



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

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined tenth and eleventh periodic reports of Saudi Arabia\*

1. The Committee considered the combined tenth and eleventh periodic reports of Saudi Arabia,<sup>1</sup> submitted in one document, at its 3112th and 3114th meetings,<sup>2</sup> held on 27 and 28 November 2024. At its 3130th meeting, held on 10 December 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined tenth and eleventh periodic reports of the State party. The Committee also welcomes the constructive dialogue with the high-level delegation comprising pertinent officials and wishes to thank the delegation for the information that it provided during the Committee's consideration of the reports and after the dialogue.

#### B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The adoption of the Law on Juveniles, to replace the death penalty for juveniles with imprisonment, promulgated by Royal Decree No. 113, in 2018;

(b) The adoption of the Anti-Harassment Law, promulgated by Royal Decree No. 96, to define inappropriate behaviour, outline procedures for investigating complaints and establish policies to prevent such behaviour in the workplace, in 2018;

(c) The adoption of Order No. 8248 to allow children in an irregular situation to enrol in school, in October 2020;

(d) The establishment of special criminal chambers in each court to consider cases of trafficking in persons;

(e) The launch of the national referral mechanism for victims of trafficking, in 2020;

(f) The adoption of the national plan to combat trafficking in persons (2021–2023) that prioritizes prevention, protection, assistance and prosecution, in July 2021;

(g) The adoption of amendments to the Labour Code, in line with the Labour Reform Initiative initiated by the Ministry of Human Resources and Social Development, to facilitate job transfers of migrant workers and their leaving the State party without the

\* Adopted by the Committee at its 114th session (25 November–13 December 2024).

<sup>1</sup> CERD/C/SAU/10-11.

<sup>2</sup> See CERD/C/SAU/CO/10-11 and CERD/C/SAU/CO/10-11.



permission of the employer, as of March 2021, and to review the absconding regulations for domestic workers and facilitate job transfers under specific conditions, as of July 2024;

(h) The adoption of the regulation for domestic workers and those in similar positions that introduces protection against passport confiscation and overworking, which came into force in October 2024.

4. The Committee also welcomes the ratification by the State party of the Protection of Wages Convention, 1949 (No. 95), the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), of the International Labour Organization, in 2020, 2021 and 2024 respectively.

## C. Concerns and recommendations

### Statistics

5. The Committee notes the statistics provided by the State party's delegation during the dialogue on citizens and migrant workers based on the results of the population census conducted in 2022. Nevertheless, the Committee is concerned about the lack of comprehensive statistics on the demographic composition of the population, including on ethno-religious groups, people of African descent, stateless persons and non-citizens, such as undocumented migrants, asylum-seekers and refugees, and on the socioeconomic situation of the various population groups. It is also concerned that the 2022 population census did not allow information to be gathered on the basis of the principle of self-identification. This lack limits the Committee's ability to properly assess the situation of groups vulnerable to racial discrimination, including their socioeconomic status and any progress achieved by implementing targeted policies and programmes (arts. 1, 2 and 5).

6. **Recalling its previous recommendations,<sup>3</sup> general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, and its guidelines for reporting under the Convention,<sup>4</sup> the Committee recommends that the State party collect and provide to the Committee reliable, updated and comprehensive statistics on the demographic composition of the population, based on the principle of self-identification, including on ethno-religious groups, people of African descent, stateless persons and non-citizens, particularly undocumented migrants, asylum-seekers and refugees. It also recommends that the State party produce disaggregated statistics on the socioeconomic situation of ethno-religious minority groups, people of African descent and non-citizens and on their access to education, employment, healthcare and housing, with a view to creating an empirical basis for assessing the equal enjoyment of the rights enshrined in the Convention.**

### Reservations to the Convention

7. The Committee remains concerned that the State party maintains its broad reservation stating that it will implement the provisions of the Convention provided that they "do not conflict with the precepts of the Islamic sharia", as well as its reservation to article 22 of the Convention, which may affect the full implementation of the Convention in the State party. The Committee notes the information provided by the State party that racial discrimination is compatible with the principles of sharia. It further notes the information provided by the delegation of the State party that reviewing and withdrawing the reservations remains under consideration (art. 2).

8. **Reiterating its previous recommendations<sup>5</sup> and considering the information from the State party that reviewing the reservations remains under consideration, the Committee recommends that the State party withdraw its broad reservations to the Convention to ensure the full implementation of the Convention in the State party and**

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<sup>3</sup> CERD/C/SAU/CO/4-9, para. 8.

