

# Support or Suppression? The Kafala System in Saudi Arabia

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## INTRODUCTION

Since the 1950s, the Kafala System has been the main program countries in the Gulf Cooperation Council have implemented in order to handle the influx of migrant workers. Though it was created to provide opportunities for the migrant workers, it has resulted in near limitless power for the sponsors that employ them. This study examines the implementation of the Kafala System in Saudi Arabia, and looks at the effectiveness and flaws of the program, while also providing solutions. In total, Saudi Arabia has failed their migrant workers every step of the way through the Kafala System, and is in need of major reforms in order to level the playing field.

## BACKGROUND

### Saudi Arabia's Economy

GDP (2018): \$785 billion USD

Population (2015): 33.7 million

Migrant Population (2015): 10.2 million

Unemployment Rate (2016): 5.7%

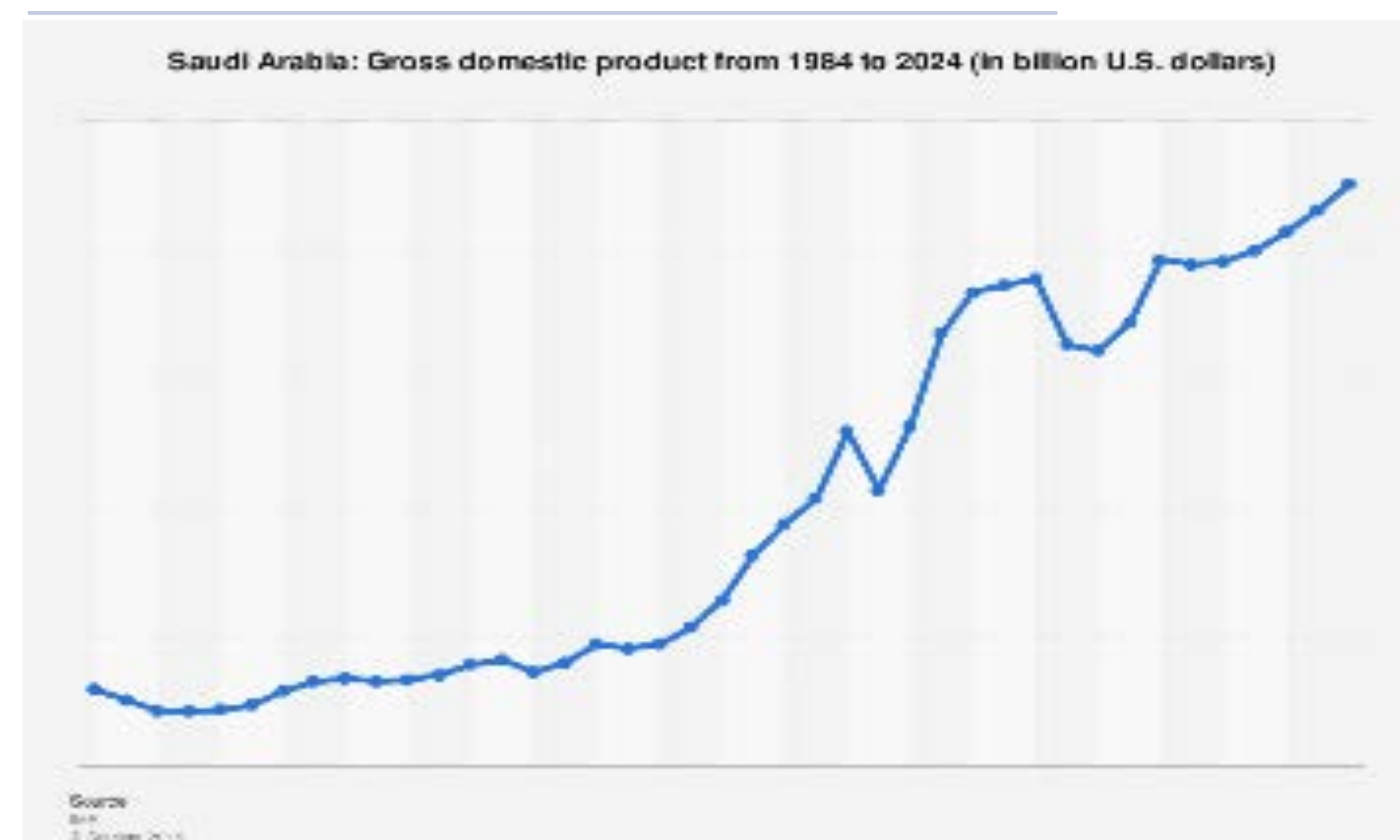


Figure 1. Saudi Arabia's Rising GDP. Courtesy of the World Bank

The Kafala System began in the late nineteenth century. The British Empire had expanded their power over several GCC countries, and needed a way to control the population they were now in charge of. In response, they created a system that had employers sponsor employees in order to maintain proper control over them. The GCC countries kept the system and began to revise it in order to apply to migrant workers in particular, and the system has been in place since.

## Saudi Labor Law

Many of Saudi Arabia's labor laws are biased against migrant workers. Royal Decree No. M/51, for example, excludes domestic migrant workers from rights granted to Saudi citizens, including:

- Maximum number of hours worked per week
  - Prohibiting the withholding of salaries
  - Days for rest
  - A means to settle labor disputes.
- Contracts are also an issue:
- Several versions of contracts are made, with different stipulations in each. One is used for formal purposes, meaning it is filed and recorded, and one is used for practical purposes, meaning it is implemented. The practical contract has worse work conditions, and migrants are hesitant to object because they fear losing their jobs.

- Under Royal Decree No. 51, employment contracts are only accepted in Arabic. Not all migrants have a translator to understand the contract, much less negotiate it. Stipulations can be included migrants do not even know about, dooming them from the start.

