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The situation of Ethiopian migrants in detention centres in Saudi Arabia

European Parliament resolution of 8 October 2020 on the situation of Ethiopian migrants in detention centres in Saudi Arabia (2020/2815(RSP))

(2021/C 395/08)

The European Parliament,

— having regard to its previous resolutions on Saudi Arabia, in particular those of 11 March 2014 on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa [1], of 12 February 2015 on the case of Raif Badawi [2], of 8 October 2015 on the case of Ali Mohammed al-Nimr [3], of 31 May 2018 on the situation of women's rights defenders in Saudi Arabia [4], and of 25 October 2018 on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul [5], as well as those of 25 February 2016 on the humanitarian situation in Yemen [6] and of 30 November 2017 [7] and 4 October 2018 [8] on the situation in Yemen,

— having regard to its resolution of 3 May 2018 on the protection of children in migration (2018/2666(RSP)) [9],

— having regard to its resolution of 5 April 2017 on addressing refugee and migrant movements: the role of EU External Action (2015/2342(INI)) [10],

— having regard to the statement by the International Organization for Migration (IOM) of 15 September 2020 entitled 'Urgent Action Needed to Address Conditions in Detention in Kingdom of Saudi Arabia: IOM Director General',

— having regard to the United Nations General Assembly Resolution of 19 December 2018 entitled 'Global Compact for Safe, Orderly and Regular Migration',

— having regard to the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

— having regard to Rule 144(5) and 132(4) of its Rules of Procedure,

A. whereas since April 2020, according to Human Rights Watch reports, around 30 000 Ethiopian migrants, including pregnant women and children, are being arbitrarily detained in Saudi Arabia under horrific conditions after having been forcibly expelled from northern Yemen by Houthi authorities; whereas many of these migrants reportedly crossed the border under crossfire from Saudi and Houthi forces; whereas a reported 2 000 migrants who remain stranded on the Yemeni side of the border under dire conditions exacerbated by the outbreak of COVID-19 are fully deprived of access to basic needs;

B. whereas migrant workers were violently apprehended by Saudi forces and detained in the Al-Dayer detention centre, before being transferred to ten other detention centres, notably the Shmeisi Prison between the cities of Jeddah and Mecca, and the Jizan Central Prison, which allegedly hosts thousands of Ethiopian detainees; whereas according to Ethiopian consular authorities, they lack sufficient food and water, adequate sanitation and healthcare, and gunshot wounds have not been treated; whereas several deaths, including of children, have been reported and several detainees have attempted to take their own lives; whereas those who have attempted to challenge guards about their conditions were reportedly severely tortured by the Saudi security forces;

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[1] OJ C 378, 9.11.2017, p. 64.
[2] OJ C 310, 25.8.2016, p. 29.
[3] OJ C 349, 17.10.2017, p. 34.
[4] OJ C 76, 9.3.2020, p. 142.
[5] OJ C 345, 16.10.2020, p. 67.
[6] OJ C 35, 31.1.2018, p. 142.
[7] OJ C 356, 4.10.2018, p. 104.
[8] OJ C 11, 13.1.2020, p. 44.
[9] OJ C 41, 6.2.2020, p. 41.
[10] OJ C 298, 23.8.2018, p. 39.

C. whereas migrant workers, including from African and Asian countries, make up an estimated 20 % of the population of Saudi Arabia and have played an essential role in the economies of Saudi Arabia and other countries in the region, mostly occupying low paid and often physically arduous jobs; whereas their exploitation and abuse as low-paid workers with little or no access to rights have been well documented in numerous reports by the UN and other international organisations;

D. whereas under the Kafala system, an abusive visa sponsorship system referred to by human rights organisations as modern-day slavery, migrant workers are unable to enter or exit the country or change employment without their sponsor's consent, lack legal protection, and are frequently unpaid or underpaid; whereas Saudi Arabia is reported to be considering abolishing the Kafala system;

E. whereas, as a result of the ongoing COVID-19 pandemic, the pressure has been increasing on vulnerable groups, in particular migrant workers, inside Saudi Arabia and in other countries in the region, which has led to an increased level of discrimination and hostility towards them; whereas migrants are often stigmatised as having allegedly transmitted the COVID-19 virus, resulting in them often losing their jobs and putting them in very perilous situations without any housing or salary and hence very few means to regularise their status or finance a possible return to their home country on their own;

F. whereas in November 2017, Saudi Arabia launched a campaign targeting migrants accused of violating residential, border security and labour regulations and laws; whereas in September 2019, the authorities announced that the campaign had netted over 3,8 million arrests and had referred over 962 000 individuals for deportation; whereas about 380 000 Ethiopians were deported from Saudi Arabia to Ethiopia between May 2017 and April 2020, according to the IOM;

G. whereas the Ethiopian Government is aware of the appalling conditions under which their citizens are being held in Saudi Arabia; whereas remittances from Ethiopians abroad form an important part of the Ethiopian economy and are fundamental for many families;

H. whereas no effective investigation has been conducted by the Saudi authorities despite them claiming that they would investigate the matter in early September 2020; whereas detention conditions have worsened, as detainees have since been beaten and stripped of their mobile phones;

