



ماعت للسلام والتنمية وحقوق الإنسان  
Maat For Peace, Development, and Human Rights

## Maat for Peace' Report submitted to Committee on Elimination of All Forms of Racial Discrimination Regarding **The Kingdom of Saudi Arabia**

October 2024

Maat for Peace, Development and Human Rights submits this report to assess Kingdom of Saudi Arabia's compliance with the provisions of Convention on Elimination of All Forms of Racial Discrimination (hereinafter referred to as "Convention"). Before preparing the report, Maat reviewed the combined report of the tenth and eleventh periodic reports submitted by Kingdom of Saudi Arabia. Maat notes that Saudi Arabia has expressed a general reservation regarding the provisions of Convention, provided that they do not conflict with the provisions of Islamic Sharia. The Kingdom of Saudi Arabia also made reservations to Article 22 of the Convention in a way that makes it not obligated to refer any dispute to the International Court of Justice except with the approval of the States Parties in the event of a dispute. Maat praises the positive measures taken by Saudi Arabia to implement the articles contained in Convention, including policies related to ending discrimination against domestic workers and the legislative framework that provides guarantees to reduce discriminatory practices. The initiative launched by Ministry of Human Resources and Social Development during the period covered by report aims to train and raise the awareness of monitors and inspectors about the regulations that prohibit discrimination in the labor market against citizens and expatriates alike.

However, Maat notes the continued existence of some practices that conflict with Saudi Arabia's compliance with the provisions of Convention. This includes the obstacles facing the children of Kenyan women working in the Kingdom from obtaining a birth certificate that allows them freedom of movement between Saudi Arabia and their country of origin. Additionally, Maat notes the delay in issuing a separate law related to racial discrimination, despite studying the approval of a draft law in the Shura Council and despite the recommendations of the Human Rights Commission in Saudi Arabia. It remains to say that this contribution focuses on evaluating the articles of Agreement, for which Maat has available evidence and information with a high degree of confidence.

### Definition of Racial Discrimination (Article 1)

Maat reviewed the measures contained in the Saudi Arabia report, which indicate that the Saudi government has been studying the adoption of a separate racial discrimination law that includes a



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definition of discrimination since the period in which it prepared its national report.<sup>1</sup> Maat notes the lengthy discussions that took place in the Saudi Shura Council regarding the draft law against discrimination and hate speech. However, official reports indicate that since July 2019, Islamic and Judicial Committee of Shura Council had come close to approving the study of draft law, which criminalizes discrimination in all its forms against individuals and groups, and prohibits any practices based on color, gender, race, belief, religion, sect, or sect. , region, or profession, and imposes penalties of imprisonment for a period of no less than 5 years and no more than 7 years, and a fine of no less than 500 thousand Saudi riyals. But these discussions did not translate into final approval of draft law, which hinders the implementation of Article 1 of the agreement. On the other hand, Maat reviewed the recommendations presented by Human Rights Commission in Saudi Arabia, which included urging government to issue a racial discrimination law.<sup>2</sup> Kingdom of Saudi Arabia justifies its position regarding the lack of a clear and specific definition of racial discrimination by saying that the Convention, once it enters into force, has become part of national legislation. This means that Article 1 has become a legal text in Kingdom of Saudi Arabia.<sup>3</sup> However, Maat for Peace, Development and Human Rights has expressed concerns about the Kingdom of Saudi Arabia's continued study of drafting a separate racial discrimination law since January 2023. It appears that these discussions have not yet led to any executive steps until July 2024. This delay in developing a separate racial discrimination law contradicts the first paragraph of Article 11 of the procedures for concluding international agreements issued by the Saudi Council of Ministers Resolution No. 287 in 2010. This paragraph stipulates that the relevant authorities must take the necessary measures to implement Convention, including setting a specific and clear definition of the term "racial discrimination", upon Convention's entry into force.<sup>4</sup>