<sup>4</sup> CERD/C/2007/1.

<sup>5</sup> CERD/C/SAU/CO/4-9, para. 6.

**avoid misinterpretations on equality among States parties in the application of article 22.**

#### **Convention in the domestic legal order**

9. The Committee takes note of the information that the Convention is part of the domestic legal order and that the Chief Prosecutor issued a circular requesting the Public Prosecution to invoke the Convention before the courts. Nevertheless, the Committee regrets the lack of information on cases in which the provisions of the Convention were invoked before or applied by domestic courts.

**10. The Committee recommends that the State party conduct systematic training programmes and awareness-raising campaigns, in particular for judges, prosecutors, lawyers and law enforcement officials, to ensure that the provisions of the Convention are invoked when relevant by and before domestic courts. It requests the State party to include in its next periodic report concrete examples of the application of the Convention by domestic courts.**

#### **National human rights institution**

11. The Committee regrets the lack of progress in establishing a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), despite the previous recommendation by the Committee (art. 2).

**12. Reiterating its previous recommendations,<sup>6</sup> and recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee urges the State party to establish, within a clear time frame, an independent national institution for the promotion and protection of human rights, with a mandate to combat racial discrimination, in full compliance with the Paris Principles.**

#### **Special measures to address inequalities**

13. The Committee is concerned about the lack of information on special measures taken to address structural inequalities and intersecting forms of discrimination against members of ethno-religious minority groups, people of African descent, stateless persons and non-citizens, such as migrant workers, migrant domestic workers, undocumented migrants and asylum-seekers, particularly against women, children and young persons, which disproportionately impede their enjoyment of the rights protected under the Convention (arts. 1 and 2).

**14. Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party regularly consult with ethno-religious minority groups, people of African descent, stateless persons and non-citizens, such as migrant workers, migrant domestic workers, undocumented migrants and asylum-seekers, and particularly women, children and young persons, to review the situation on the ground, identify and adopt accordingly special measures to eliminate the existing structural inequalities and intersecting forms of discrimination that affect these groups, and remove all obstacles that prevent them from enjoying their economic, social and cultural rights.**

#### **Prohibition of racial discrimination**

15. The Committee takes note of the information that justice and equality are guaranteed under article 8 of the Basic Law of Governance and that the domestic legal framework prohibits discrimination. It also takes note that the State party took measures to adopt legislation to prohibit racial discrimination in accordance with the recommendations made by the Saudi Human Rights Commission, contained in its annual report on the human rights situation in 2019, and to develop and adopt legislation to prohibit racial discrimination in

<sup>6</sup> Ibid., para. 10.

accordance with the State party's obligation under the Convention. Nevertheless, the Committee remains concerned about the lack of comprehensive anti-discrimination legislation containing an explicit definition of racial discrimination on all the grounds enumerated in article 1 of the Convention and expressly prohibiting structural, direct, indirect and intersecting forms of discrimination in the public and private spheres. Furthermore, the Committee is concerned that the domestic legal framework is based on neutral and vague concepts as regards the grounds for prohibiting discrimination, such as "residents". It is also concerned about the lack of information on the implementation of the prohibition of discrimination in the domestic legal framework, including intersecting forms of discrimination (arts. 1, 2 and 5).

**16. Reiterating its previous recommendations,<sup>7</sup> the Committee urges the State party to develop and adopt comprehensive anti-discrimination legislation that contains a clear definition of racial discrimination and encompasses structural, direct, indirect and intersecting forms of discrimination in both the public and private spheres, in accordance with article 1 of the Convention. It also recommends that the State party review its legal framework with a view to bringing it into line with the Convention, explicitly incorporating the principle of equality and the prohibition of racial discrimination on all prohibited grounds, in line with article 1 of the Convention.**

#### **Complaints of racial discrimination**

17. The Committee notes that the right of litigation is guaranteed for citizens and residents, in accordance with article 47 of the Basic Law of Governance and articles 16 and 17 of the Criminal Procedure Law, and that the Saudi Human Rights Commission is mandated to consider complaints of racial discrimination, in addition to national courts. It also notes the information provided by the delegation that, between 2020 and 2023, the public prosecutor investigated 943 complaints related to racial discrimination and that it filed charges in 289 cases. Nevertheless, the Committee is concerned about the lack of detailed and disaggregated information on complaints of racial discrimination, investigations, prosecutions, and convictions and sanctions by domestic courts.

