a virtual prisoner, she doesn't know where to bring us."³⁰⁵

For those cases that go to trial, domestic workers must endure months or years of waiting for the proceedings to conclude. They typically wait in overcrowded shelters at their embassies, unable to work, unable to leave the embassy grounds, and in limited or no communication with their families at home. Even after such long waits, the outcome may not be in their favor, as in the case of Haima G., profiled in the trafficking section of this report. A lawyer for the Indonesian embassy said approximately 60 percent of cases result in convictions.³⁰⁶

Human Rights Watch interviewed a Sri Lankan domestic worker, Chamali W., who had been raped by her employer's son. She said,

They examined me and proved that I was raped, but not pregnant. Since then, I haven't stepped into a court at all.... The police have not given me any more information. I ask every two months. For the last six months, I have been staying here [at the embassy shelter]. I've taken a loan of 50,000 rupees [in Sri Lanka] with interest. My husband has no job, my father is sick. My husband's mother is taking care of my child. I

³⁰⁴ Human Rights Watch interviews with a physician from a public hospital, Riyadh, March 13, 2008, and embassy official L from a labor-sending country, Riyadh, March 8, 2008.

³⁰⁵ Human Rights Watch interview with embassy official P from a labor-sending country, Riyadh, December 3, 2006.

³⁰⁶ Human Rights Watch interview with Nasser Al-Dandani, lawyer, Riyadh, December 4, 2006.

am not able to go back to Sri Lanka because the police case is still going on.... I'm clueless about what people are doing, about whether my employer's son in jail. I have to go back home and pay my debt. If I left now and worked, I could do something about it.... I have wasted six months.³⁰⁷

If the verdict after a lengthy proceeding does favor the domestic worker, she must then be prepared for another wait if the convicted files an appeal. An officer from a labor-sending country working in Saudi Arabia for several years said, "I recall only one rape case in [the] Eastern Province [in 2007] that was a successful conviction." However this case was appealed, and the domestic worker could not wait any longer, dropped the case, and went home.³⁰⁸ Several embassy officials recommended that they be able to designate an attorney to represent the woman after the trial so that she can return home while awaiting the final verdict. "She has to stay for at least a year. She will want to go home and the crime goes unpunished. The locals know that time is on their side."³⁰⁹

Given the lengthy waiting periods and the nature of the Saudi justice system, many officials from foreign missions and their legal advisors pursue financial settlements for abused domestic workers.³¹⁰ Embassy officials felt they have few options given the restrictive immigration framework, their lack of enforcement power over employers, and domestic workers' own desires to return home quickly. "What course of action does she want to take, it is her choice, not the embassy's. If she doesn't want to file a case, go home and get a financial settlement, we emphasize it is her decision. We are obliged to tell her of our previous experiences. How long it takes, where she will stay – in the women's center, that she can't go out or work. They can't work but need to support their families."³¹¹

³⁰⁷ Human Rights Watch interview with Chamali W., Sri Lankan domestic worker, Riyadh, December 14, 2006.

³⁰⁸ Human Rights Watch interview with embassy official B from a labor-sending country, Riyadh, March 8, 2008.

³⁰⁹ Human Rights Watch interview with embassy official L from a labor-sending country, Riyadh, March 8, 2008.

³¹⁰ Human Rights Watch interview with embassy officials from labor-sending countries, Riyadh, March 10 and 11, 2008.

³¹¹ Human Rights Watch interview with embassy official B from a labor-sending country, Riyadh, December 3, 2006.

XI. Labor-sending Countries' Protection Measures and Gaps

I called the agent, and I called the embassy, only the embassy answered me to give me hope or a solution.... I wish the embassy could do more or better. The government of Indonesia should fight. I wish the embassy could be strict with the Saudi people. All the procedures are moving very slowly.

—Sri H., Indonesian domestic worker, Riyadh, December 5, 2006

I am a diplomat, not a social worker.