## Measures to Prohibit Racial Discrimination (Article 2)

Maat reviewed the measures contained in the periodic report of Kingdom of Saudi Arabia to implement Article 2 of Convention, including what was stipulated in Article 3 of Labor Law issued by Royal Decree on September 27, 2005 and amended on July 30, 2019, which affirms that work is a right for every citizen without discrimination based on gender, disability, or other forms of discrimination.<sup>5</sup> Maat also documented some other positive measures. For example, in July 1,

<sup>1</sup> Combined tenth and eleventh periodic reports submitted by Saudi Arabia under article 9 of the Convention, due in 2022, <https://tinyurl.com/y55br8vv>

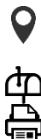
<sup>2</sup> Saudi Arabia's human rights commission recommends law to tackle all racial discrimination, <https://www.arabnews.com/node/1586031/saudi-arabia>

<sup>3</sup> Ibid

<sup>4</sup> Kingdom laws prohibit and criminalize all forms of racial discrimination, hatred, and intolerance, Saudi Press Agency, March 21, 2019, <https://www.spa.gov.sa/1902159>.

<sup>5</sup> Ibid, <https://tinyurl.com/y55br8vv>

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2024, to make health insurance compulsory for domestic workers registered with the employer, if the number of workers exceeds 4 people. This step includes requirements such as the employer providing a medical disclosure form, obtaining approval from the health insurance company, and insuring all workers. This measure is part of the efforts of the Health Insurance Council and the Insurance Authority to enable all beneficiaries to obtain care and prevention.<sup>6</sup>

In August 2020, Saudi Arabia issued a royal decree amending the Labor System Law to limit discrimination against certain groups, such as migrant workers, by deleting Articles 149 and 150 and adding an article that allows the Minister to determine the professions and jobs considered dangerous or harmful or that would expose the worker to unusual dangers or damages, as well as the categories in which employment is prohibited or subject to special conditions. The new penal system in Saudi Arabia, which has been under study since 2022, is expected to criminalize racism, hate speech, and everything considered racial discrimination based on race, color, lineage, national origin, or gender.<sup>7</sup>

Despite these positive steps, Maat has noted some discriminatory practices based on work and national origin, particularly affecting migrant workers employed in Amazon's warehouses in Saudi Arabia.<sup>8</sup> From 2021 to 2023, migrant workers employed in Amazon's warehouses in Saudi Arabia were subjected to deception and exploitation by recruitment agents and labor supply companies. They were forced to live in substandard conditions that did not guarantee them decent work and satisfactory working conditions. Additionally, they were prevented from finding alternative employment or leaving Saudi Arabia, which infringed upon their rights to freedom of movement and to work under satisfactory conditions.<sup>9</sup> The compensation provided by Amazon was insufficient to redress the harm inflicted on these workers during this period.

In June 2024, Maat reviewed two complaints submitted by International Federation of Building and Timber Workers to the International Labor Organization against the Saudi authorities, companies, and investors. The complaints alleged arbitrary practices against 21,000 migrant workers, focusing on the exploitative living and working conditions faced by 13.4 million migrant workers in Saudi Arabia. These issues included widespread wage theft, poor working conditions, restrictions on movement, and the withholding of identity documents. The evidence provided by the International Building and Woodworkers Union included testimonies from 193 migrant

<sup>6</sup> Compulsory Health Insurance for Domestic Workers Goes into Effect Today, <https://www.spa.gov.sa/en/N2131616>

<sup>7</sup> Al Mansi: In the new penal system. Degrading people verbally and with racism is a crime, Sabq, July 23, 2022, <https://sabq.org/saudia/8t2k5w769g>

<sup>8</sup> FOLLOWING EXPOSÉ, AMAZON TO PAY NEARLY 2 MILLION TO MIGRANT WAREHOUSE WORKERS IN SAUDI ARABIA, <https://uniglobalunion.org/news/saudi/>

<sup>9</sup> Ibid

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workers detailing discriminatory practices against them.<sup>10</sup> This requires the Saudi authorities to promptly investigate, publicly announce the findings, and convict any perpetrators if the allegations are proven true.