**18. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:**

**(a) Conduct comprehensive and regular training programmes for police officers, prosecutors and other law enforcement officials on the identification and registration of incidents of racial discrimination and the situation of groups exposed to racial discrimination;**

**(b) Undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination, particularly in order to inform ethno-religious minority groups, people of African descent, migrants, asylum-seekers and stateless persons;**

**(c) Collect statistics, disaggregated by age, gender and ethnic and national origin, on complaints of racial discrimination submitted to the national courts and to the Saudi Commission for Human Rights, on investigations and prosecutions undertaken, on convictions handed down and sanctions imposed, and on reparations provided to the victims, and include those statistics in its next periodic report.**

#### **Hate speech and hate crimes**

19. The Committee notes the information provided by the delegation on the legislative framework to combat hate speech and hate crimes, particularly under article 39 of the Basic Law of Governance, article 8 of the Civil Association and Organization Law, article 9 of the Printing and Publication Law and article 5 of the Audiovisual Media Law. It also takes note that racist motive is considered an aggravating circumstance. The Committee further notes the information provided by the delegation on the revision of school textbooks to remove

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<sup>7</sup> Ibid., para. 12.

prejudice and promote understanding. It takes note of the statistics provided by the delegation on cases related to the Audiovisual Media Law and the Printing and Publication Law. The Committee further takes note of information on the codifying and drafting of a Penal Code. Nevertheless, the Committee is concerned:

(a) That the legislative framework does not contain provisions that expressly criminalize racist hate speech and hate crimes in accordance with article 4 of the Convention and on all the grounds recognized in article 1;

(b) That the criminalization of hate speech and hate crime under the legislative framework is based on vague concepts, such as “undermining public order” or “contradicts public morals”, and that the criminalization of hate speech and hate crimes only applies when nationals are the victims of it, excluding groups vulnerable to racial discrimination such as migrants and stateless persons;

(c) About reports of the spread of racist hate speech and the dissemination of negative stereotypes against ethno-religious minority groups, people of African descent, migrants and stateless persons, including on the Internet and social media;

(d) About reports of the use of racist hate speech by public figures, including religious leaders, targeting the Shia ethno-religious minority group, and about the lack of information on investigations, prosecutions and convictions of such public figures;

(e) About the lack of detailed information on complaints or cases involving hate crimes and hate speech in the State party, prosecutions, and convictions and sanctions imposed on perpetrators, notwithstanding the statistics provided by the delegation on cases related to the Audiovisual Media Law and the Printing and Publication Law (arts. 4 and 6).

**20. Recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Expedite the codification and adoption of the Penal Code and ensure that it explicitly criminalizes racist hate speech and hate crimes in accordance with article 4 of the Convention and includes all the grounds of discrimination recognized in article 1 of the Convention;**

(b) **Review its legal framework, particularly article 8 of the Civil Association and Organization Law, article 9 of the Printing and Publication Law and article 5 of the Audiovisual Media Law, with a view to bringing them into line with the Convention;**

(c) **Enhance its efforts to combat the spread of racist hate speech in the media, on the Internet and in social media, in close cooperation with media outlets, Internet service providers and social media platforms;**

(d) **Firmly condemn any form of hate speech and distance itself from racist hate speech expressed by public figures, including religious leaders, and ensure that such acts are investigated and adequately punished;**

(e) **Improve the system for collecting and disaggregating data on the number and types of complaints of racist hate speech and hate crimes, the number of investigations, prosecutions and convictions, and the reparation provided to victims, disaggregated by age, gender, and ethnic and national origin of the victims and the perpetrators, and include relevant statistics in its next periodic report.**

#### **Racial profiling and use of lethal force**

21. The Committee takes note of the information provided by the delegation on the human rights training provided to law enforcement agencies. Nevertheless, the Committee is concerned about:

(a) The lack of information on the prohibition of racial profiling in the legislative framework on law enforcement;

(b) Reports of racial profiling by the law enforcement agencies, targeting migrants, particularly migrants from Africa and South-East Asia, in police operations;

(c) The lack of investigations, prosecutions, convictions and sanctions for acts of racial profiling by law enforcement officials against non-citizens, particularly migrants from Africa and South-East Asia (arts. 4, 5 and 6).

**22. Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

(a) Adopt legislation that explicitly prohibits racial profiling by law enforcement officials during police operations;

(b) Establish an independent monitoring body with the competence to receive complaints of racial profiling and racially motivated violence by law enforcement agencies, with safe and accessible reporting channels for victims;

(c) Conduct prompt, thorough and impartial investigations into all allegations of racial profiling and racially motivated violence by law enforcement officials against migrants, and ensure that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that the victims or their families are provided with adequate forms of reparation.

