

A Midterm Report on
Saudi Arabia's
UPR Second Cycle

ANALYZING SAUDI ARABIA'S REFUSAL TO REFORM



**Americans for Democracy
& Human Rights in Bahrain**

BIRD
BAHRAIN INSTITUTE FOR
RIGHTS & DEMOCRACY



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June 2016

Americans for Democracy & Human Rights in Bahrain

Bahrain Institute for Rights & Democracy

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Americans for Democracy and Human Rights in Bahrain is a non-profit, 501(c) (3) organization based in Washington, D.C. We seek to foster awareness of and support for democracy and human rights in Bahrain and the Middle East.

The Bahrain Institute for Rights and Democracy is a London, UK based non-profit organization focusing on advocacy, education and awareness for the calls of democracy and human rights in Bahrain.

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ADHRB Assessment of the Recommendations








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1/225

**Fully
Implemented**

9/225

**Perceived
Progress**

64/225

**Technically
Implemented**

No Perceived Progress

113/225

Not Implemented
No Perceived Progress




38/225

**Recommendation
Not Accepted**






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1/225

**Fully
Implemented**

9/225

**Perceived
Progress**

64/225

**Technically
Implemented**

No Perceived Progress





113/225

Not Implemented
No Perceived Progress







38/225

**Recommendation
Not Accepted**



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1/225

**Fully
Implemented**

9/225

**Perceived
Progress**

64/225

**Technically
Implemented**
No Perceived Progress

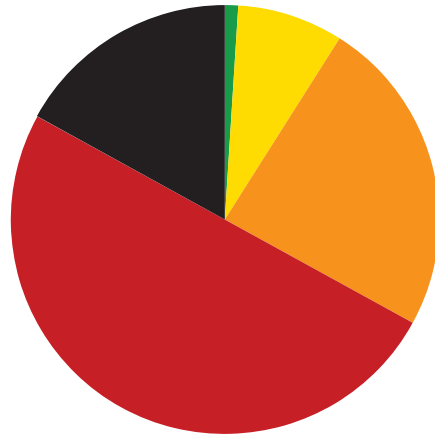
113/225

Not Implemented
No Perceived Progress

38/225

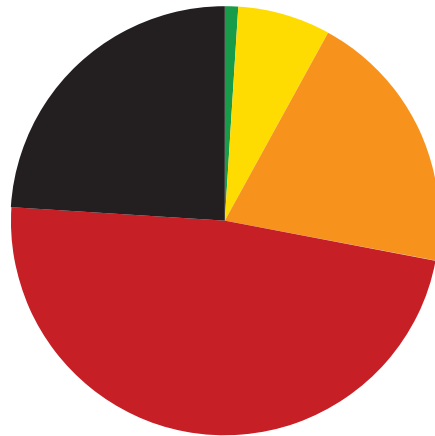
**Recommendation
Not Accepted**

UPR Implementation by Progress

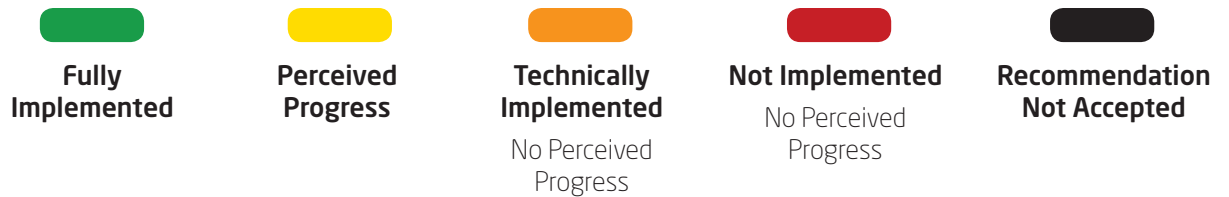


Fully Implemented	1/225
Perceived Progress	9/225
Technically Implemented	64/225
Not Implemented	113/225
Not Accepted	38/225