Additionally, children of Kenyan women in Saudi Arabia face discriminatory practices. These children, who were born in Saudi Arabia to Kenyan mothers and are approximately 10 years old, are unable to obtain Saudi birth certificates, which prevents them from leaving the country due to legal obstacles and issues with their mothers' status.<sup>11</sup> Despite the positive steps taken to provide Saudi women with more rights and freedoms, they continue to face various restrictions in practice. For example, the Personal Status System (Law) approved by Kingdom of Saudi Arabia in March 2022, which regulates issues of alimony, marriage, inheritance, and divorce, imposes discriminatory measures on women. The law allows a man to divorce his wife, whether orally or in writing, unilaterally. Persons with disabilities in Saudi Arabia also face various obstacles to the full enjoyment of their rights. These obstacles include discrimination based on disability, forced sterilization of persons with psychosocial or mental disabilities, particularly women and girls, and the deprivation of their recognition on an equal basis with others before the law and in national courts.

### Segregation and Racial Segregation (Article 3)

Maat appreciates the information provided in Saudi Arabia's report on the implementation of Article Three of Convention, which includes efforts to prevent any form of racial segregation. However, Maat believes that the report did not include any recent policies undertaken by Saudi Arabia to prevent racial segregation. Bedoon group in Saudi Arabia faces practices similar to segregation based on discrimination, as they reside in remote and poor areas, which contradicts the standards of the right to adequate housing. The economic conditions of the Bedoons are not good, and they are not entitled to own homes under Saudi laws, which pushes this group to rent homes of a poor standard that do not provide adequate housing conditions, in contravention of Saudi Vision 2030. High housing rents paid by Bedoon community in Saudi Arabia cause them to live in desert areas. For example, elderly Bedoon women receive a social security salary of around 1,000 riyals, of which they pay 800 riyals in rent because they cannot own a home or obtain decent housing. This has prompted them to reside in the desert and remote areas to combat the exorbitant

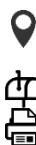
<sup>10</sup> 2034 FIFA World Cup Bid: BWI Lodges Complaint Against Saudi Arabia Over Forced Labor and Wage Theft, <https://www.bwint.org/cms/2034-fifa-world-cup-bid-bwi-lodges-complaint-against-saudi-arabia-over-forced-labour-and-wage-theft-3141>

<sup>11</sup> Migrant workers are trapped in Saudi Arabia because their children lack birth certificates, <https://freedomcollaborative.org/newsletter-archive/migrant-workers-are-trapped-in-saudi-arabia-because-their-children-lack-birth-certificates>

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housing prices, a practice similar to racial segregation that contradicts the implementation of Article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination.

## Access to Justice for Discrimination Cases (Article 6)

The judicial system in Saudi Arabia provides all individuals with the equal right to access national courts and other government institutions mandated to provide redress, remedy, and compensation for discriminatory practices. Any person claiming to have experienced racial discrimination in Saudi Arabia has the right to file a criminal lawsuit before the competent court, as per Article 16 of the Code of Criminal Procedure. Additionally, the Public Prosecution has the jurisdiction to file and investigate a criminal lawsuit if deemed in the public interest, under Article 17 of the Code of Criminal Procedure. The Human Rights Commission in Saudi Arabia also has the authority to receive complaints related to human rights, including racial discrimination, and may refer them to the Public Prosecution. However, there appears to be a lack of a clear coordination mechanism between the Commission and other government institutions in this regard.

