

REPORT OVERVIEW



2020 Trafficking in Persons Report: Saudi Arabia

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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SAUDI ARABIA: TIER 2 WATCH LIST

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The Government of Saudi Arabia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Saudi Arabia was upgraded to Tier 2 Watch List. These achievements included enactment of the country's first-ever national referral mechanism (NRM), developed in close partnership with international organizations. The government transparently reported comprehensive datasets, which included significantly increased numbers of prosecutions and convictions under the anti-trafficking law (including of Saudi nationals and forced labor crimes), in addition to numbers of victims identified and referred for care. Authorities also criminally convicted and sentenced to stringent imprisonment terms two Saudi officials complicit in trafficking crimes during the year. However, the government did not meet the minimum standards in several key areas. It continued to fine, jail, and/or deport migrant workers for prostitution or immigration violations, many of whom may have been unidentified trafficking victims. In addition, officials regularly misclassified potential trafficking crimes as administrative labor law violations rather than as criminal offenses. Despite modest initial

reforms, Saudi Arabia's sponsorship-based employment system continued to exacerbate trafficking vulnerabilities in the large migrant worker communities.

PRIORITIZED RECOMMENDATIONS:

Continue to increase the number of trafficking investigations, especially by investigating as potential crimes (not just as administrative issues) indicators of trafficking such as passport retention, withholding of wages, labor violations, and complaints of abuse. • Undertake serious efforts to prevent penalization of trafficking victims by proactively screening for trafficking among those arrested for immigration violations, commercial sex, or those who flee abusive employers and face counter-charges and deportation. • Disseminate, train officials on, and regularly use the newly launched NRM to ensure victims among vulnerable populations, including domestic workers, illegal foreign workers, deportees, and persons in commercial sex, receive proper care and are not wrongfully penalized. • Build upon initial steps to reform the sponsorship system, including by removing employers' control over exit permits for all laborers. • Amend the anti-trafficking law to remove sentencing provisions that allow fines in lieu of imprisonment for sex trafficking offenses. • Continue to increase efforts to prosecute, convict, and sentence traffickers to significant prison terms under the anti-trafficking law. • Pursue criminal investigations against all officials allegedly complicit in trafficking crimes. • Expand usage of the specialized Public Prosecutor's Office (PPO) sub-units to detect potential trafficking cases across the country. • Institute regular trainings for government officials on identifying cases of both labor and sex trafficking and how to differentiate between forced labor and labor-related crimes. • Continue to conduct countrywide public awareness campaigns on all forms of trafficking.

PROSECUTION

The government increased overall law enforcement efforts. The 2009 anti-trafficking law criminalized sex trafficking and labor trafficking and prescribed punishments of up to 15 years' imprisonment, a fine of up to one million Saudi Arabian riyal (SAR) (\$266,670), or both; penalties increased under aggravating circumstances, including trafficking committed by an organized criminal group or against a woman, child, or person with disabilities. These penalties were sufficiently stringent; however, by allowing for a fine in lieu of imprisonment, the penalties for sex trafficking were not commensurate with those prescribed for other serious crimes such as kidnapping, false imprisonment, or sexual abuse. The Council of Ministers' Decision 166 prohibited withholding workers' passports as a lesser criminal offense, punishable by fines.