UPR Implementation by Progress & Subsection



Fully Implemented	1/75
Perceived Progress	5/75
Technically Implemented	15/75
Not Implemented	36/75
Not Accepted	18/75



Executive Summary

Over the last several years, Saudi Arabia has pursued a larger role in the international community. The kingdom currently participates in the United Nations (UN) Human Rights Council (HRC) as a member state, and it recently held a seat on a panel that evaluated candidates for positions in the UN Special Procedures.¹ In 2015, the Saudi government even considered campaigning for the HRC's top post² before withdrawing due to international criticism.³

The Government of Saudi Arabia continues to prove that this criticism is well-deserved. Indeed, as it has worked to secure a more prominent place on the world stage, the kingdom has simultaneously flouted international human rights standards. It has specifically failed to demonstrate its commitment to the HRC – the same international human rights body it sought to lead.

On 26 December 2013, the HRC submitted 225 recommendations to the Government of Saudi Arabia as part of the second 4-year cycle of its Universal Periodic Review of Human Rights (UPR). The recommendations represented a wide range of reforms that – if implemented – would bring the kingdom in line with international human rights norms and dramatically improve the lives of its residents. Several months later, in February 2014, the Saudi government either completely or partially accepted 187 of the HRC's recommendations.

Two years on from its second UPR cycle, Saudi Arabia's human rights situation has stagnated, if not actively deteriorated. The government continues to constrain civil society space, restrict free expression and religious belief, persecute political activists and human rights defenders, and discriminate against women, migrants, and minorities. In 2015, at the same time that it was privately lobbying for leadership of the HRC, the Government of Saudi Arabia also initiated a large-scale military intervention in Yemen – an operation that has been linked⁴ to thousands of civilian casualties.⁵

In this midterm report on Saudi Arabia's implementation of the HRC's recommendations, Americans for Democracy & Human Rights in Bahrain (ADHRB) seeks to provide an honest, accurate assessment of the government's efforts to enact the reform package detailed in its second UPR cycle. Based on a combination of first-hand sources on the ground in the kingdom, journalistic and academic materials, and official documentation from governmental institutions and non-governmental organizations, ADHRB has assembled a comprehensive evaluation of Saudi Arabia's human rights record and the efficacy of its recent attempts to meet international standards.

Our report finds that the Government of Saudi Arabia has so far fully implemented only one of the 225 recommendations of its second UPR cycle. Of the 187 recommendations accepted by the kingdom, 113 have not been implemented, 64 have been merely technically implemented with little to no substantive impact, and 9 have been partially implemented. In the thirteen thematic areas into which the government grouped its 187 accepted recommendations – ranging from criminal justice reforms to anti-terrorism measures – ADHRB found that only five displayed any measurable progress.

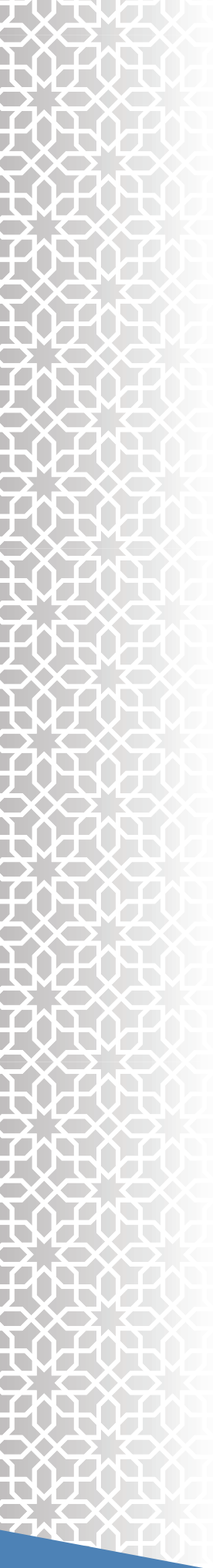
1 Christopher Ingraham, "Why one of the world's worst human rights offenders is leading a U.N. human rights panel," The Washington Post, 28 September 2015, <https://www.washingtonpost.com/news/wonk/wp/2015/09/28/why-one-of-the-worlds-worst-human-rights-offenders-is-leading-a-un-human-rights-panel/>.