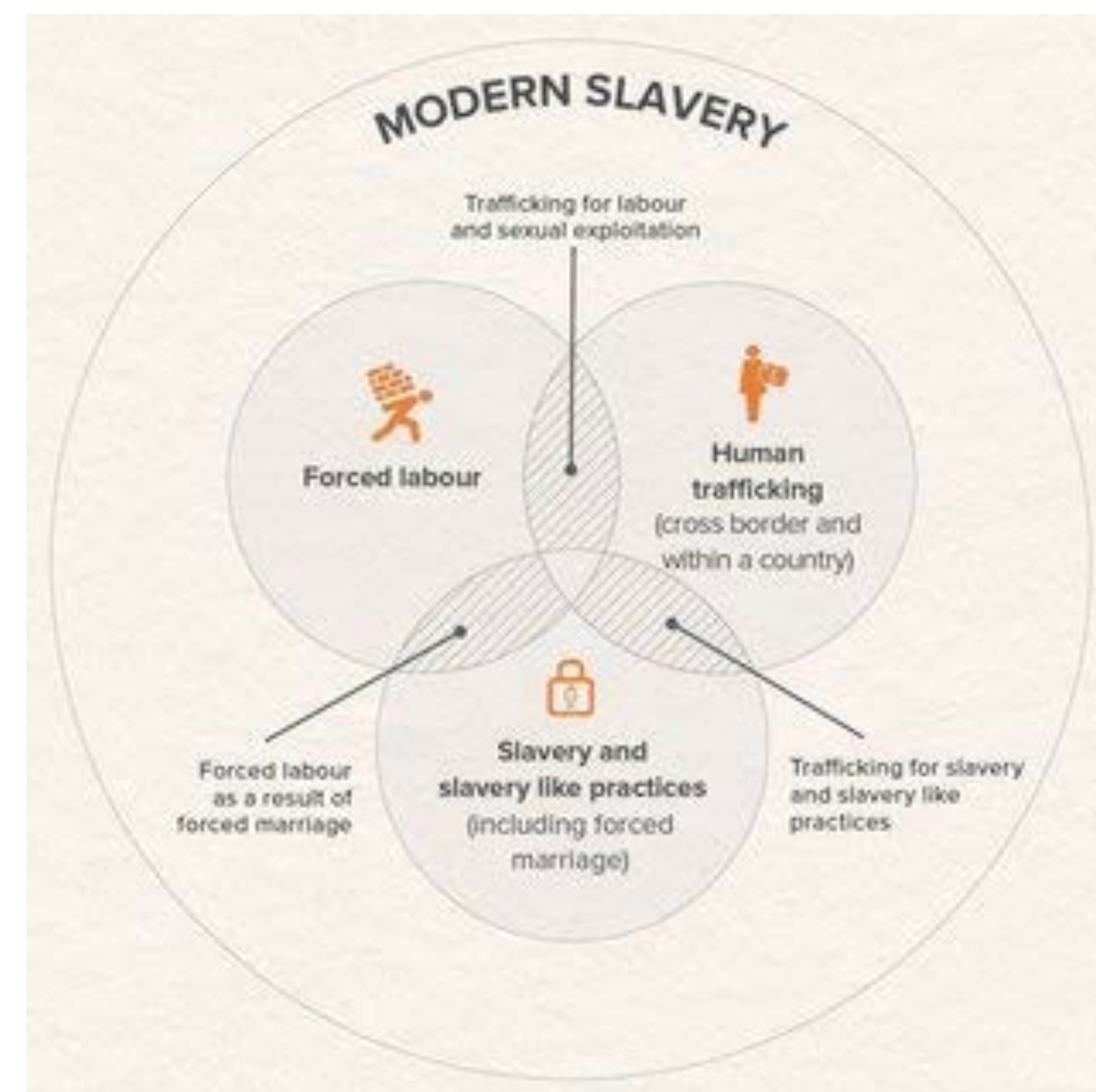


Figure 2. A Venn Diagram of Modern Slavery. Courtesy of Tahir (2019)

## Four Fundamental Freedoms

In order to measure the level of respect for worker and human rights under the Kafala System in Saudi Arabia, each of the four fundamental freedoms laid out by President Roosevelt in 1941 was examined.

### Freedom from fear

- Cycles of abuse claims, ranging from verbal, physical, and even sexual abuse daily
- Migrant workers must arrive at their jobs to provide for themselves and their family, but do so under a cloud of fear

### Freedom of speech

- Migrants restricted from communicating with neighbors or talking to family on the phone
- Fear of speaking out against employers due to risk of retaliation, either through abuse or removal from job

### Freedom of worship

- No *direct* evidence of worship being violated by employers
- However, due to long work days, there is lack of opportunity to worship in the traditional sense
- Saudi Arabia is an Islamic monarchy, so migrants that follow other religions must suppress their religious beliefs

### Freedom from want

- Passports taken away upon arrival, preventing travel to family or other potential employers
- No real voice in creation of contracts
- Some can not travel without accompaniment of employer
- Some migrants must work in dangerous areas, and live in poor conditions, such as kitchens or under staircases

In total, it would seem Saudi Arabia has failed migrant workers on the four most fundamental freedoms that should be given to all. Though the culture is different in Saudi Arabia than in the United States, there must be a certain threshold *all* countries must follow, and Saudi Arabia has not met that threshold.

## RECENT UPDATES

In the past several months, there have been reports that the Kafala System is going to end in Saudi Arabia as part of their "Vision 2030" series of reforms. Reports indicate that migrants can now keep their passports and travel as they please. However, there are still serious issues that must be fixed regarding migrant rights.

## RECOMMENDATIONS

- Connect migrant workers with governmental organizations or a company. Many of the violations have come at the hands of individual sponsors, but there have been positive outcomes when a larger group sponsors migrants
- Increase regulation of migrant workplace and living conditions. Bring inspectors on site to examine, and drastically increase the number of workers in this system
- Reform Saudi labor law, particularly Royal Decree No. 51, to include migrant worker protections

## CONCLUSION

The news that Saudi Arabia is likely going to abolish the Kafala System is a major step in the right direction for the rights of workers. Nevertheless, it is important to not forget the struggle so many had to go through to reach this point. In addition, it is our responsibility to keep holding this government, and governments around the world, accountable until *all* lives are being protected as they should be.

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