#### **Algorithmic profiling and racial discrimination**

**23.** The Committee takes note of the information on the establishment of the Saudi Authority for Data and Artificial Intelligence. While noting the information on the use by the State party of algorithmic profiling, including automated decision-making, artificial intelligence tools and methods, and the use of facial recognition, in migration, border control and crowd control, particularly during hajj and umrah, the Committee is concerned about the lack of information on measures to guarantee the protection of members of groups vulnerable to racial discrimination in this regard.

**24. Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party adopt measures to ensure that the use of artificial intelligence does not amount to algorithmic profiling and does not undermine human rights, in particular the right not to be discriminated against, the right to equality before the law, the right to liberty and security of person and the right to privacy.**

#### **Criminal justice system and the death penalty**

**25.** The Committee takes note of the information provided by the State party on the measures to reform the justice system, including the codification of crimes and penalties, and on the protection safeguards in the criminal justice system, such as the mandatory appeal of death penalty sentences and review by the Supreme Court. Nevertheless, the Committee is concerned about reports that:

(a) Members of the Shia ethno-religious minority group, migrant workers and domestic workers, including women, are overrepresented in the criminal justice system and disproportionately subjected to arbitrary detention, torture and ill-treatment along with an absence of fair trial guarantees, and with coerced confessions, particularly in cases involving the death penalty;

(b) There has been a significant increase in the rate of executions carried out since 2023, in particular among members of the Shia ethno-religious minority group, migrant workers and domestic workers, while the State party does not make available detailed, disaggregated statistics on death sentences imposed and executions carried out, including the type of offence and the demographic data on convicted persons;

(c) Women migrant workers and domestic workers, who experience intersecting discrimination based on gender, language, ethnicity, national origin and class, are sentenced to death without consideration of gender-related factors during criminal proceedings against

them, including the domestic and gender-based violence they endured prior to the crime (arts. 2, 5 and 6).

26. **Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:**

- (a) Establish a moratorium on the death penalty with a view to abolishing it;
- (b) Expedite the reform of the justice system and review its legislative framework to ensure that penalties are never imposed for vaguely worded crimes;
- (c) Ensure the right to fair trial proceedings, while ensuring the availability of legal assistance and the inadmissibility of evidence obtained under duress and torture before court, and prompt, independent and effective investigations of torture and ill-treatment allegations;
- (d) Adopt measures to ensure gender-responsive application of the law so that evidence of trauma, economic pressure and child marriage, as well as domestic and gender-based violence, are adequately taken into consideration in criminal procedures against women migrant workers and women domestic workers sentenced to death, in line with the relevant recommendations of the Committee on the Elimination of Discrimination against Women;<sup>8</sup>
- (e) Collect and publish disaggregated statistics on death sentences imposed and executions carried out, including the type of offence and the demographic data on convicted persons.

#### **Rights to freedom of opinion and expression and to freedom of association**

27. The Committee notes the information provided by the delegation on the Civil Society Associations and Organizations Law, which regulates the registration and operation procedures for civil society organizations. Nevertheless, the Committee remains concerned about reports that human rights defenders, activists, lawyers and journalists are targets of intimidation, surveillance, harassment, threats, reprisals, arrests and arbitrary detention as a consequence of their work to promote and protect the rights of persons belonging to groups vulnerable to racial discrimination, such as the Shia ethno-religious minority group, the Howeitat tribe, migrant workers and domestic workers. It is further concerned about reports of long prison sentences and the death penalty imposed on human rights defenders, activists, lawyers and journalists, based on the overly broad and vague provisions of the Counter-Terrorism Law and the Anti-Cybercrime Law (art. 5).

28. **The Committee recommends that the State party ensure that the legislative framework on countering extremism, particularly the Counter-Terrorism Law and the Anti-Cybercrime Law, is not used to intimidate, harass, arrest, detain or prosecute human rights defenders, activists, lawyers and journalists, including those working on the rights of the Shia ethno-religious minority group, the Howeitat tribe, migrant workers and domestic workers, for exercising their rights to freedom of opinion and expression and to freedom of association. It also recommends that the State party conduct effective, thorough and impartial investigations into all reported cases of intimidation and harassment of, and threats and reprisals against, human rights defenders, activists, lawyers and journalists.**

#### **Right to freedom of thought, conscience and religion**

29. The Committee notes the information provided by the delegation that the legislative framework guarantees the right to freedom of thought, conscience and religion for members of the Shia ethno-religious minority group and of religions other than Islam. However, the Committee is concerned about reports that ethno-religious minority groups, in particular non-Sunni ethno-religious minority groups, face obstacles in obtaining permission to construct religious places of worship. It is further concerned about reports that non-citizens,

<sup>8</sup> CEDAW/C/SAU/CO/5, para. 16.

such as migrant workers and domestic workers from Africa and South-East Asia who are non-Muslims, face discrimination in the enjoyment of their right to freedom of thought, conscience and religion, which includes restrictions on constructing religious places of worship, on organizing cultural activities with a religious character, such as public worship, and on public displaying of religious symbols (art. 5).