Maat has concerns regarding the lack of independent monitoring of racial discrimination practices and complaints faced by both citizens and expatriates in Saudi Arabia. In 2020, the latest available statistic, only around 14 cases related to hate speech and racial discrimination were referred to the courts. While the periodic report submitted by Saudi Arabia indicates that the Human Rights Commission receives discrimination-related complaints, it does not clarify the coordination mechanisms between the Commission and other government institutions, such as Public Prosecution, or the complaint follow-up mechanisms available to Commission. Furthermore, Maat notes the continuing obstacles that prevent women from accessing justice, such as their poor knowledge of their rights and existing complaint mechanisms, fear of retaliation and stigma, and the requirement for women and girls to obtain permission from a male guardian to file complaints. These practices are seen as undermining women's access to the judiciary and are still ongoing.<sup>12</sup>

## Measures to Combat Discrimination in Education and Information (Article 7)

Maat appreciates the efforts made by Saudi Arabia to implement Article 7 of the Convention, including the adoption of specialized educational programs, training, workshops, and awareness campaigns on various human rights topics, including racial discrimination. Several decisions and orders have also stressed the need to avoid fanaticism or abuse in the media. Maat commends these efforts and campaigns aimed at combating racial discrimination. However, Maat notes that these measures have not been sufficient to eliminate discrimination against the Bedoon group, especially

<sup>12</sup> The human rights situation in the Arab region in light of the continuation of the Corona pandemic... Limited development and continuing crises, <https://tinyurl.com/4fyur2b>



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in the field of education. The Basic Law in the Kingdom of Saudi Arabia guarantees public education in Article 30. However, Bedoon children still face obstacles in obtaining education on an equal basis with Saudi children. The lack of valid identity documents for the parents of Bedoon children often leads to the exclusion of these children from schools. Although the Ministry of Education in the Kingdom of Saudi Arabia reportedly encouraged parents of Bidoon children to enroll their children in school following the Committee's concluding observations, challenges remained that hindered their access to the free education available to other Saudi citizens. These challenges include waiting for municipal approval, which can take a long time. Additionally, some Bidoon students are unable to receive university education in public universities and instead must attend private universities, which imposes significant financial burdens. Universities also classify Bidoon children as foreign students, denying them access to scholarships and foreign study programs. These practices contradict the principles and provisions of the UNESCO Convention against Discrimination in the Field of Education. In general, registration in public schools, whether free or private and international schools in Saudi Arabia, depends on obtaining valid identity documents. Due to their stateless status, a wide range of families are unable to enroll their children in primary education. In very rare cases, some people are able to register their children by relying on relationships and sympathetic individuals, including relatives, parents, and school principals who understand the plight of this group.

### **Maat Recommends the Following:**

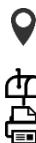
- Consider issuing a separate racial discrimination law that ensures a definition of racial discrimination covering all forms mentioned in Article 1 of Convention.
- Consider adopting a national strategy to combat racial discrimination in consultation with stakeholders, including civil society organizations.
- Consider making amendments to the personal status system to provide women with more guarantees regarding divorce cases and filing complaints related to discriminatory practices.
- Open an independent investigation into the two complaints submitted by the International Building and Woodworkers Union to the International Labor Organization regarding abusive practices against 21,000 migrant workers in Saudi Arabia.
- Consider forming a joint committee between the government and the Human Rights Commission to study all forms of discrimination faced by Bedoon individuals, especially in terms of access to education and the right to adequate housing.
- Adopt more specialized training programs to raise public officials' awareness of the provisions and principles of the Convention.

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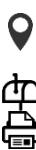
- Remove legal obstacles facing the children of Kenyan women working in Saudi Arabia, which prevent these children from obtaining a birth certificate that would allow them to leave Saudi Arabia at any time.
- Adopt legislation that clearly recognizes the right to equality and non-discrimination based on disability, eliminating all forms of discrimination against persons with disabilities, especially women with disabilities.
- Expand base of participation of civil society organizations during the preparation of reports submitted to treaty bodies and conduct consultations with representatives of the communities most affected by the provisions of the Convention.



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