



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Information received from Saudi Arabia on follow-up to the
concluding observations on its combined fourth to ninth
periodic reports***

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* The present document is being issued without formal editing.



Information provided by the Kingdom of Saudi Arabia regarding its implementation of the recommendations contained in paragraphs 20 (a) and (b) and 24 of the concluding observations issued by the Committee on the Elimination of Racial Discrimination on 8 June 2018 (CERD/C/SAU/CO/4-9)

Introduction

1. The Committee on the Elimination of Racial Discrimination considered the combined fourth to ninth periodic reports of Saudi Arabia (CERD/C/SAU/4-9), submitted in one document, at its 2622nd and 2623rd meetings, held on 26 and 27 April 2018. The Committee then adopted its concluding observations at its 2636th meeting, held on 7 May 2018, in which it requested Saudi Arabia to provide, within one year of the adoption of the concluding observations, information on its implementation of the recommendations contained in paragraphs 20 (a) and (b) and 24.

2. The Kingdom of Saudi Arabia would like to take this opportunity to thank the Committee on the Elimination of Racial Discrimination for the constructive and effective dialogue with the Saudi delegation that participated in the two meetings at which the combined fourth to ninth periodic reports were discussed. Saudi Arabia would also like to thank the Committee for the praise and appreciative comments that emerged from the dialogue and for the positive aspects highlighted in the concluding observations, which reflect the Committee's recognition of the advances Saudi Arabia has made in its compliance with the Convention. Saudi Arabia wishes to give assurances that the Committee's observations and recommendations are a matter of the utmost importance and are currently being examined by the Human Rights Commission's standing committee for drafting reports. That committee – which works in partnership with civil society institutions – is the national mechanism for preparing reports under human rights treaties and the universal periodic review and for following up on the implementation of recommendations issued by treaty bodies and other relevant mechanisms.

I. Information regarding the recommendations contained in paragraphs 20 (a) and (b)

“Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party:

“(a) Ensure that the employment of foreign domestic workers, as all migrant workers, are regulated by labour laws and that all existing provisions to protect foreign domestic workers from abuse and exploitation are enforced effectively;

“(b) Ensure that all victims of abusive and exploitative labour practices have access to complaint mechanisms, judicial recourse and shelters”

3. As regards domestic service, the two parties to a contract of employment (employer and worker) are subject to the regulations pertaining to domestic workers and persons of like status – issued pursuant to Council of Ministers Decree No. 310 of 7 Ramadan A.H. 1434 (15 July A.D. 2013) – which govern the relationship between the employer and the domestic worker and define the rights and duties of each with respect to the other. Among the more significant provisions, the regulations affirm that employers may not assign domestic workers to undertake tasks that are not envisaged by contract, that are hazardous to health or that violate workers' dignity. Similarly, employers may not assign workers to work for third parties. Moreover, employers are required to pay workers the agreed wage without delay at the end of each month and to provide written receipt of payment. Domestic workers are to be provided with suitable accommodation and are allowed to enjoy a daily rest period and weekly leave, as agreed by both parties. In the event of illness, workers are entitled to sick leave with pay. In addition, workers are entitled to a month's paid leave

once they have completed two years in the service of the employer, and to an end-of-service bonus, upon expiry of their contract, once they have completed four years in the service of the employer. A number of sanctions are applicable to either of the two parties who violate any of the provisions of the regulations. It should be noted, moreover, that the regulations are periodically reviewed by the competent bodies, which include the Ministry of Labour and Social Development and the Human Rights Commission.

4. In addition to the provisions contained in the regulations pertaining to domestic workers and persons of like status (see paragraph 3 above), domestic workers also enjoy protection from abuse and exploitation under the Protection against Abuse Act, promulgated by Royal Decree No. M/52 of 15 Dhu al-Qa'dah A.H. 1434 (21 September A.D. 2013). The Act includes provisions intended to address all forms of abuse to which various groups in society, including domestic workers, may be subjected. It covers assistance, treatment, shelter and social, psychological and health care and it envisages statutory measures to ensure that perpetrators are held accountable and punished and to spread awareness within society about the concept of abuse and the impact it has on lives. The implementing regulations for the Protection from Abuse Act, issued pursuant to Decree No. 43047 of the Minister of Labour and Social Development, dated 8 Jumada I A.H. 1435 (9 March A.D. 2014), include a number of mechanisms to implement the provisions of the Act. A set of rules for protecting people from misconduct in the workplace were recently issued under Decree No. 20912 of the Minister of Labour and Social Development, dated 2 Safar A.H. 1441 (1 October A.D. 2019). The purpose of the rules is to create a secure working environment that is respectful of all persons and in which privacy, dignity and personal freedom are safeguarded. The Ministry is also working on a procedural guide for dealing with cases of workplace misconduct. The guide will define mechanisms for receiving complaints and their associated procedures.