For the first time, officials disaggregated and shared law enforcement data by the type of trafficking and comprehensive case specifics, including reporting traffickers sentenced and the penalties prescribed. While several government entities disclosed their respective law enforcement datasets, the disparate, contradictory totals suggested limited interagency coordination. During the reporting period, the government reported investigating and prosecuting 50 potential trafficking cases, which involved 66 defendants (21 Saudi nationals) and 256 victims; this was compared with 79 investigations and 42 prosecutions (0 reported Saudi nationals) during the previous reporting period. The Ministry of Justice (MOJ) reported convicting 46 defendants under the anti-trafficking law, compared with 14 and 20 traffickers officials convicted in the previous two years, respectively. Of these 46 convictions, 15 were for forced labor, 11 for sex trafficking, five for forced begging, and the remainder for offenses classified as "slavery-like practices." The government reported it sentenced all convicted traffickers to terms of imprisonment ranging from one month to three years (most received one-year or more), plus monetary fines and confiscation of personal assets used to facilitate each crime. During the reporting period, the PPO reported 156 trafficking cases investigated, including 40 for forced labor and 27 for sex trafficking; the remainder involved begging and slavery-like practices. The MOJ reported 105 total cases investigated, of which 25 were for forced labor and 21 for sex trafficking, and the Ministry of Labor and Social Development (MOLSD) documented 288 potential trafficking cases, 90 of which involved forced labor indicators. The government also reported convicting two Saudi public security officers and one lay accomplice for sex trafficking of a minor and sentenced both officials to six years in prison plus a maximum fine of 40,000 SAR (\$10,670) and prohibition from leaving the country for six years after serving the sentence. Additionally during the reporting period, the government acknowledged two trafficking cases involving two former Saudi diplomats stationed at overseas missions in France and the United Kingdom. Both of the accused defendants appealed the respective charges of delayed wages and trafficking of a domestic worker; one case remained ongoing at the close of the reporting period, and the other was ostensibly closed in the defendant's favor on account of diplomatic immunity. The government assessed the reported fine handed down by the foreign government in one case was sufficient and did not provide further information on whether or not it fired, or criminally or administratively punished the two former officials. Key labor-sending countries claimed, without corroborative details, some Saudi police and embassy officials accepted bribes to overlook instances of trafficking.

Government officials in many instances misclassified trafficking cases as administrative immigration or labor law violations without routinely undertaking criminal investigations or

prosecutions against traffickers. However, in a purported institutional shift to criminally pursue more potential forced labor and sex trafficking cases, in February 2020, the Supreme Judicial Council passed a resolution requiring all cases prosecuted under the anti-trafficking law be referred to specialized criminal courts. The PPO maintained 107 trafficking-specific, operational investigative sub-units within PPO branch offices (two in Riyadh and the remainder in the capital of each province) to identify possible trafficking cases among existing criminal cases. During the reporting period, the PPO created a panel of five human trafficking experts, who informed anti-trafficking policy and served as a resource at the PPO headquarters and for circuit offices. Throughout the reporting period, the Human Rights Commission (HRC), in separate close partnerships with three international organizations, sponsored and facilitated 17 different training seminars and workshops across the Kingdom that reached more than 1,150 private and public sector representatives; the programs covered pertinent topics such as victim identification and referral, trafficking data management, and investigative procedures for trafficking crimes. In addition, MOLSD and the Ministry of Interior (MOI) conducted several multi-day anti-trafficking training sessions and symposiums for more than 1,500 relevant government employees across the country during the year.

PROTECTION

The government made uneven efforts to protect trafficking victims; while it increased its institutional capacity to identify and refer more victims to care, the government penalized some potential trafficking victims and did not offer shelter to victims other than female domestic workers. During the reporting period, the government, in collaboration with two international organizations, developed and officially launched its inaugural NRM to identify and refer trafficking victims to care. Jointly with these same organizations, Saudi officials circulated the NRM document and commenced training of relevant and key government entities on its purpose and implementation. It continued to publish information pertaining to trafficking indicators on relevant government websites, and distributed leaflets with similar material to all official stakeholders. The MOLSD complaint hotline number was included in pamphlets received by all expatriate workers who entered the Kingdom during the year. For the first time, the four government entities with a trafficking nexus (MOLSD, MOI, PPO, and MOJ) reported transparent, comprehensive victim identification numbers. During the reporting period officials identified and referred to government-run shelters 1,457 female trafficking victims, a significant increase ^f the 113 and 121 trafficking victims it reported for the previous two years, respectively, the did not disaggregate by the type of trafficking. The government cited the following victim