**30. Reiterating its previous recommendations,<sup>9</sup> the Committee recommends that the State party take all measures necessary to guarantee the effective exercise by ethno-religious minority groups, in particular non-Sunni ethno-religious minority groups and non-nationals, of their right to freedom of thought, conscience and religion, without any discrimination, including by ensuring the freedom to manifest their religion or belief, either individually or in community with others, and in public or private, without being penalized or subjected to reprisals.**

#### **Nationality rights**

**31.** The Committee notes the information provided by the delegation on the amendments to the Law on Nationality. The Committee remains concerned that Saudi women married to non-Saudi citizens cannot transfer their nationality to their children, unlike Saudi men married to non-Saudi citizens.

**32. Reiterating its previous recommendations,<sup>10</sup> and recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party review and amend its legislative framework, in particular the Law on Nationality, to allow Saudi women married to non-Saudi citizens to transmit their nationality to their children from birth, on an equal footing with Saudi men.**

#### **Women belonging to ethnic and ethno-religious minority groups**

**33.** The Committee takes note of the reforms to the State party's legislative framework to promote women's rights in various fields, in accordance with Royal Decree No. 134 of 30 July 2019. However, the Committee remains concerned that women belonging to ethno-religious minority groups, women of African descent, women migrant workers, women domestic workers, women human rights defenders and activists, women in detention and stateless women remain marginalized and subjected to multiple and intersecting forms of discrimination on the grounds of ethnic and national origin, race, colour, religion, age and gender, owing to discriminatory provisions in the domestic legislative framework. Racial discrimination prevents enjoyment of their human rights, and equal access without discrimination to employment, education, healthcare and justice (arts. 2 and 5).

**34. Recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, and reiterating its previous recommendations,<sup>11</sup> the Committee recommends that the State party review its legislative and policy frameworks to eliminate all barriers and restrictions faced by women belonging to ethno-religious minority groups, women of African descent, women migrant workers, women domestic workers, women human rights defenders and activists, women in detention and migrant and stateless women, and ensure their equal access to employment, education, healthcare and justice. To this end, it recommends that the State party incorporate a minority women perspective into all gender-related policies and strategies.**

#### **Situation of the Shia ethno-religious minority group**

**35.** The Committee is concerned about the lack of detailed information and official statistics on the situation of the Shia ethno-religious minority group in the State party, particularly about their social and economic situation. The Committee is concerned about the lack of measures taken to address and combat structural discrimination, stigmatization and

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<sup>9</sup> CERD/C/SAU/CO/4-9, para. 24.

<sup>10</sup> Ibid., para. 30.

<sup>11</sup> Ibid., para. 28.

marginalization targeting members of the Shia ethno-religious minority group, which impedes their enjoyment of the rights protected under the Convention. It is also concerned about reports of the low representation of the Shia ethno-religious minority group in law enforcement agencies, the public administration and the judiciary, particularly in senior and decision-making positions (arts. 1, 2 and 5).

**36. The Committee recommends that the State party adopt effective measures to address the structural discrimination, stigmatization and marginalization faced by the Shia ethno-religious minority group to ensure their access to education, employment, healthcare and housing without discrimination. The Committee recommends that the State party take measures to ensure fair and equitable representation of the Shia ethno-religious minority group, including women, in the public sector, and in decision-making and high-ranking positions, by identifying and removing the barriers that they face in this respect and by adopting and implementing special measures. It also recommends that the State party include, in its next periodic report, statistics about the Shia ethno-religious minority group, particularly concerning their economic, social and cultural situation.**

#### **Situation of the Howeitat Bedouin tribe**

37. The Committee takes note of the information provided by the delegation on the human rights safeguards in relation to compensation and resettlement while implementing development projects, such as the Neom project. However, the Committee is concerned about reports of:

- (a) The inadequate consultation process with the Howeitat Bedouin tribe to obtain their free, prior and informed consent prior to the implementing the Neom project;
- (b) The evictions of members of the Howeitat Bedouin tribe without the provision of adequate alternative housing or compensation (arts. 2 and 5).