2 Alain Jourdan, "L'Arabie saoudite convoite la présidence du Conseil des droits de l'homme," Tribune de Geneve, 11 May 2015, <http://www.tdg.ch/monde/moyen-orient/arabie-saoudite-convoite-presidence-conseil-droits-lhomme/story/24673745> <http://www.tdg.ch/monde/moyen-orient/arabie-saoudite-convoite-presidence-conseil-droits-lhomme/story/24673745>

3 Christopher Ingraham, "Why one of the world's worst human rights offenders is leading a U.N. human rights panel," The Washington Post, 28 September 2015, <https://www.washingtonpost.com/news/wonk/wp/2015/09/28/why-one-of-the-worlds-worst-human-rights-offenders-is-leading-a-un-human-rights-panel/>.

4 "Yemen war: Saudi coalition 'causing most civilian casualties,'" BBC, 18 March 2016, <http://www.bbc.com/news/world-middle-east-35842708>

5 "Yemen: civilian casualties top 8,100 as airstrikes and shelling continue, UN reports," UN News Centre, 5 January 2016, <http://www.un.org/apps/news/story.asp?NewsID=52938#.VzItJvmDFBc>



Overwhelmingly, the Government of Saudi Arabia has chosen to simply ignore the recommendations of the international human rights community. Despite several improvements in the areas of combatting human trafficking, cooperating with the Office of the High Commissioner for Human Rights (OHCHR), and updating the HRC on its anti-terror efforts, the government has largely failed to address any of the most pressing issues emphasized by the UPR. Saudi authorities have not implemented recommendations to reform the criminal justice or legal systems, curb or abolish the use of capital punishment, corporal punishment, and torture, or end the male guardianship system for women. Similarly, the government has taken only technical steps to prevent domestic violence, fight corruption, eliminate discrimination based on gender or religion, and strengthen the rights of migrants, among others. Moreover, and perhaps most blatantly incongruous with its ambitions at the HRC, Saudi Arabia has failed to ratify without reservations nine of the ten international human rights treaties recommended by the UPR.

Although the Government of Saudi Arabia has two more years until its third UPR cycle, it has yet to give any indication that it will implement the vast majority of its second cycle recommendations. As a result, and especially in light of the kingdom's enlarged profile at the HRC, we call on the international community to hold the Saudi government accountable to its human rights commitments and urge it to implement its UPR recommendations. The international community must make it clear to Saudi Arabia that before it can ever become a world leader, it must first demonstrate its respect for human rights at home.

Husain Abdulla

Executive Director, Americans for Democracy & Human Rights in Bahrain

Methodology

On 26 December 2013, the member states of the United Nations Human Rights Council submitted 225 recommendations to the Government of Saudi Arabia as part of Saudi Arabia's second 4-year cycle of its Universal Periodic Review of Human Rights (UPR). In February 2014, the Saudi government accepted 187 of these recommendations, either in part or in full. In accepting these recommendations, the Government of Saudi Arabia grouped them into thirteen different issue areas, covering a range of concerns from reforms to the criminal justice system, the protection of civil and political rights, and the expansion of the rights of women, children, and other vulnerable populations.

ADHRB has structured this report to assess Saudi Arabia's implementation of the recommendations based on the government's categorization of those it accepted. It is in this context that our report seeks to provide a frank and accurate assessment of not only the technical aspects of the Government of Saudi Arabia's implementation of these recommendations, but also to evaluate the effect of the implementation in resolving the major political and human rights challenges that exist in the country. It is in this respect that we also evaluated efforts to implement the spirit of the recommendations.