—Embassy official J from a labor-sending country, Riyadh, March 10, 2008

In the face of restrictive immigration policies that leave migrant women stranded, and the absence of effective local redress mechanisms for victims of abuse, the foreign missions of labor-sending countries play a critical role in providing shelter, services, and legal aid to domestic workers. As discussed in the “Scale of Abuses” section of Chapter III, above, foreign missions handle thousands of cases each year.³¹²

Diplomats at the Philippines embassy noted that although domestic workers “account for 10-20 percent of the Filipinos [in Saudi Arabia], in terms of problems, they account for greater than 90 percent.”³¹³ The ambassador at the Sri Lankan embassy told Human Rights Watch that there were 185 women in the shelter at the time of the interview. He also said he received almost 400 complaints and inquiries each week from Sri Lanka from current domestic workers’ families and returned domestic workers.³¹⁴

³¹² Human Rights Watch interview with embassy officials from labor-sending countries, Riyadh, December 2006.

³¹³ Human Rights Watch interview with Filipino embassy officials, Riyadh, December 2006.

³¹⁴ Human Rights Watch interview with A.M.J. Sadiq, ambassador, Embassy of Sri Lanka, Riyadh, December 2006.

The embassies of Indonesia, Sri Lanka, the Philippines, and Nepal facilitate the repatriation of their nationals by verifying their nationality and preparing temporary travel documents that can be used in lieu of a passport. They also attempt to negotiate financial settlements between employers, domestic workers, and labor recruitment agents in cases of unpaid wages or lack of return tickets. Some missions have created safe houses to provide shelter for domestic workers pending their repatriation or for those who must wait months or years for the conclusion of criminal cases. Finally, these missions may provide access to legal assistance, interpretation, and medical care.

Several of the embassies have also attempted to improve their data collection and monitoring of domestic workers by authenticating contracts, tracking the names and addresses of employers, and blacklisting employers who have committed abuses. For example, one official said “those who commit abuses are blacklisted for five or ten years. For those who commit serious abuses, we blacklist them permanently.”³¹⁵

Constraints to Working in Saudi Arabia

Diplomats from labor-sending countries may face many constraints, including the requirement for domestic workers to have an exit visa before they leave the country, lack of funds to pay for air tickets, and Saudi resistance to embassy safe houses. Officials from several embassies told Human Rights Watch that the existence of their safe houses was precarious, with the Saudi authorities only reluctantly permitting their operation. One official said, “We have no permit to operate the safe house.... They see the need, but won’t give us official recognition.”³¹⁶

The onus of extricating domestic workers from situations of forced confinement falls on embassies, who receive calls from domestic workers seeking help, yet they cannot arrange such rescues without the cooperation of the Saudi police. In some cases, embassy staff team up with the police to rescue a worker locked inside the workplace. In cases without police cooperation, embassies tell domestic workers they must find a way to leave the house by themselves. Some domestic workers may

³¹⁵ Human Rights Watch interview with an Indonesian embassy official who requested anonymity, Riyadh, November 2006.

³¹⁶ Human Rights Watch interview with embassy official P from a labor-sending country, Riyadh, March 8, 2008.

never find the opportunity to escape or must turn to risky methods such as jumping out of windows. One domestic worker told us,

I was crying every day, thinking about it.... I spoke to the Sri Lankan embassy in Sinhala and they told me they cannot come in search of me. Instead, they told me that I should run away and come to the embassy. I did not run away because I was scared.³¹⁷

Those who do escape risk abuse en route to the embassy from individuals purporting to assist them, or arrest and deportation for moving around unaccompanied and without their identity documents. On the other side, embassies face political pressure and must struggle against a commonly held notion among Saudi employers and authorities that embassies encourage migrant domestic workers to run away. The minister of social affairs, Dr. Abd al-Muhsin al-`Akkas, told Human Rights Watch, “Foreign embassies go out of their way to rent safe houses to encourage workers to run away and then the embassies rent them out to new employers for a commission.”³¹⁸ Another embassy official recalled that “in the past, the regular police would attempt to close the safe house down, now they are used to it.”³¹⁹

Given the embassies’ role as a refuge for domestic workers fleeing their employment, they must remain accessible even on weekends and during the night, as these are the most likely times when a domestic worker can escape. Sections of the Philippines embassy remain open on Thursday and Friday for assistance to domestic workers who may escape on the weekend. In contrast, the Sri Lankan embassy in Riyadh did not have a 24-hour security guard available, so when the embassy was closed, a domestic worker arriving in distress could be stranded on the street. This is a particularly risky situation in Saudi Arabia for a woman both unaccompanied by a male guardian, and who has violated immigration laws by “running away” from her sponsor.

³¹⁷ Human Rights Watch interview with Jayanadani A., returned domestic worker, Kandy, Sri Lanka, November 10, 2006.