nationalities: Bahrain, Bangladesh, Burundi, Canada, Chad, Egypt, Ethiopia, Ghana, India, Indonesia, Jordan, Kenya, Madagascar, Morocco, Nepal, Nigeria, Pakistan, the Philippines, Saudi Arabia, Sierra Leone, Sri Lanka, Sudan, Syria, Uganda, Vietnam, and Yemen. In total, the government reported providing shelter and protective services for 13,374 vulnerable individuals throughout the year, of which shelter staff identified 146 as trafficking victims. MOLSD remained responsible for the operation of shelters across the country for vulnerable populations and abuse victims, and the entity disclosed it budgeted approximately 40 million SAR (\$10.7 million) for yearly spending on shelter services and other protective provisions. These included shelters for child victims of forced begging in Mecca, Jeddah, Dammam, Medina, Qassim, and Abha in addition to welfare centers for female domestic workers in 13 locations throughout the Kingdom and for male domestic workers in Riyadh. Each shelter provided accommodation, social services, health care, psychological counseling, education, and legal assistance. All government-identified victims received these services from the government during the reporting period. Diplomats from labor-sending countries had regular access to their nationals residing in government-run shelters, designated for female domestic workers only, and reported conditions and quality of services in the shelters varied slightly across the Kingdom, but were overall satisfactory and safe. Some embassies and consulates—including those of Bangladesh, India, Indonesia, Nigeria, the Philippines, Sri Lanka, and Uganda—also operated shelters for their respective nationals. Foreign diplomats noted that Saudi officials frequently deposited potential trafficking victims at their respective embassies rather than referring them to Saudi shelters and noted that Saudi government shelters accepted only female domestic workers, not men or women from other employment sectors.

Among migrant workers there were persistent complaints of unpaid wages, passport retention, physical or sexual abuse, or substandard working conditions, all of which were trafficking indicators. As in previous years, during this reporting period the government often deported migrant workers without proactively screening for signs of trafficking. On average, it deported 700-800 Ethiopian laborers per week, according to Ethiopian officials familiar with the deportations. Reasons for involuntary deportations included alleged violations of work, residence, and entry rules. The government reported it instructed each circuit court to screen defendants for potential trafficking indicators and to drop pending charges against identified trafficking victims. However, diplomats from several labor-sending countries reported Saudi authorities regularly detained, fined, and/or jailed their nationals, including some unidentified trafficking victims, for immigration violations as a result of having been subjected to force or sex trafficking. Furthermore, since the government did not routinely screen for potential

trafficking indicators among vulnerable populations and police frequently arrested and/or deported undocumented migrant workers, authorities likely arrested and deported unidentified victims during the year.

The government extended to all identified trafficking victims the option of remaining in the country—either in a shelter or via transfer to a new employer—during judicial proceedings, or alternatively an immediate exit visa; these benefits did not require a successful prosecution or cooperation with law enforcement personnel. Officials did not report how many laborers it granted the right to transfer their work permits to alternate employers or specify how many trafficking victims took advantage of these rights during the year. The government allowed victims to submit testimony in written form or remotely via recording as they preferred, and it ensured victims' identities remained wholly confidential. In contrast, diplomats from several labor-sending countries reported the government advised some victims to testify in person. One embassy reported officials recommended testimony be given in Arabic; however, translators and attorneys were not always provided. The law entitled trafficking victims to legal assistance, security protection, translation services, and the right to immediate repatriation or continued residence in country until resolution of the case, in addition to medical and psychological care, shelter, and rehabilitation; as in previous years, the government did not report how many victims accessed these provisions during the reporting year. Officials permitted victims to obtain restitution directly from the government and/or by filing civil suits against traffickers; however, such settlements rarely took place through the established system and reportedly generally occurred outside of civil court proceedings through government-supported mediation efforts. These proceedings often did not entail criminal prosecution, and officials preferred to reimburse back-wages informally and/or assist in repatriating the victims, neither of which was a victim-centered or trauma-informed practice.