**38. The Committee recommends that the State party:**

- (a) **Take measures to ensure meaningful and effective consultations with affected Bedouin tribes to obtain their free, prior and informed consent on any development projects and ensure the rights to property, access to land, housing and natural resources of Bedouin communities;**
- (b) **Adopt measures to guarantee that evictions are carried out in accordance with international human rights standards, that families and individuals affected are provided with adequate alternative housing and compensation and that effective remedies are in all cases available to those affected in cases of eviction.**

#### **Migrant workers**

39. The Committee welcomes the measures taken by the State party to implement Cabinet Decree No. 166 of 9 October 2000 to improve the situation of migrant workers, including the launch, in 2020, of the Contractual Relationship Improvement Initiative and the Labour Reform Initiative by the Ministry of Human Resources and Social Development, to facilitate job transfers of migrant workers and their leaving the State party without the permission of the employer, which came into force in March 2021. Nevertheless, the Committee is concerned that:

- (a) The legal framework on labour still does not provide sufficient protection for migrant workers, in relation to their ability to change jobs and leave the State party, in particular as regards: the requirement to work at least one year with an employer before being able to move to a new employer, the requirement/condition of submitting a complaint against the employer for an abuse such as non-payment of salary or non-renewal of work permit, and the requirement for migrant workers to submit a request to the Ministry of Human Resources and Social Development in order to leave the State party under a complex administrative procedure and after the payment of a fee;
- (b) Migrant workers, particularly domestic workers, face discrimination and exclusion under the legislative framework. The prohibition of discrimination in employment

under article 3 of the Labour Code only applies to Saudi citizens and excludes migrant workers, the minimum wage applies only to Saudi nationals and there is no minimum wage for migrant workers, and the age of retirement, under article 38 of the Social Insurance Law, does not apply to migrant workers;

(c) Lower-income migrant workers, particularly domestic workers, face obstacles and indirect discrimination with regard to family reunification, due to the high wage requirement for sponsoring a family in the State party in relation to the wages they receive and also taking into account the lack of a minimum wage for migrant workers and domestic workers in the legislative framework;

(d) Migrant workers, including domestic workers, face discrimination in the exercise of their rights to freedom of association and to form and join trade unions, particularly under the provisions of the Civil Society Associations and Organizations Law and the Labour Code, which exclude migrants from the possibility of establishing civil society organizations and trade unions and joining the latter;

(e) Measures taken to protect the occupational health and safety of migrant workers are reportedly ineffective, with reports of a high mortality rate among migrant workers due to harsh working environments, extreme heat and poor living conditions, notwithstanding the information provided by the delegation on the campaigns organized by the Ministry of Human Resources and Social Development to verify that occupational safety and health checks are carried out as regards working under the sun;

(f) Migrant workers are subjected to mandatory HIV/AIDS testing and, if found to be living with HIV, face deportation (arts. 1, 2 and 5).

**40. Reiterating its previous recommendations,<sup>12</sup> the Committee recommends that the State party:**

(a) **Review its legislative framework – in particular provisions of the Labour Code, the Social Insurance Law and the Civil Society Associations and Organizations Law – to repeal restrictions on job mobility, to repeal the procedure for submitting an application prior to exiting the State party, to apply the minimum wage and the age of retirement to migrant workers, including domestic workers, and to ensure their enjoyment of the rights enshrined in the Convention without discrimination, particularly the rights to freedom of association and to form and join trade unions;**

(b) **Adopt measures to facilitate family reunification of migrant workers, including domestic workers;**

(c) **Adopt the necessary measures to prevent the death of migrant workers, including by reviewing its legislative and policy frameworks on occupational safety and health regulations;**

(d) **Abolish mandatory HIV/AIDS testing for migrant workers and refrain from deporting migrant workers living with HIV.**

**Domestic workers**

41. The Committee welcomes the adoption of the regulation for domestic workers and those in similar positions, which came into force in October 2024 and which introduces protection against passport confiscation and overworking. It also notes the information on the inclusion of domestic workers under the wage protection system starting from July 2024. The Committee is nevertheless concerned about reports that:

(a) Domestic workers, who are predominantly women, do not enjoy the same standards of labour protection as other migrant workers according to the legislative framework and continue to be subjected to abusive working conditions, in particular long working hours, underpayment of wages, restrictions on their rights to family life and privacy, being requested to obtain the approval of their employer to exit the State party and being subjected to more complex restrictions regarding job mobility;

<sup>12</sup> Ibid., para. 18.