5. The Anti-Trafficking in Persons Act was passed and the State has acceded to treaties and protocols designed to combat human trafficking. The Standing Committee to Combat Trafficking in Persons was established under Council of Ministers Decree No. 244 dated 20 Rajab A.H. 1430 (13 July A.D. 2009), with representatives from competent government agencies while, under Prosecutor General Decree No. 12409/1 dated 27 Safar A.H. 1440 (5 November A.D. 2018), special departments were set up in the Public Prosecution Service to investigate cases of human trafficking. Moreover, an anti-human trafficking directorate has been created in the Ministry of Labour and Social Development. All these initiatives have helped to create a normative and institutional framework that guarantees protection from human trafficking for all persons, without discrimination. It also ensures that victims receive health, psychological and legal support and access to redress, likewise without discrimination of any kind.

6. Work is currently under way to implement the National Plan to Combat Crimes of Trafficking in Persons A.H. 1438–1441 (A.D. 2017–2020) and a number of training activities and programmes designed to improve national anti-trafficking capacities have been organized for judges, prosecutors, the police and other law enforcement officials, psychologists, social workers and the staff of civil society organizations. Other achievements include cooperation with regional and international States and organizations to conclude bilateral agreements on employment, and activities and events to combat transnational organized crime, including crimes of human trafficking. Under Royal Decree No. 109 of 24 Shawwal A.H. 1438 (18 July A.D. 2017) approval was given for a memorandum of understanding on technical cooperation between Saudi Arabia, represented by the Human Rights Commission, and the International Organization for Migration. The memorandum is designed to promote cooperation in preventing and combating human trafficking, provide victims with care, protection and shelter, and develop national capacity-building programmes.

7. A number of measures designed to promote the rights of domestic workers have been adopted. These include awareness-raising measures by the Ministry of Labour and Social Development, the Human Rights Commission, the National Society for Human Rights and other civil society organizations; measures adopted by the Standing Committee to Combat Trafficking in Persons to monitor the underlying causes of abuse and exploitation against domestic workers; and oversight measures taken by the Human Rights

Commission and the inspectorate of the Ministry of Labour. Moreover, in light of the fact that ill-treatment, exploitation and violence against domestic workers can take place with no accountability, steps have been taken to render the environment on the Saudi labour market more conducive to the rights of foreign workers.

8. Recruitment mechanisms have been improved by making recruitment companies and bureaux aware of the various forms that human trafficking can take and of standards pertinent to the conduct of their activities. There is coordination with embassies of States with which cooperation agreements have been signed and the Musaned programme for domestic workers has been launched. Musaned is an online service, run with stakeholders both inside and outside Saudi Arabia, that brings together all relevant procedures, from the employment of domestic workers in their country of origin through until they leave Saudi Arabia at the conclusion of their contract. Documentation procedures for domestic workers from their first arrival in Saudi Arabia until the conclusion of their contract have been automatized, while the rights of such workers are protected thanks to a salary card, the obligation on employers to adhere to the salary protection programme, the monitoring of payments and the registration of contracts and salaries. Support and protection is also provided via the client service agency of the Ministry of Labour and Social Development. These measures have had a significant impact in preventing violations against the rights of domestic workers and reducing infractions of relevant laws and regulations.

9. As part of efforts to strengthen remedies – and alongside the role played by the Human Rights Commission and the National Human Rights Society, which receive and address complaints in accordance with legal procedures – the Ministry of Labour and Social Development has set up a hotline (19911) to receive complaints in eight languages. The Ministry has also issued brochures and other printed materials to inform domestic workers about the remedies available to them in the case of rights violations, including reporting mechanisms and access to legal aid and translation services. The hotline receives reports from individuals, bureaux, companies and embassies and, once a rights violation against a worker has been recorded, field teams are sent out to address the situation in accordance with predefined mechanisms. These provisions have led to increased awareness among domestic workers about their rights and greater recourse to remedies in cases of violation.