The information we utilized to make these assessments came from a range of sources, including: first-hand accounts from individuals on the ground in Saudi Arabia, second-hand sources that have been fact-checked or independently verified when possible, and by referencing official reporting done by both governmental and non-governmental bodies. It should be noted that the possibility for further, more in-depth, on the ground research for this project was extremely limited due to the lack of space for civil society to openly and freely operate within the country. Much of the work that was conducted on the ground for this report was done under varying degrees of confidentiality for fear of reprisals for cooperation.

Some nuance, unfortunately, was further lost by the Saudi government's opaque determination of which recommendations are "partially" versus "fully" accepted. About this difference, the government stated in its February 2014 follow-up to the UPR that "partial acceptance means [the kingdom's] consent of part of the recommendation which will be clarified in the following sections of the report, or its acceptance of the purpose of the recommendation and rejection of the method of implementation."⁶ In few of the thirteen sections that follows this statement, however, does the government clarify the reasons why it only partially accepted certain recommendations in each area. Due to this lack of clarity, ADHRB decided, for the purposes of developing a clear, concise, and straightforward report, to treat all partially accepted recommendations as if they were "fully" accepted. This approach is preferable to one in which the reviewing NGO guesses the subject nation's reasoning in only partially accepting certain recommendations.

Recognizing both the variety of sources, as well as the limitations of this report, we hope to document and assess the progress made by the Government of Saudi Arabia since accepting 187 of the 225 recommendations of its Second Cycle Universal Periodic Review in 2014.

6 A/HRC/25/3/Add.1, 2.

Acronyms and Abbreviations

ACPRA	Saudi Arabian Civil and Political Rights Association
ADHRB	Americans for Democracy & Human Rights in Bahrain
BIP	Saudi Bureau of Investigation and Prosecution
CAT	The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CRC	The Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
HRC	Human Rights Council
MoIA	Ministry of Islamic Affairs, Da'wah, Guidance, and Endowments
MoJ	Ministry of Justice
MoI	Ministry of Interior
MoL	Ministry of Labor
MoMRA	Ministry of Municipal and Rural Affairs
MoSA	Ministry of Social Affairs
NGO	Non-governmental organization
NSHR	Saudi National Society for Human Rights
OHCHR	Office of the High Commissioner for Human Rights
UN	United Nations
UPR	Universal Periodic Review
WPS	Wages Protection System

SECTION A

Acceding to and Abiding by International Human Rights Treaties and Withdrawing Reservations

The Government of Saudi Arabia fully accepted recommendations **138.1** and **138.3** concerning the consideration of accession to further human rights instruments. In its response to the Working Group of the UPR,⁷ the government referred to paragraph 19 of its national report submitted prior to the UPR mid-term review, which states:

*The kingdom considers, on an ongoing basis, all of the international human rights treaties to which it is not a party in light of the provisions of Sharia law, which affirm the principle of openness to the human rights experiences of others and commitment to Islamic cultural identity and values.*⁸

The government also fully accepted recommendations **138.11**, **138.12**, **138.17**, and **138.18** concerning the consideration of accession to the International Covenant on Civil and Political Rights (ICCPR) as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR). In paragraph 19 of its national report submitted prior to the mid-term review, the government stated:

*As to the matter of the kingdom's accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, it remains under constant consideration; recommendations have been made to the regulatory (legislative) authority and referred to the Human Rights Commission, which formed a committee of Sharia, legal and other experts in the areas of the two Covenants, pursuant to Commission Board Decision No. 1/116 of 18 July 2012. The committee meets periodically at the seat of the Human Rights Commission.*⁹

The government accepted in part recommendations **138.19** and **138.20** concerning the consideration of accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW); recommendations **138.7** and **138.10** concerning the consideration of accession to the Optional Protocol on the Convention Against Torture (OP-CAT) as well as the Optional Protocol on the Convention of the Elimination of all Forms of Discrimination Against Women (OP-CEDAW); and recommendation **138.23** on the consideration of accession to the ILO Protections - specifically the Freedom of Association and Protection of the Right to Organize Convention (No. 87), the Right to Organize and Collective Bargaining Convention (no. 98), and the Minimum Age Convention (no. 138), the government stated:

