

International Migrants Day - 18 December 2016

“On this International Migrants Day, I call on the international community to act on the global compact on safe, regular and orderly migration as an important contribution to building a world of peace, prosperity, dignity and opportunity for all.”

Ban Ki-moon, UN Secretary-General.

Article 2 (1) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 defines the term “migrant worker” as “a person who is to be engaged, is engaged or has been engaged in a remunerative activity in a State of which he or she is not a national.

The Kingdom of Saudi Arabia has an estimated population of 31 million with almost a third being migrant workers. The Kingdom has the third highest proportion of migrant workers in the world with 75% of them coming from India, Pakistan, Bangladesh, Egypt and the Philippines. Despite these huge numbers, migrant workers in the Kingdom face unique problems due to a toxic mix of its residency laws and the Kingdom’s delegation of immigration control to private enterprises. The Kingdom is also not a signatory to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Slavery Convention of 1926.

Despite amending its national Labour Laws in October 2015, the amendments excludes domestic workers and institutionalises bias against women - two groups that are often the most in need of protection against abuse. It’s employment system is still less favourable to migrants than to nationals due to the ‘kafala’ system and by virtue of nationality receiving lower wages than nationals. This is incompatible with the Kingdom’s international commitments on migrants’ rights attached to its World Trade Organisation membership.

Migrant workers are employed based on the kafala system, or visa-sponsorship system that ties the migrant workers residency status to their employer. This leaves the migrant worker vulnerable to exploitation. Sponsors are permitted to alter employment contracts and transfer contracted workers to other employers without consent from the individuals concerned. A sponsor can also repatriate the worker without prior notice and ban them from re-entering Saudi Arabia. Migrant workers are also not allowed to leave Saudi Arabia without an expensive ‘exit visa’. Due to the lack of legal mechanisms, the lack of transparency and limited access migrant workers have to legal aid and the courts, huge violations and abuses against migrant workers in the Kingdom take place, making it very difficult for the amended Labour Laws to be seen as effective.

The amended Labour Laws also do not afford protection to domestic workers. Domestic workers are often not given contracted hours to work but are expected to work as and when they are required,

usually unsocial hours with extended overtime. Their employers or sponsors tend to keep their wages and they are denied any annual leave. Domestic workers are also expected to work outside of their job description on tasks that they may not be fit or able to do. The only protection afforded to domestic workers is through their embassies but this is highly dependent on the nationality of the domestic worker.

ALQST sources have found that domestic workers are often 'shared' with other households by their sponsors which is in breach of their visa restrictions. **ALQST** has



also found that migrant workers registered as medical specialists are being placed in roles in private hospitals where they are not qualified to carry out that job while other professional migrant workers have been found doing manual labour.

We at **ALQST**, call upon the Saudi Authorities to ratify and implement the Convention on Migrant Rights and all relevant international instruments related to migration as a matter of urgency. **ALQST** strongly recommends that the Kingdom of Saudi Arabia must take active measures to:

1. Eliminate all discrimination against migrant workers in working conditions, wages and fundamental economic, social and cultural rights.
2. Ensure migrant workers and their families have equal access to education and to all other essential services such as medical care.
3. To abolish the Kafala system so that migrant workers are not tied to their employers.
4. To abolish the exit visa system and address the plight of stranded migrants.
5. Ensure international standards of access to asylum procedures.
6. Extend labour laws to cover domestic workers.
7. Ensure mechanisms to protect migrant workers and in place and migrant workers are easily able to access legal aid and the courts.
8. Allow civil society to monitor the application of Labour Laws and provide a platform for them to report violations against migrants.

18 december 2016