³¹⁸ Human Rights Watch interview with Dr. Abd al-Muhsin al-`Akkas, Riyadh, December 2, 2006.

³¹⁹ Human Rights Watch interview with embassy official P from a labor-sending country, Riyadh, December 3, 2006.

Lack of Resources and Uneven Response

The only thing that makes me sad is the time I spend on clerical, administrative work, answering calls, handling visitors, air tickets, etc. I cannot do the group therapeutic sessions, I am a social worker, this is my forte, I would love to do this. But I can't because of all the administrative duties.

—Social worker, Philippines embassy safe house, Riyadh, December 7, 2006

Embassies often represent the only advocate a domestic worker has to improve her access to redress, and have strengthened their services and capacity in recent years. However, most foreign missions remain understaffed to deal with the huge volume of complaints, and may not have specialized staff such as social workers or lawyers. They struggle, often falling short, to meet minimum requirements to provide temporary shelter, case management, and other services to domestic workers.

The quality of services varies between each diplomatic mission and often depends on the attitudes of the staff. While some are deeply dedicated to securing aid for their nationals, others are irritated or dismissive of domestic workers' complaints. For example, one ambassador refused to use embassy funds to assist stranded domestic workers with payment of return tickets, saying, "We must have their money because I am strict. If I open the floodgates, we will be swamped."³²⁰ He added, "Would you blame the Saudi employer if he doesn't pay her for two years because otherwise she will run away and work for another?"³²¹

Foreign missions are only located in Riyadh and Jeddah, leaving migrant domestic workers in distant provinces particularly isolated. Diplomats frequently cited this problem, saying that, "Some domestic workers are in remote areas and do not have access to the embassy."³²² The response to such cases also requires increased time, staffing, and resources. One consular official said, "[for example,] a sexual

³²⁰ Human Rights Watch interview with embassy official C from a labor-sending country, Riyadh, December 4, 2006.

³²¹ Ibid.

³²² Human Rights Watch interviews with embassy and consular officials from labor-sending countries, Riyadh and Jeddah, December 2006 and March 2008.

harassment case happens in the western region, in the Aser region, 1200 kilometers away. If the lady complains ... we have to send people 1200 kilometers to coordinate to arrange her escape and bring her to Jeddah. We have to file a case in Abha.”³²³

Embassy staff may assist the domestic worker to liaise with the police and the court system in criminal cases and can help provide legal aid to those facing criminal charges. Embassy staff must identify and provide travel documents for domestic workers in deportation proceedings. While the Philippines government has generally secured legal aid for workers with criminal charges against them, the Sri Lankan and Indonesian governments have been inconsistent in their provision of assistance.

Rizana Nafeek, a Sri Lankan teenager sentenced to the death penalty for the alleged killing of a child in her care, did not have access to legal aid during the two years of her trial until the international outcry after her sentencing (see above). A senior official from the Sri Lankan embassy told us, “In the Rizana Nafeek case, it would cost 50,000 riyals [US\$13,000] to study the case appeal. Fifty thousand riyals. Is it worth it to spend on criminals?”³²⁴ Amanthi K., a Sri Lankan worker who became pregnant after being raped by her employer, was sentenced to prison for extramarital sexual relations and said, “Nobody came to see me in prison after that day in court. The embassy and the lawyer gave me no way to contact them.”³²⁵

Embassies’ advocacy on behalf of their nationals, including investigation and documentation of abuse, has been uneven. While some domestic workers reported a full cataloguing of their experiences, others said they had prominent bruises yet neither the police nor embassy staff documented these bruises through photographs. For example, Ani R. said, “I used to have scars from the beatings.... During my stay in the shelter, the scars have gone away. Nobody took photographs here. The beatings caused scars, redness on my wrists and my back.”³²⁶ One embassy official showed a cavalier and negligent attitude towards cases of sexual abuse, saying, “Unless they

³²³ Human Rights Watch interview with consular official E from a labor-sending country, Jeddah, December 9, 2006.

³²⁴ Human Rights Watch interview with a Sri Lankan embassy official, Riyadh, December 2006.

³²⁵ Human Rights Watch interview with Amanthi K., returned domestic worker, Katunayake, Sri Lanka, November 1, 2006.