I. whereas the ill-treatment of migrants fits into a broader pattern of widespread human rights abuses in Saudi Arabia; whereas the Saudi authorities have used the restrictions imposed by the need to fight COVID-19 as a cover to further violate the human rights of political prisoners, such as women's rights defender Loujain al-Hathloul, and dissenting members of the ruling family, such as Princess Basmah bimt Saud and Prince Salman bin Abdulaziz bin Salman, by keeping them in arbitrary and incommunicado detention; whereas the arrests of these and other political activists are part of a severe crackdown on dissent by the Saudi authorities, which includes the murder of the journalist Jamal Khashoggi in the Saudi consulate in Istanbul in 2018, for which there is still no proper accountability;

J. whereas, according to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, abuses are committed by the Saudi Arabian authorities through the use of electronic surveillance technology; whereas Saudi Arabia remains one of the top five executing countries in the world;

K. whereas the Kingdom of Saudi Arabia has one of the lowest levels of ratification of core international human rights treaties, and has not ratified the main instruments relevant to protection against arbitrary detention and immigration detention, including the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture (which provides for national prevention mechanisms and detention monitoring visits), the Migrant Workers Convention, the Refugee Convention and the Convention on Statelessness;

L. whereas at his meeting with the Minister of Foreign Affairs of Saudi Arabia, Faisal Bin Farhan Al Saud in Brussels on 29 September 2020, High Representative Josep Borrell reiterated the EU's intention to intensify the dialogue on human rights;

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1. Strongly condemns the ill-treatment of Ethiopian migrants and the violations of their human rights, notably in the detention centres in Saudi Arabia; calls on the Saudi authorities to immediately release all detainees, prioritising those in the most vulnerable situations, including women and children;

2. Calls on the Saudi authorities to ensure that every person entering Saudi Arabia from Yemen is allowed to do so safely and is transferred to an appropriate reception centre that meets international standards regarding food, medical and health services, sanitary installations, personal hygiene, windows and light, clothing, floor space, temperature, ventilation and open-air exercise, as well as all necessary precautions to limit the transmission of COVID-19, tuberculosis and other illnesses; calls for attempts to find non-custodial alternatives to detention for migrants and refugees, and rejects in this sense any inhuman or degrading treatment of migrants;

3. Urges Saudi Arabia to immediately end torture and other ill-treatment in detention, and to provide appropriate mental and physical care to all, with particular regard to rape survivors; recalls that, as clarified by the UN Committee on the Rights of the Child, children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests; calls on the Saudi authorities to urgently release children along with their family members, and to provide for safe non-custodial alternatives to detention to which humanitarian agencies can have regular access;

4. Urges the Saudi authorities to conduct an independent and impartial investigation into all allegations of human rights violations, including firing on migrants at the border and unlawful killings, torture and other ill-treatment during detention, to hold all perpetrators to account in fair trials that meet international standards without recourse to the death penalty or corporal punishment, and to provide appropriate mental and physical care to those who have suffered under the appalling conditions;

5. Urges the Saudi authorities to promptly allow independent international monitors, including the EU Special Representative for Human Rights, to enter the country, regularly monitor prison and detention facilities, carry out impartial investigations into allegations of torture and suspicious deaths in detention, and conduct private and regular visits with prisoners;

6. Reiterates the call by the UN High Commissioner for Human Rights for the release of every person detained without sufficient legal basis, while ensuring adequate access to healthcare and creating conditions for the proper implementation of pandemic mitigation measures, including social distancing;

7. Reminds the Saudi authorities once again of their international obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

8. Recognises that the economy of Saudi Arabia owes part of its wealth and prosperity to the roughly 13 million foreign workers and migrants inside the country, and therefore notes that the ongoing domestic modernisation process needs to include a reform of labour and immigration policies in order to provide adequate working conditions for foreign workers and to prevent their stigmatisation and exploitation;

9. Calls on the Government of Saudi Arabia to work with the International Labour Organisation towards the full abolition of the Kafala system and to provide adequate legal safeguards to all migrant workers within the country, including through structural inspections of their labour conditions; is concerned about the particularly negative impact of the systemic discrimination of migrant women, and in particular migrant domestic workers who are more vulnerable to physical abuse, extremely long working hours and lack of freedom of movement, and who often suffer from their employers having control over them transferring jobs or exiting the country; calls on the Government of Saudi Arabia to ratify the fundamental ILO Conventions on Freedom of Association and Protection of the Right to Organise (No. 87) and on the Right to Organise and Collective Bargaining (No. 98);

10. Demands guarantees that there will be no mass returns and that asylum applications will be examined on a case-by-case basis;

11. Calls on the Government of Ethiopia to facilitate the voluntary, safe and dignified repatriation of all Ethiopian migrants as rapidly as possible, including by engaging with the IOM, prioritising women, children and vulnerable persons; demands that consular assistance and visits be made available to all detained nationals in Saudi Arabia, and encourages the Ethiopian Government to respond in a timely and effective manner to requests for support;