*Within this context the kingdom has joined the Labor Organization Convention No. 138 concerning the [minimum] age of employment. As for the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families, the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and ILO Conventions (87), (98), the kingdom has in its Islamic law and regulations what ensure the achievement of the objective pursued by these conventions.*¹⁰

⁷ A/HRC/25/3/Add.1, par. 6 – Translation ADHRB

⁸ A/HRC/WG.6/17/SAU/1

⁹ Ibid.

¹⁰ A/HRC/25/3/Add.1, par. 6

The government also accepted in part recommendation **138.32** on aligning its national legislation to international human rights law and, in this regard, to lifting its general reservation to the Convention of the Elimination of all Forms of Discrimination Against Women. The government noted:

The kingdom confirms that reservation to international conventions is a right guaranteed by the international law. It considers that its reservations to the treaties signed or acceded to is not inconsistent with the objectives and purposes of those treaties.¹¹

The government also accepted in part recommendation **138.9** on the consideration of accession to the Rome Statute of the International Criminal Court (ICC). The government did not comment on its partial acceptance of this recommendation.

The government rejected without commentary recommendation **138.2**, concerning direct ratification of the main human rights instruments to which it is not yet party; recommendations **138.4**, **138.5**, **138.6**, **138.8**, **138.13**, **138.14**, **138.15**, **138.16**, and **138.26** concerning either its direct or expedited ratification or accession to the ICCPR, ICESCR, OP-CAT, and/or OP-CEDAW; recommendations **138.21** and **138.22**, concerning either ratification or accession to the Rome Statute of the ICC and/or the Agreement on Privileges and Immunities; recommendations **138.24** and **138.25** concerning withdrawing reservations to CEDAW, the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD); and recommendation **138.140** concerning the kingdom's commitment to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

Brief Assessment

Please refer to Table 1.

1. ALIGN NATIONAL LEGISLATION WITH INTERNATIONAL HUMAN RIGHTS LAW BY LIFTING GENERAL RESERVATION TO CEDAW Not Implemented No Perceived Progress

138.32 Continue its efforts towards aligning its national legislation to international human rights law and, in this regard, lift the general reservation to CEDAW and reconsider policies which limit the rights of women to act as autonomous and equal members of the Saudi society (Brazil)

2. CONSIDER ACCESSION TO FURTHER HUMAN RIGHTS INSTRUMENTS Not Implemented No Perceived Progress

138.1 Invite Saudi Arabia to accede to other international human rights instruments (Benin); and

138.3 Continue the study of and the necessary measures to create an adequate climate so as to accede to international human rights instruments to which the country is not yet State party (Cuba)

¹¹ Ibid.

3. CONSIDER ICCPR AND ICESCR

Not Implemented
No Perceived Progress

- 138.11** Continue efforts aimed at acceding to other international conventions, especially ICCPR and ICESCR (Iraq);
- 138.12** Continue the consideration of ratification of the main international instruments on human rights, notably the ICESCR and ICCPR (Romania);
- 138.17** Consider early ratification of the ICCPR and ICESCR (Japan); and
- 138.18** Consider ratifying the ICCPR and the ICESCR (Spain)

4. CONSIDER ICRMW

Not Implemented
No Perceived Progress

- 138.19** Consider ratifying ICCPR, ICESCR as well as the ICRMW (Paraguay); and
- 138.20** Consider ratifying more core human rights conventions, including the ICRMW (Philippines)

5. CONSIDER OP-CAT AND OP-CEDAW

Not Implemented
No Perceived Progress

- 138.7** Make further advances through the accession to ICCPR; ICESCR, OP-CAT and OP-CEDAW (Czech Republic); and
- 138.10** Put forward its utmost efforts to become a party to core international human rights treaties, such as ICESCR, ICCPR and OP-CEDAW (Republic of Korea)