³²⁶ Human Rights Watch interview with Ani R., Indonesian domestic worker, Riyadh, December 5, 2006.

are pregnant, we don't ask too much. That is the information that is needed.... If she is not pregnant, then a case of sexual harassment is not useful to us."³²⁷

Understaffing arose as a constraint in interviews with staff from each of the foreign missions interviewed by Human Rights Watch. Lack of female staff to work with women domestic workers, particularly in the safe houses and as social workers, was a significant gap in staffing. One male official said, "According to our culture, a man cannot ask a woman directly about sexual abuse."³²⁸ A diplomat noted the obstacles for female staff, saying, "It is not easy for a woman to work in Saudi without proper guardianship. If we wish to meet officially, it is better if we send male staff, there are no limitations."³²⁹ Human Rights Watch interviewed several domestic workers who had suffered egregious physical and psychological abuse, but who had no professional mental health care despite months or years-long stays in their embassy safe houses.

Many domestic workers interviewed by Human Rights Watch in embassy shelters complained that they had little information about their cases and how long they would have to wait to resolve their travel documents, outstanding wage claims, criminal cases, or return ticket purchases. Without information about the process or regular updates about their case, domestic workers are unable to make fully informed decisions and are often highly depressed or anxious while waiting in the shelters. Dian W., an Indonesian domestic worker, said,

They just give promises and promises that I will go, but it has been a year and nothing has happened.... At least they could inform me on what level is my case.... No one is looking out for me. At least I should have an explanation, whether I get justice or not. I want to go home and work and raise my child.³³⁰

³²⁷ Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, March 10, 2008.

³²⁸ Human Rights Watch interview with embassy official N from a labor-sending country, Riyadh, March 10, 2008.

³²⁹ Human Rights Watch interview with embassy official A from a labor-sending country, Riyadh, November 29, 2006.

³³⁰ Human Rights Watch interview with Dian W., Indonesian domestic worker, Riyadh, March 11, 2008.

Significant diversity exists among the foreign missions' provision of temporary shelter. For example, the shelter for the Filipino embassy had bunk beds for the residents and a compound where they can move around freely and enjoy fresh air. In contrast, a Human Rights Watch researcher visiting the Indonesian shelter found approximately 200 women sleeping in overcrowded rooms infested with cockroaches and mice. The shelter has capacity for fewer than 100 people. Approximately 200 domestic workers at the Sri Lankan safe house in Riyadh slept on the floor and were largely restricted to the second floor of the shelter. The women shared only two bathrooms and reported they could bathe only once or twice a week. A Sri Lankan domestic worker, at the Saudi MOSA shelter at the time of the interview, said, "[At the embassy] there is no place to sleep, we cannot walk around. In the embassy, it's terrible."³³¹ The Nepalese embassy has no safe house for domestic workers and makes only ad hoc arrangements for them.

Aside from food, shelters may not provide other necessary items, such as feminine hygiene products or childcare items. Dian W., who had a baby after being raped by her employer and who had been in the Indonesian embassy safe house for a year when we met her, said it was hard to get hot water for her child. She began to weep as she said,

If anyone is sick, it is difficult to go to the hospital because they need a letter from the embassy or a letter from the police. My baby has a cough and cold.... I have to manage on my own. There has been no check up for the baby after birth. It is very hard to buy cheap medicine, even to buy diapers is very hard because it is very expensive. If someone is going home, they give me ten riyals. It costs 55 riyals to buy diapers. The embassy does not pay for diapers. I get nothing from the embassy.³³²

³³¹ Human Rights Watch group interview with Sri Lankan domestic workers, MOSA center, Riyadh, December 6, 2006.

³³² Human Rights Watch interview with Dian W., Indonesian domestic worker, Riyadh, March 11, 2008.

Arbitration of Labor Disputes by Foreign Missions

When the embassy staff called my employer, he said, “If she wants to go to the Philippines, she can go to the deportation center.” They won’t give me an exit visa, my passport, or my salary. The embassy staff always calls my employers, but they don’t answer. They don’t want to come here, because maybe they are afraid.