12. Reiterates its support for the UN Global Compact for Safe, Orderly and Regular Migration, as it promotes standards that enable host countries to better protect the fundamental human rights of vulnerable groups, such as the Ethiopian economic migrants stranded in Saudi Arabia and Yemen;

13. Acknowledges the fact that both Saudi Arabia and Ethiopia have a mutual interest in establishing a mechanism for cooperation on mobility that is intended to facilitate the complementarities of their labour markets, and recalls that the UN Global Compact for Safe, Orderly and Regular Migration provides advice and capacity building in this field;

14. Expresses its concern about the increasing crackdown on human rights defenders in Saudi Arabia and the grossly unfair trials of migrants and members of the country's Shi'a minority; notes the recent announcement that in most cases flogging as a form of punishment will be replaced with jail time; urges the Government of Saudi Arabia to impose an immediate moratorium on the death penalty and any form of corporal punishment, including amputation and flogging, with a view to their complete abolition;

15. Calls on the EEAS and Member States to demand that Saudi Arabia immediately release all those wrongfully detained for exercising their basic rights, including women rights' defenders, political activists and others; expresses concern regarding the situation of the wrongfully detained 2015 Sakharov Prize laureate, Raif Badawi, who was reportedly subject to an assassination attempt while in prison, and demands his immediate and unconditional release;

16. Calls on the Kingdom of Saudi Arabia to refrain from any systemic discrimination against women, migrants, including migrant women, and minorities, including religious minorities; deplores the fact that, despite welcome reforms for women since 2019, discriminatory laws against women remain, including regarding their personal status, and the male guardianship system has yet to be fully abolished;

17. Calls on the Saudi authorities to unconditionally release all women's rights defenders, in particular campaigners for the Women to Drive Movement Loujain al-Hathloul and Fahad Albutairi, Samar Badawi, Nassima al-Sada, Nouf Abdulaziz and Maya'a al-Zahrani, and to drop all charges against them and against Iman al-Nafjan, Aziza al-Yousef, Amal al-Harbi, Ruqayyah al-Mharib, Shadan al-Anezi, Abir Namankni and Hatoon al-Fassi; strongly condemns all torture, sexual abuse and other forms of ill-treatment inflicted on them; requests an impartial investigation into the violation of their human rights and demands that all perpetrators be brought to justice;

18. Calls on the Government of Saudi Arabia to amend Article 39 of the 1992 Basic Law and the Anti-Cyber Crime Law to guarantee the freedom of the press and of expression both offline and online; calls on the Government of Saudi Arabia to amend its Law on Associations in line with international law to allow for the establishment and operation of independent human rights organisations;

19. Urges the Saudi authorities to allow the UN Special Rapporteur on the human rights of migrants and the UN Special Rapporteur on the situation of human rights defenders unfettered access to the country in line with their respective mandates;

20. Calls on the EU delegation and the diplomatic missions of EU Member States in Saudi Arabia to urgently request permission to visit the migrant detention centres; insists that the promotion of human rights must be at the core of the EU's external policy;

21. Urges the VP/HR, the EEAS and the Member States, together with the EU Special Representative for Human Rights, to initiate the development of a common approach towards the effective implementation of the EU Guidelines on Human Rights Defenders in Saudi Arabia; calls, in this sense, on the VP/HR to identify specific benchmarks and practical aims prior to launching a human rights dialogue with Saudi Arabia;

22. Calls on the Saudi authorities to ratify the International Covenant on Civil and Political Rights, to lift the reservations made to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to ratify the Optional Protocol to CEDAW, and to ratify the UN Convention on the protection of all migrant workers and members of their families, the Optional Protocol to the Convention against Torture, the 1951 Geneva Convention and the Convention on Statelessness; urges the Saudi authorities to extend a standing invitation to the visit of all Special Procedures of the UN Human Rights Council (HRC); calls for the establishment of a UN Special Rapporteur on Saudi Arabia, in line with the other HRC Special Procedures created for the most serious human rights situations worldwide;

23. Reiterates its call for an end to exports to Saudi Arabia of surveillance technology and other equipment that can facilitate internal repression;

24. Urges the Council once again to adopt the EU human rights sanctions mechanism as a decision relating to the Union's strategic interests and objectives under Article 22(1) of the TEU and to ensure that, swiftly upon its adoption, EU-wide targeted sanctions are applied to those responsible for the murder of journalist Jamal Khashoggi;

25. Urges the President of the European Council of Ministers, the President of the European Commission and the Member States to downgrade EU institutional and diplomatic representation at the upcoming G20 Leaders Summit, in order to avoid legitimising impunity for human rights violations and ongoing illegal and arbitrary detentions in Saudi Arabia;

26. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the UN Secretary General, the UN High Commissioner for Human Rights, the Government of Ethiopia, His Majesty King Salman bin Abdulaziz Al Saud, the Crown Prince Mohammad Bin Salman Al Saud, the Government of the Kingdom of Saudi Arabia, and the Secretary-General of the Centre for National Dialogue of the Kingdom of Saudi Arabia; calls for this resolution to be translated into Arabic.