6. RATIFY ILO PROTECTIONS

Perceived Progress

- 138.23** Ratify ILO Freedom of Association and Protection of the Right to Organise Convention (No. 87); ILO Right to Organise and Collective Bargaining Convention (No. 98); and ILO Minimum Age Convention (No. 138) (Uruguay)

7. CONSIDER ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

Not Implemented
No Perceived Progress

- 138.9** Continue exploring possibilities to extend its international commitments, in particular to consider ratification of ICCPR and the Rome Statute of the International Criminal Court (Latvia)

8. COMMIT TO ICRUFTM

Not Accepted

- 138.140** Genuine and full commitment to its commitments pursuant to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, as these activities have destructive impacts on human rights (Syrian Arab Republic)

9. ACCELERATE ACCESSION TO ICCPR, ICESCR, OP-CAT, AND/OR OP-CEDAW

Not Accepted

- 138.4** Accede to ICCPR (Sweden);
- 138.5** Accelerate its accession to the ICCPR and ICESCR (Tunisia);
- 138.6** Consider ratifying OP-CAT (Tunisia);

- 138.8** Ratify the ICCPR, ICESCR, OP-CAT and OP-CEDAW, and sign the third Optional Protocol to CRC on a communications procedure (Albania); and
- 138.13** Consider ratifying without reservations the ICCPR and the ICESCR and to review and lift all reservations to several human rights conventions that are contrary to the objectives and purposes of the treaties (Slovenia)
- 138.14** Expedite ratification of the ICCPR and ICESCR as was accepted by the Government at the first UPR (Maldives);
- 138.15** Expedite the considerations to become a party to the ICCPR and ICESCR (Thailand);
- 138.16** Ratify the ICCPR and ICESCR (France) (Lithuania); and
- 138.26** Consider ratifying the Optional Protocol to CEDAW (Spain)

10. RATIFY MAIN HUMAN RIGHTS INSTRUMENTS

Not Accepted

- 138.2** Ratify the main human rights instruments to which it is not yet a party (Togo)

11. RATIFY ROME STATUTE OF THE ICC AND/OR THE AGREEMENT ON PRIVILEGES AND IMMUNITIES

Not Accepted

- 138.21** Consider ratifying or accede to the Rome Statute of the ICC, to implement it fully at the national level, and accede to the Agreement on Privileges and Immunities (Slovakia); and
- 138.22** Accede to the Rome Statute as well as the Agreement on Privileges and Immunities of the International Criminal Court (APIC) (Uruguay)

12. WITHDRAW RESERVATIONS TO CEDAW, CRC, AND CERD

Not Accepted

- 138.24** Make further advances through withdrawing its reservations to CEDAW, CRC and CERD (Czech Republic); and
- 138.25** Withdraw the reservations to CEDAW (France); withdraw the general reservations to CEDAW (Spain); lift the general reservation to CEDAW and amend national legislation accordingly (Austria); continue implementing the 2008 recommendations by the Committee on CEDAW on remaining issues, in particular the withdraw of the general reservations to CEDAW (Finland)

Table 1

TREATY	SIGNATURE	ACTION TAKEN	UPR RECOMMENDATION NUMBER
International Convention on Civil and Political Rights	No	None	138.11, 138.12, 138.17, 138.18
International Convention on Economic, Social and Cultural Rights	No	None	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	No	None	138.19, 138.20
OP-CAT - Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	No	None	138.7, 138.10
OP-CEDAW - Optional Protocol on the Convention on the Elimination of All Forms of Discrimination against Women	No	None	
Rome Statute of the International Criminal Court	No	None	138.9
ILO Convention 87 on the Right to Organize	No	None	138.23
ILO Convention 98 on the Right to Organize and Bargain Collectively	No	None	
ILO Convention 138 on Minimum Age	2-Apr-14	Ratification	
CEDAW - Convention on the Elimination of All Forms of Discrimination Against Women	7-Sep-00	Accession with Reservations	138.32