(b) Women domestic workers are subjected to physical and sexual abuse and are excluded from the protection granted under the Anti-Harassment Law, promulgated by Royal Decree No. 96 in 2018, which defines inappropriate behaviour, outlines procedures for investigating complaints and establishes policies for preventing such behaviour in the workplace;

(c) Women domestic workers are subjected to discrimination on the grounds of national origin as regards their rights to equal pay for equal work and to just and favourable remuneration, according to reports that women domestic workers from Africa are renumerated less than those from South-East Asia.

**42. Reiterating its previous recommendations<sup>13</sup> and recalling its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party:**

(a) Adopt effective measures to ensure that the work of domestic workers is regulated by the Labour Code and that all existing provisions to protect domestic workers from abuse and exploitation are enforced effectively;

(b) Take measures to address abuse and exploitation of domestic workers, including by reviewing its legislative framework to ensure the application of the Anti-Harassment Law to cases relating to women migrant domestic workers, and by investigating all allegations of abuse and violence against migrant domestic workers, including physical, verbal and sexual violence, holding perpetrators accountable and providing remedy to the victims;

(c) Take measures to guarantee and protect the rights of migrant domestic workers to equal pay for equal work and to just and favourable remuneration without discrimination, including by introducing a minimum wage in the legislative framework for migrant domestic workers, and to address intersecting forms of discrimination on the grounds of gender, race, colour, descent and national or ethnic origin in all areas of employment.

#### **Access to justice for migrant workers**

**43.** The Committee notes the information provided by the delegation on the statistics on complaints submitted by migrant workers and migrant domestic workers to the Ministry of Human Resources and Social Development, and that the public prosecutor received 2,024 complaints regarding domestic migrant workers between 2020 and 2023. The Committee is, however, concerned about:

(a) Reported barriers to migrant workers, particularly domestic migrant workers, accessing justice and remedies, such as the lack of free legal aid services, restrictions on their right to freedom of movement and abusive working hours imposed by the employer, and fear of reprisals and deportation;

(b) Lack of detailed information on the complaints submitted by migrant workers and migrant domestic workers to the Ministry of Human Resources and Social Development and the public prosecutor, and on prosecutions and the convictions and sanctions imposed on perpetrators;

(c) Reports of obstacles and undue delays in the enforcement of court decisions concerning abuses committed by Saudi companies against the rights of migrant workers, including non-payment of wages.

**44. Reiterating its previous recommendations,<sup>14</sup> the Committee recommends that the State party:**

(a) Take the measures necessary to assess the effectiveness of remedies available to migrant workers and migrant domestic workers, to eliminate all barriers

<sup>13</sup> Ibid., para. 20.

<sup>14</sup> Ibid., para. 22.

**to the filing of complaints by migrant workers and migrant domestic workers and to ensure the accessibility and availability of safe reporting channels to victims;**

(b) **Strengthen its system on statistics regarding complaints by migrant workers and migrant domestic workers to ensure the collection of statistical data, disaggregated by age, gender and ethnic and national origin, on complaints submitted to national courts and to the Ministry of Human Resources and Social Development, on investigations and prosecutions undertaken, convictions handed down and sanctions imposed, and on reparations provided to victims, and include those statistics in its next periodic report;**

(c) **Enforce protective legislation and policies on migrant workers, and ensure access by migrant workers to effective remedies and adequate reparation in case of violations;**

(d) **Conduct awareness-raising campaigns among migrant workers and migrant domestic workers on their labour rights and available judicial remedies.**

#### **Stateless persons**

45. The Committee is concerned about the lack of statistics on stateless persons (Bidoon) and their socioeconomic situation, and about reports of discrimination faced by the Bidoon in access to employment, education, healthcare and other basic services. It is concerned about the lack of a dedicated determination procedure in relation to statelessness.

46. **The Committee recommends that the State party adopt measures to reduce and prevent statelessness and to establish a dedicated and effective determination procedure in relation to statelessness. It also recommends that the State party ensure that stateless persons, particularly the Bidoon, enjoy all human rights without discrimination, including access to work, housing, education and healthcare.**

#### **Migrants, asylum-seekers and refugees**

47. The Committee notes the information provided by the State party on its political asylum system, according to article 42 of the Basic Law on Governance. However, the Committee is concerned about:

(a) The de facto detention of undocumented migrants and asylum-seekers without judicial overview and for an indefinite duration;