—Sandra C., Filipina domestic worker, Jeddah, December 9, 2006

Given the limited redress mechanisms for domestic workers to recover unpaid wages in Saudi Arabia, embassies’ labor sections have begun to arbitrate many of these disputes themselves. Embassy staff collect information about a domestic worker’s complaint and attempt to get in touch with her recruitment agency and employer. Typically, they call an employer to the embassy to turn over the domestic worker’s identity documents and belongings, and to recover unpaid wages and money for a ticket home. One official told us, “We call the employer and ask him to improve the bad behavior. We threaten that we will report him. If the dispute is settled, she can go back to work. Usually they don’t want to release her.”³³³

These labor negotiations may have several different outcomes. A significant barrier to pursuing redress is that many domestic workers, confined inside the workplace and constrained by language barriers, lack basic information such as their employers’ full names, addresses, and contact information. For example, Wati S. described the plight of many domestic workers when she said, “I don’t know my employer’s phone number or address. I just called him Mr. Hassan.”³³⁴ Sisi R. has been waiting at the embassy for 11 months to receive the six years of salary owed her by her employers. In order to track the employer down, embassy staff and Saudi police asked her to direct them to the employer’s home. She said, “We have tried this process six times ... I get lost on the way, I cannot find the home.”³³⁵

³³³ Human Rights Watch interview with embassy official A from a labor-sending country, Riyadh, November 29, 2006.

³³⁴ Human Rights Watch interview with Wati S., Indonesian domestic worker, Jeddah, December 11, 2006.

³³⁵ Human Rights Watch interview with Sisi R., Indonesian domestic worker, Riyadh, March 11, 2008.

While the Saudi immigration department and embassies of labor-sending countries should have employer information from the initial processing of workers' visas, in many cases officials are unable to track this data down. Human Rights Watch was unable to secure a meeting with the Saudi immigration department and did not receive responses to several written information requests to learn more about this issue. An official from the Ministry of Labor said that in some cases domestic workers did not provide their real names because they were afraid about the consequences of having run away from their employers.³³⁶ Several embassy officials explained that their records only show which workers were given authorization to come to Saudi Arabia, but they do not have the dates or confirmation of entry into the country. Saudi Arabia and labor-sending countries need improved coordination and a better database that tracks the name, address, and contact information for each employer and worker. Otherwise, officials are unable to locate employers to settle labor disputes or file criminal charges.

Even when embassies are able to contact an employer, negotiations to resolve unpaid wages or tickets often result in financial settlements that reflect the power disparity of a worker's word against her employers, and the lack of authority and enforcement power a foreign mission has over a Saudi national. Both embassy officials and domestic workers complained about situations in which employers refused to even come to the embassy to discuss wage disputes. A senior consular official in Jeddah said, "I can count on one hand how many times employers came after one call."³³⁷

Given an employer's ability to withhold permission for a worker's exit visa or transfer to another job, they have tremendous bargaining power when settling wage disputes. Sri H. said, "They have tried to get my nine months' salary and ticket, but my sponsor doesn't answer."³³⁸ Latha P. said,

Baba kept saying that he paid my salary. The embassy people told the police, "If you claim she has been paid her salary, then she should

³³⁶ Human Rights Watch interview with Fawzi Al-Dahan, March 10, 2008.

³³⁷ Human Rights Watch interview with consular official E from a labor-sending country, Jeddah, December 9, 2006.

³³⁸ Human Rights Watch interview with Sri H., Indonesian domestic worker, Riyadh, December 5, 2006.

have been paid in front of us.” They kept on insisting they paid my salary, they said I was lying. Now I have given up and I told the embassy people, “Put me in another house so that I can earn money for a ticket.” Sir tried, but can’t because Baba has given a written statement that I can’t work in another house.³³⁹

The current process often leads to domestic workers having to accept whatever amount the employer is willing to offer. Indrani P. recounted her negotiation process, “They gave me six months’ salary all at once, but not the remaining two months. They gave me the salary and scolded me. They said, ‘Shut up and take what we give you.’”³⁴⁰ Some nationals complain that their foreign missions do not advocate effectively on their behalves. An NGO activist told Human Rights Watch, “The staff tell domestic workers to accept the settlements or the whole case will be lost. But it’s not true, if they don’t agree, they can take the case forward.”³⁴¹