PREVENTION

The government demonstrated increased efforts to prevent trafficking, including modest preparatory steps to reform its sponsorship system. It demonstrated mixed progress on implementation of its 2017-2020 national action plan to combat trafficking that focused on monitoring, prevention, building government capacity, inter-ministerial coordination, effective law enforcement, and provision of protective services for victims. However, during the reporting period, the HRC activated its long-dormant memoranda of understanding with two international organizations to increase training and capacity building of government officials on trafficking

issues to meet various tenets of its national action plan. Specifically, it commenced partnership with one of these organizations to overhaul trafficking data collection to provide more real-time, coordinated metrics. Additionally, the HRC held a first-ever roundtable with labor-sending countries to assess the scope of trafficking in Saudi Arabia and where governmental policies fall short in curbing the crime. In October 2019, the Ministry of Islamic Affairs directed all mosques to deliver an anti-trafficking sermon for Friday prayers nationwide. During the same month, a senior Saudi delegation attended Bahrain's regional trafficking conference and committed to critical reforms to include reforms of the *kafala* system, which has resulted in widespread exploitative forced labor and other crimes.

HRC officials distributed more than 120 banners and 20,000 leaflets on trafficking crimes to its 13 branch offices, in addition to all PPO branches, police stations, shelters, and prisons. MOLSD launched the "Conscientious Work Campaign" nationwide, which educated workers and recruitment agencies on labor rights, proper reporting channels, and upholding the rights of domestic workers; the campaign hosted 52 workshops for more than 1,000 employees and produced videos and social media posts in eight different languages. The HRC and King Saud University distributed educational materials on campuses, and the state-run media broadcasted infographics via approximately 20,000 displays at commercial complexes and malls across the Kingdom during the year. Furthermore, the King Khalid International Airport in Riyadh displayed information on trafficking indicators and associated penalties, and officials opened kiosks in a prominent mall and distributed more than 2,700 copies of informational materials there. MOLSD authorities held workshops for approximately 2,900 recruitment agencies in Bangladesh, Cambodia, Egypt, Ethiopia, Indonesia, Kenya, the Philippines, Sri Lanka, Uganda, and Vietnam to inform domestic workers of their rights prior to recruitment during the reporting period. Officials operated a 24-hour call center that received calls in nine major labor-sending country languages: Amharic, Arabic, Bengali, English, Hindi, Indonesian, Malay, Tagalog, and Urdu. The government did not report how many victims it identified as a result of the calls or if it initiated any investigations of trafficking crimes resulting from them during the reporting period. The call center received approximately 280 calls per day on average. Some workers and labor-sending country officials reported impracticalities and technical difficulties getting through to operators using this phone line, citing poorly trained and under-resourced staff.

The government also continued to operate and utilize its online domestic labor portal known as *Musaned*, meaning "support" in Arabic. This system consisted of a website and smartphone application that allowed potential employees in various sectors and individual employers to

verify the license of a recruitment agency, review materials on employee and employer rights and responsibilities (in Arabic and English only), complete and electronically sign contracts, and request a visa. This system intended to eliminate unregulated brokers, increase transparency and accountability of recruitment agencies and work contracts, and reduce the risk of forced labor. It also included a complaints resolution mechanism and associated resources. *Musaned* also served as a tool for authenticating contracts. MOLSD reported 1,079,668 authenticated contracts existed on record at the conclusion of the reporting period. The system was required for all large establishments with 3,000 or more employees. Diplomats from multiple labor-sending countries reported *Musaned* enhanced the ability of embassies to monitor newly arrived nationals. However, in some cases embassies found some information entered in the platform, such as address of residence and place of work, was either missing or incorrect following a transfer, impeding efforts to track reported victims of abuse and trafficking. Finally, MOLSD launched a pilot program called Weddi ("friendly" in Arabic), which was an alternative dispute resolution mechanism whereby a worker could e-submit a complaint and supporting documentation. If either the employee or employer rejected the proposed resolution, officials would automatically transfer the case to the MOJ.