(b) Reported substandard and inhuman conditions at detention facilities for migrants and asylum-seekers, which have a disproportionate impact on women and children, and reports of human rights violations by law enforcement officials against arbitrarily detained migrants, including excessive and lethal use of force, torture, rape and other forms of sexual violence;

(c) The lack of an asylum procedure, impeding the enjoyment by persons in need of international protection of their fundamental rights;

(d) Reports of the deportation, extradition and forcible return of migrants and asylum-seekers in need of international protection, in violation of the principle of non-refoulement;

(e) Reported incidents of systematic pushbacks of migrants and asylum-seekers by border law enforcement agencies at the State party's border with Yemen, in 2014, 2022 and 2023, while deploying indiscriminate, excessive and lethal use of force and firearms, leading to deaths and injuries of migrants and asylum-seekers;

(f) The lack of investigations, prosecutions, convictions and sanctions for alleged human rights violations and abuses, including excessive and lethal use of force and firearms, arbitrary detention, torture, rape and other forms of sexual violence by law enforcement agencies against migrants and asylum-seekers in detention facilities and at the State party's border with Yemen.

48. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:

- (a) Develop and adopt a legal framework in accordance with international standards, particularly the Convention, that provides adequate protection of migrants, asylum-seekers and refugees and establishes an asylum procedure, in accordance with internationally recognized standards, including the principle of non-refoulement;
- (b) Ensure that immigration detention is applied only as a measure of last resort and for the shortest possible period, after an assessment of its legality, necessity and proportionality on a case-by-case basis;
- (c) Take measures to improve the living conditions in detention facilities for migrants and asylum-seekers in accordance with international standards and ensure that everyone in those facilities has access to medical care, interpreters, adequate food and social support;
- (d) Conduct effective, thorough and impartial investigations into all reports of abuses and violations of human rights perpetrated against migrants and asylum-seekers, particularly those committed in detention facilities and at the State party's border with Yemen, prosecute and punish adequately those convicted with penalties commensurate with the offences, and provide victims of discriminatory acts with adequate redress and support;
- (e) Refrain from collective expulsion, deportation and pushback, provide access to its territory for persons in need of international protection, respect the principle of non-refoulement, and conduct investigations into cases of collective expulsion, pushback and excessive use of force and violence by law enforcement officials against migrants, refugees and asylum-seekers;
- (f) Review its legal framework on the lethal use of force by border law enforcement officials to ensure that it is in accordance with international law and international standards, including the Code of Conduct for Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

#### **Training, education and other measures to combat prejudice and intolerance**

49. The Committee takes note of the information provided by the delegation on the training for judges on international human rights conventions and general campaigns on human rights. Nevertheless, the Committee is concerned about the lack of integration of human rights into the education system and about the prevalence of racist stereotypes in the State party (art. 7).

50. The Committee recommends that the State party increase its efforts to conduct public awareness-raising campaigns, with measurable outcomes, targeting the general public, civil servants, law enforcement officials and members of the judicial authorities on the promotion of ethnic and cultural diversity, tolerance, interethnic understanding and respect for diversity.

## **D. Other recommendations**

### **Ratification of other treaties**

51. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Domestic

**Workers Convention, 2011 (No. 189) of the International Labour Organization.** The Committee encourages the State party to accede to the Convention relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

#### **Declaration under article 14 of the Convention**

52. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual complaints.

#### **Follow-up to the Durban Declaration and Programme of Action**

53. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### **International Decade for People of African Descent**

54. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is coming to an end, the Committee requests the State party to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### **Consultations with civil society**

55. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

56. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention, in the official and other commonly used languages, as appropriate.

#### **Common core document**

57. The Committee encourages the State party to update its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies, held in June 2006.<sup>15</sup>

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<sup>15</sup> HRI/GEN/2/Rev.6, chap. I.

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**In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.**

**Paragraphs of particular importance**

58. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 22 (racial profiling and use of lethal force), 26 (criminal justice system and the death penalty), 38 (situation of the Howeitat Bedouin tribe), 42 (domestic workers) and 48 (migrants, asylum-seekers and refugees) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

**Follow-up to the concluding observations**

59. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 18 (a) and (b) (complaints of racial discrimination), 20 (a) (hate speech and hate crimes) and 40 (d) (migrant workers) above.

60. The Committee commends the State party for the timely submission of its last follow-up report on its previous concluding observations.

**Preparation of the next periodic report**

61. The Committee recommends that the State party submit its combined twelfth and thirteenth periodic reports, as a single document, by 22 October 2028, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>16</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports and 42,400 words for the common core document.

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<sup>16</sup> CERD/C/2007/1.