In many cases, the embassy’s attempts to recover wages drag on and domestic workers are desperate to return home. Having been apart from their families for a long period, sometimes traumatized from their work experience, and under financial pressure to resume working, domestic workers often feel they have no choice but to forego their full wages and pay their return ticket themselves. An official from a labor-sending country said, “We get pressure from the family, the Saudi government and the girl herself. She cries that she wants to go home without her back pay. Usually there is a compromise. We’re thankful just to get the money for her ticket home and her safety.”³⁴² Marjorie L. told us, “I was willing to buy my own ticket, but I needed an exit visa and my passport. So the [consulate] called my first employer and they said, you should get your salary. They helped me file a case. I didn’t want any case, it has been two months now, and I am still here. [The consular official] said, ‘No, we need to get the money.’ I want to go back to the Philippines if I can swim, walk, or fly—because I want to see my baby.”³⁴³

³³⁹ Human Rights Watch interview with Latha P., Sri Lankan domestic worker, Riyadh, December 15, 2006.

³⁴⁰ Human Rights Watch interview with Indrani P., Sri Lankan domestic worker, Riyadh, December 15, 2006.

³⁴¹ Human Rights Watch interview with Daniel S., Filipino migrant worker and activist, March 8, 2008.

³⁴² Human Rights Watch interview with embassy official J from a labor-sending country Riyadh, December 13, 2006.

³⁴³ Human Rights Watch interview with Marjorie L., Filipina domestic worker, Jeddah, December 9, 2006.

In some cases, domestic workers return home without their full salaries and then send requests to the embassy to help them recover their wages. “Most commonly, five or six months after arrival, they wait and expect their employer to send money. We will try to settle that,” an embassy official said.³⁴⁴ Once the domestic worker has left the country, employers are even less likely to respond to embassy efforts to resolve cases of unpaid wages and other disputes.

³⁴⁴ Human Rights Watch interview with embassy official A from a labor-sending country, Riyadh, November 29, 2006.

XII. Detailed Recommendations

The Saudi government has shown some concern about abuse against domestic workers, as demonstrated by the creation of shelters by the Ministry of Social Affairs, proposals to amend the Labor Code, and public service messages about better treatment of domestic workers. But much more systematic and social change is required.

Reforms in recruitment systems both in countries of origin and in Saudi Arabia are a critical factor to ensure migrant women obtain accurate, full information about their jobs, copies of their contracts in a language they understand, and avenues for assistance if needed. Transformation of labor and immigration policies is also key: currently the *kafala* system and the exclusion of domestic workers from labor laws place migrant domestic workers at high risk of exploitation. Finally, the Saudi government must implement massive improvements in the criminal justice system, labor-dispute mechanisms, and repatriation channels to ensure that those domestic workers who are unfortunate enough to encounter abuse also find justice.

To the Government of Saudi Arabia

Provide equal and comprehensive legal protection to migrant domestic workers, a timeline for adopting such protections, and the tools for implementation.

- Adopt the proposed annex to the labor law to extend protections to domestic workers. Ensure this amendment guarantees protections equal to those afforded other workers, including provisions governing hours of work, payment of wages, overtime, salary deductions, a weekly rest day, paid holidays, and workers' compensation.
- Ensure the proposed annex is justiciable through the labor courts.
- Improve domestic workers' access to labor courts to resolve wage disputes and other labor matters.
- Implement provisions in the Civil Procedure Code that require expedited payment of owed wages to domestic workers.

- Introduce mandatory orientation programs for Saudi employers on their legal rights and obligations when employing a domestic worker, strategies for dealing with misunderstandings due to communication barriers and cultural differences, and referrals to resources if problems should arise.
- Introduce mandatory orientation programs for migrant domestic workers upon arrival on their legal rights and obligations. Such programs should include information on where they can seek help in case of problems, training on financial literacy to use bank accounts, information about how to stay in touch with their families, introduction to officials from their embassies, and information about Saudi laws, such as activities that may be permissible in their home countries but criminalized in Saudi Arabia.

Reform sponsorship laws that link a migrant domestic worker's legal status, ability to change employers, and ability to exit Saudi Arabia to her employer.

- Reform or abolish the *kafala* sponsorship system so that temporary employment-based visas are nonspecific about the employer. Ensure that workers can change employers without losing legal status and without having to obtain their first employer's permission.
- Eliminate the requirement for migrant domestic workers to secure the consent of their sponsors for "exit visas" to leave the country.
- Create an inspection body to monitor rigorously the activity of recruitment agencies if they take over sponsorship of foreign workers as currently proposed. This body should have the power to investigate allegations of misconduct and institute penalties, including revocation of operating licenses, imposition of substantial fines, and referral of cases for criminal prosecution. Create a board with representation from all stakeholders, including labor-sending countries and civil society.
- Create an easily accessible and regularly updated database of employers and employees in order to track employers when domestic workers are missing or unable to name or locate their employer.
- Simplify procedures for authorization to repatriate the remains of migrants who die in Saudi Arabia.