Pursuant to a ministerial circular promulgated in September 2019, authorities launched a mechanism to electronically verify work contracts during the reporting period to prevent contract switching and fraudulent documentation. The initiative aimed to obligate all private sector companies to sign contracts with their employees enabling MOLSD to electronically account for, authenticate, and monitor all employment contracts in the private sector. It also granted employees access to their contract and ensured MOLSD could impose sanctions on establishments that contravened the terms contained therein. Accordingly, inspectors were required to ascertain, through field inspections, that withholding employees' passports, residence permit, or personal/family insurance cards was not indicative of trafficking, among other investigative steps to safeguard employees against the crime. As in the previous reporting period, however, the government did not report investigating or referring for criminal prosecution any passport retention crimes. MOLSD allocated 120 million SAR (\$32 million) during the reporting period to train labor inspectors, conduct awareness campaigns on labor rights, and carry out studies to examine exit and re-entry visas, final exit visas, and sponsorship transfers. The entity also led workshops with the private sector and local chambers of commerce on upcoming visa reforms that intend to reduce employers' control over employees' rights to work in the Kingdom. In December 2019, the government revised regulations on final exit process for commercial or domestic workers whose sponsors failed to pay required fees, renew a worker's

status, or were absent. In these specified circumstances, MOLSD granted a limited work permit (for exiting) and issued a letter to the MOI's passport office authorizing departure, barring any pending criminal accusations against the laborer. The government reported it approved more than 7,250 workers to exit Saudi Arabia through this process, without employer approval, during the year. However, at the close of the reporting period the government still required the majority of laborers to seek employer permission to depart the country or change sponsors, which increased the risk of forced labor.

During the reporting period, the government expanded usage of its Wage Protection System, which required employers to pay foreign workers by electronic transfer via a Saudi bank, thereby permitting the government to track disbursements and prevent non- or delayed payments of wages—a key forced labor indicator prominent across the Kingdom. This requirement applied to all employees who worked for companies with 11 or more employees and covered the vast majority of expatriate workers in Saudi Arabia. In addition, it mandated individual employers of domestic labor to issue prepaid payroll or salary cards as soon as the domestic worker arrived in the Kingdom to ensure a legal working relationship between employer and employee and safeguard employees' prescribed wages. The system, currently voluntary, reviewed payrolls and imposed penalties for any firm that failed to maintain at least 80 percent compliance, resulting in suspension of government services and recruitment privileges. The government reported a 2019 compliance rate of 75.35 percent. Additionally, it documented 10,591 complaints filed against employers for non-payment of wages, and MOLSD inspected 484 establishments that failed to achieve at least 70 percent compliance. The government did not report efforts to reduce the demand for commercial sex. The government sought to eliminate vulnerabilities in labor recruitment through its deployment of labor inspectors and HRC representatives—400 of whom specialized in trafficking crimes—who conducted an unknown number of field visits to monitor the application of employment and recruitment laws. Officials reported 32 offices and nine recruitment companies were in violation of regulations; however, none of these violations were reported as trafficking or forwarded for criminal investigation. Penalties included the revocation of 18 licenses and the withdrawal or suspension of bank guarantees from 21 recruitment agencies, and the government fined six firms 5,000 SAR (\$1,330) each. During the reporting period, diplomatic representatives from several countries reported an improvement in Saudi government oversight over labor recruitment and the proper implementation of labor contracts. However, the government did not report referral of any such cases for criminal investigation or prosecution for potential trafficking crimes. The government has in place several negotiated bilateral labor agreements with primary labor-sending countries (e.g., Indonesia and Ethiopia),