10. The prerogatives of the Standing Committee to Combat Trafficking in Persons, mentioned in paragraph 5 above, include monitoring the situation of victims to ensure that they suffer no further abuse; formulating policies aimed at encouraging the active search for victims; training law enforcement officials on means of victim identification; coordinating with the relevant authorities on repatriating victims to the State whose nationality they hold or to their place of residence in another State, if so requested; and recommending that victims remain in Saudi Arabia with a regularized legal status that enables them to work, if the situation so requires. Security agencies pursue human traffickers then refer them to the investigative authorities. From there, they are sent to the courts for punishment and, in fact, numerous sentences have been handed down against persons convicted of human trafficking offences. The Standing Committee to Combat Trafficking in Persons as well as government agencies and civil society institutions help to monitor trafficking offences, shelter victims and provide psychosocial, legal, educational and training services.

11. Labour tribunals exercise their mandate under the Code of Sharia Procedure promulgated pursuant to Royal Decree No. M/1 dated 22 Muharram A.H. 1435 (25 November A.D. 2013). In the first phase, 7 labour tribunals were opened in provinces and cities across Saudi Arabia, as well as 27 labour departments in cities and governorates and 9 labour departments for appeals in a number of regions. A total of 238 judges work in those institutions.

II. Information regarding the recommendation contained in paragraph 24

“The Committee recommends that the State party take all measures necessary to ensure the rights of ethno-religious minorities, including their right to freedom of thought, conscience and religion, without any discrimination on the basis of race, colour, descent or

national or ethnic origin, as specified in article 5 of the Convention. It also recommends that the State party eliminate all barriers faced by ethno-religious minorities in education, including by removing from textbooks derogatory comments on other religions, as well as in employment and in the legal system.”

12. The laws of Saudi Arabia guarantee the freedom of non-Muslim residents to worship and practise their religious rites without interference, with due consideration for the restrictions imposed under domestic law to protect public order, national security, public morals, public health and the rights and freedoms of others. Freedom of thought and expression are also guaranteed for all persons without discrimination, within the context of sharia and statutory laws including the Press and Publications Act.

13. Obstacles that stand in the way of the exercise of these freedoms are being removed thanks to awareness-raising activities being conducted by the Human Rights Commission and other governmental and non-governmental bodies. In that context, training activities have been carried out in the framework of the 2012 memorandum of understanding between Saudi Arabia and the Office of the United Nations High Commissioner for Human Rights. The activities include programmes and activities for judges, prosecutors, lawyers, health practitioners and law enforcement officials intended to increase their knowledge about the human rights treaties to which Saudi Arabia is a party and to explore the best ways to implement those treaties. More than 52 training activities have been carried out in the context of the memorandum of understanding.

14. Under the laws of Saudi Arabia, all citizens have an equal right to work. In fact, article 8 of the Basic Law of Governance states: “Governance in the Kingdom of Saudi Arabia shall be based on justice, consultation and equality in accordance with Islamic sharia”. For its part, article 1 of the Civil Service Act affirms that applicants for positions in the public sector are to be chosen on the basis of merit, while article 3 of the Labour Code states that citizens have an equal right to work.

15. The principle of equality and non-discrimination on racial or other grounds is also enshrined in school curricula, which seek to mould pupils’ behaviour in such a way as to promote human rights and fundamental freedoms, consolidate understanding, tolerance and equality among citizens and residents without discrimination, and eliminate any form of racial discrimination. The Ministry of Education periodically reviews curricula and updates them in the light of domestic law, which derives from Islamic sharia, and of the country’s obligations under the human rights treaties to which it is a party. In that connection, the Ministry of Education has organized seminars in cities around the country to discuss and review school textbooks with experts and specialists from different social categories and groups. Opinions have also been canvassed through the “Your opinion interests us” link on the iEN portal.

16. On 14 December A. D. 2017, the Human Rights Commission signed a memorandum of understanding with the Ministry of Education, launching the human rights e-learning portal, under the slogan “My nation is the protector of my rights”, designed to inform students about their rights and disseminate the culture of human rights.