Cooperate with labor-sending governments in regard to detained nationals.

- Notify embassies about detained nationals and developments in criminal proceedings, such as hearing dates, in a timely manner and according to the Vienna Convention on Consular Relations.
- Promptly notify migrant workers of their right to contact their consular officials, and provide access to facilities to do so.
- Cooperate with labor-sending countries to conduct rescues of migrant domestic workers confined to their employers' house and forced to continue employment against their will. Simplify the procedures for authorization of such rescues.

Improve the facilities and protocols for the centers for domestic workers operated by the Ministry of Social Affairs.

- Provide women housed in the center with greater freedom of movement and communication, including the ability to call their families and embassies, take walks outside, and keep mobile phones.
- Computerize the files for ease of processing and tracking cases, sharing information with other relevant Saudi authorities and labor-sending countries' embassies, and to monitor trends. Create and share blacklists of abusive employers and recruitment agencies.
- Provide professional interpreters for any interviews or meetings involving a domestic worker's case and ensure the availability of staff fluent in the languages that domestic workers speak.
- Create a detailed intake form to ensure that all the issues of concern a domestic worker experienced are identified upon entry into the center.
- Separate the negotiations regarding unpaid wages and funds for a return ticket from the employer's consent to provide an exit visa, to avoid heavily imbalanced bargaining power.
- Keep domestic workers informed about the status of their case and their available options.

Rigorously prosecute employers and employment agents whose treatment of domestic workers violates existing national laws.

- Investigate, prosecute, and punish perpetrators of physical and sexual violence against domestic workers.
- Allow domestic workers to transfer power of attorney to their embassies in such cases so they can return home and avoid waiting in shelters for long periods of time.
- Investigate, prosecute, and punish perpetrators of labor rights abuses that violate existing national laws.
- Increase penalties against abusive employers beyond prohibitions from hiring domestic workers in the future.
- Provide training for police to identify and investigate abuse against domestic workers and protocols on how to respond to such situations, and offer appropriate referrals. Educate police and immigration authorities about the importance of not returning domestic workers to abusive employers against workers' wishes, and make sure they are familiar with procedures for filing complaints against employers and labor agents.
- Reform criminal justice laws, including evidence laws that make it difficult to prove rape, criminal punishment for adult consensual sexual behavior, and arbitrary punishments for supposed witchcraft or "black magic."

Strengthen the regulation and monitoring of recruitment agencies.

- Improve the Ministry of Labor's monitoring of recruitment agencies, including through an increased number of inspectors and unannounced inspections.
- Strengthen and professionalize protocols for recruitment, transfers, handling employer/employee disputes, and referral systems to Saudi authorities and labor-sending countries' embassies.
- Consider an insurance program for employers to recover lost recruitment fees in situations where they have not committed any labor violations or abuse and a domestic worker has terminated her employment early.

Comply with international human rights standards.

- Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Migrant Workers Convention) and key International Labor Organization conventions without reservations. Comply with treaty-body reporting requirements.
- Comply with the recommendations already issued by both the Committee on the Elimination of Racial Discrimination with respect to abolition of the practice whereby employers retain employees' passports, and by the Committee against Torture regarding access to consular protection for migrant domestic workers in detention.
- Remove sweeping reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.
- Issue invitations to the United Nations special rapporteurs on the human rights of migrants and on trafficking in persons to conduct country visits to investigate the situation of migrant domestic workers.

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

Strengthen the regulation and monitoring of recruitment agents.

- Set forth clearly defined standards for fees and recruitment practices to reduce overcharging and deception by local brokers and subagents; and ensure that subagents who violate the regulations face meaningful penalties.
- Establish mechanisms for regular and independent monitoring of labor agencies and retained subagents. Conduct unannounced inspections of recruitment agencies.
- Establish a monitoring system by which domestic workers report to the government the costs they paid to recruitment agents prior to migrating.
- Rigorously collect and investigate complaints about nationals working at labor agencies in the countries of employment. Create procedures that allow domestic workers to register this information at foreign missions in the countries of employment and upon return.