which set minimum wage standards and regulated protections and benefits for laborers such as work hours, mandatory time off, and overarching work conditions. Many of these bilateral agreements stipulated use of *Musaned* and associated electronic contracts, and the government reported registration of 150,040 of such contracts during the reporting period. For the first time, the government provided anti-trafficking training to its diplomatic personnel on domestic worker rights and how to treat domestic employees while serving at Saudi embassies abroad, and it disseminated training materials used in the course to all of its overseas missions.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Saudi Arabia. Men and women—primarily from South and Southeast Asia and Africa—voluntarily migrate to Saudi Arabia to work in a variety of sectors, including construction, agriculture, and domestic service. Many of these low-skilled laborers are employed in substandard conditions that heighten their risk of forced labor. Some traffickers or unscrupulous labor brokers illegally recruit migrants to work in Saudi Arabia and subsequently force them to work in domestic servitude or debt bondage. Undocumented entry across the Kingdom's southwestern border serves as a key gateway for vulnerable Yemeni, Ethiopian, and Somali workers in particular. The Kingdom's migrant laborer population continued to be the largest group at risk to human trafficking, particularly female domestic workers due to their isolation inside private residences and vulnerability to employer abuse. According to the General Authority for Statistics, there are approximately 13.1 million foreign workers in Saudi Arabia; the largest populations during the reporting period were from Bangladesh, Egypt, Ethiopia, India, Indonesia, Pakistan, the Philippines, Sudan, and Yemen. In previous years, the government prosecuted some foreign citizens who may have been subjected to trafficking or related indicators and sentenced them to death in cases involving murder. Non-payment or late payment of wages remain the prominent complaint from foreign workers in the Kingdom, while employers withholding workers' passports also remains a significant problem. Trafficking perpetrators include businesses of all sizes, private families, recruitment agencies in both Saudi Arabia and labor-sending countries, gangs, and organized criminal elements, to include third-country nationals.

Due to Saudi Arabia's requirement, under its sponsorship system, for foreign workers to obtain permission for an exit visa from their employers to be able to legally depart the country, some laborers are forced to work beyond their contract term because their Saudi employers use sanctioned tools as part of a coercive scheme. While the government took initial steps to retrain

this system and reduce worker liability during the current reporting period, the system continues to hinder many workers from exiting the country and increases migrant workers' vulnerability to trafficking. Although most migrant workers sign contracts delineating their rights, some report work conditions substantially differ from those outlined in their contracts. Other workers never see work contracts at all, heightening their risk of forced labor and debt-based coercion, although the government undertook significant efforts to reduce such vulnerabilities during the current reporting period. Additionally, some migrant workers voluntarily enter into illegal arrangements where they seek freelance work while concurrently paying a Saudi national to sponsor their initial residence permit, thereby becoming vulnerable to extortion and debt-based coercion by their sponsors. Some migrants from Yemen and the Horn of Africa who enter Saudi Arabia illegally—involuntarily or through smuggling—via the Yemeni border may be trafficking victims. Previous reports alleged some Saudi citizens engaged in sex tourism abroad, where they engaged in temporary or seasonal nonbinding “marriages,” which included payment for short-term sexual access to children and others whom the purchaser then abandoned. In Saudi Arabia, begging by women and children remains a problem and a significant vulnerability to forced labor, with reported upticks during the holy month of Ramadan and the Muslim pilgrimages of Hajj and Umrah. The child beggar population is comprised primarily of unaccompanied migrant children, most heavily from Yemen and Ethiopia, but approximately 5 percent are Saudi national children of unknown parents. Traffickers compel some of these women and children to work as part of organized begging rings.

As the leader of a multi-nation coalition that commenced military operations against Houthi rebel forces in Yemen in 2015, Saudi Arabia paid, materially supported, trained, and commanded Sudan's Rapid Support Force. Media alleged, in the previous reporting period, that Sudanese officers associated with Sudan's Rapid Support Force (RSF) took bribes from families to permit minors to serve as combatants in Yemen. Saudi Arabian officers allegedly trained and exercised tactical control over some RSF units. Past reporting claimed that in some instances Saudi Arabia funded Yemeni militias that hired minors in combatant roles, and that the Saudi Arabian government had provided salaries, uniforms, weapons, and training to Sudanese combatants (which included children 14-17 years old) in Yemen.

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