Improve services for migrant domestic workers at embassies and consular offices in Saudi Arabia.

- Share information among embassies and Saudi authorities on blacklisted employers and recruitment agencies.
- Increase the number of trained staff to assist migrant domestic workers seeking assistance, especially in the areas of collection of wages, investigation and prosecution of alleged abuses, and rights while in detention.
- Introduce mandatory training for all levels of staff posted in Saudi Arabia on the rights of domestic workers and how to assist them. Ambassadors should send a strong signal that migrant domestic workers are citizens who have the right to consular assistance, highlight the contributions of domestic workers, and host events for domestic workers.
- Improve conditions in shelters and safe houses by training staff, providing trauma counseling and health care, and alleviating overcrowding.
- Develop a system for periodically checking on the welfare of domestic workers who have previously contacted the foreign mission for assistance.
- Provide services such as weekly skills training or Arabic classes to give employers an incentive to provide workers with a weekly day off.
- Ensure foreign missions have a 24-hour assistance hotline and/or is staffed 24 hours per day for domestic workers fleeing abusive workplaces.

Enhance pre-departure training programs for domestic workers.

- Increase the rights-awareness and foreign language components of training.
- Provide more detailed information about redress mechanisms such as how to pursue cases against employers and labor agents in the countries of employment, as well as after return.
- Provide information about legal limits on recruitment fees and mechanisms for lodging complaints against recruitment agents who violate the law.
- Ensure departing domestic workers receive an information kit containing the name, address, and telephone number of their employer; the address and telephone number of the embassy; the name, address, and telephone

number of their labor agency based in the country of employment; a mobile phone or telephone card with pre-programmed numbers of the embassy; a certain amount of money in local currency; a copy of their passport; and a copy of their employment contract in both Arabic and the primary language of the domestic worker.

Expand public awareness-raising programs for prospective migrant domestic workers.

- Target villages and local places of employment of prospective migrant domestic workers to inform them about legal limits on recruitment fees and work contract regulations in Saudi Arabia.
- Collaborate with migrants' rights groups to make this information available to prospective migrant domestic workers before they have made the decision to migrate and have retained a labor agency.
- Expand educational and employment opportunities for women so they are able to migrate out of choice and not desperation.

To All Governments

Cooperate to create mutually recognized and enforceable employment contracts, translated into both Arabic and a language the domestic worker understands.

Cooperate to create mechanisms to ensure redress for workers with complaints, including after they have returned to their home country.

Develop a system for freeing domestic workers who are confined in the workplace and unable to escape. Coordinate between local law enforcement, foreign diplomatic missions, and NGOs as necessary. Examples include providing all domestic workers with mobile phones, promoting multilingual hotlines (including text message hotlines), and implementing time-bound protocols for response.

Actively solicit the input of migrant domestic workers and civil society in crafting and implementing policies.

To the International Labour Organization (ILO) and the International Organization for Migration (IOM)

The ILO should adopt a Convention on Domestic Work when it examines domestic work as a standard-setting issue at the International Labour Conference in 2010. The ILO should create guidelines for integrating these provisions into national laws, a model employment contract for domestic workers, and tools for monitoring and enforcement.

Work with local groups to expand technical programs that provide labor rights education for migrant workers regarding international labor standards and their rights under Saudi Arabian law.

Work with governments to provide technical assistance and specific language to strengthen labor regulations, recruitment standards, and enforcement consistent with international labor standards.

Work with governments to increase regional cooperation and establish regional minimum standards for short-term labor migration, including through the Colombo Process, the Gulf Forum on Temporary Contractual Labourers, and the Global Forum for Migration and Development.

Work with trade unions to conduct outreach and mobilization involving domestic workers.

To Donors such as the World Bank and Private Foundations

Provide greater financial and institutional support for local NGO and other civil society advocacy efforts and services for migrant domestic workers. This includes support for participation in regional processes such as the Gulf Forum on Temporary Contractual Labourers, and increased networking between civil society groups in labor-sending and labor-receiving countries.

Increase resources for shelter facilities and trained staff, including social workers, for domestic workers at foreign missions.

Fund microcredit lending programs that provide more favorable interest rates for women who want to migrate, to cover migration costs.

Fund long-term domestic employment strategies for women, such as projects to develop sustained income-earning activities in their home countries.

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