Conclusion

Despite participating in the HRC as a member state, the Government of Saudi Arabia continues to fall under international scrutiny for its failure to accede to core international human rights agreements. Saudi Arabia is a state party to the CAT, CEDAW, CERD, CRC, the CRPD, the OP-CRPD, the OP-CRC on the involvement of children in armed conflict, and the OP-CRC on the sale of children, child prostitution and child pornography.¹² The government has declared major reservations that prevent it from fully engaging with the respective treaty bodies of the CAT, CEDAW, CERD, and CRC; in the case of CEDAW, the government has established a blanket reservation that precludes it from following any article perceived to be contradictory to Islamic law,¹³ the determination of which is dependent upon government actors. The government has not altered nor withdrawn any of these reservations since the beginning of its second UPR cycle.

The international community has pressured the Saudi government to accede to those human rights instruments seen as vital to guaranteeing basic human rights for individuals in the public and private sphere, the ICCPR and the ICESCR most important among them. These treaties remain under consideration by government officials, as they have since Saudi Arabia's 2009 first cycle UPR review, who provide little explanation as to which articles of these foundational treaties violate the nation's singular interpretation of Islamic law.¹⁴ The government has also neglected the international community's recommendations to accede to recent additions to the corpus of international treaties, including the optional protocols for the CEDAW, the CAT, and the ICRMW. Of these recommendations, the government states that existing domestic law already ensures the objective of the protocols and treaties in question.

Since the beginning of the government's second UPR cycle, Saudi Arabia has only made progress regarding accession to international labor conventions, becoming a state party to the ILO's Minimum Age Convention.¹⁵ The government has codified this convention in its domestic law, prohibiting the labor of those under age 15 in its 2014 Law for the Protection of the Child.¹⁶ ILO conventions concerning the right of laborers to organize and bargain collectively (conventions 87 and 98) remain unsupported, however.

As a result, ADHRB finds that the Government of Saudi Arabia has so far failed to implement that vast majority of its UPR recommendations to accede to, abide by, and/or withdraw reservations from international human rights treaties.

12 "Status of Ratification Interactive Dashboard: Saudi Arabia," The Office of the High Commission for Human Rights, 2014, <http://indicators.ohchr.org/>.

13 Ibid.

14 A/HRC/WG.6/17/SAU/1, par. 19

15 "C138 – Minimum Age Convention, 1973 (No. 138)," International Labour Organization, entry into force 19 June 1976, http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312283; "Ratifications for Saudi Arabia," International Labour Organization, http://www.ilo.org/dyn/normlex/en/?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103208.

16 Law of the Protection of the Child, Royal Decree No. M/14, Kingdom of Saudi Arabia, 1436 AH (2014 CE), <https://www.boe.gov.sa/ShowPDF.aspx?filename=677ecdcf-c556-4d64-81b9-d5b40d22f0be&SystemID=356&VersionID=333>.

SECTION B

Reform of the judicial and legal systems

The Government of Saudi Arabia fully accepted recommendations **138.27**, **138.28**, **138.29**, **138.60**, **138.63**, **138.141**, and **138.150** concerning undergoing further efforts to align its laws and legal procedures with international norms; it partially accepted recommendations **138.37**, **138.39**, **138.41**, **138.43**, and **138.45** in relation to the same subject. In fully and partially accepting these recommendations, the government reiterated, “Judicial and legal systems in the Kingdom are based on Islamic law which was stated in the main governance system. Also, the Supreme Court was assigned to determine making the judicial principles more in line with international standards based on paragraph 33 of the national report.”¹⁷ The referenced section of the national report states:

*The Kingdom’s judicial system is geared towards upholding judicial principles, with the new Judiciary Act conferring upon the Supreme Court the responsibility for establishing judicial principles most in line with international standards. The Court has embarked on this task as a preliminary to their dissemination, although the codification of sharia provisions remains under ongoing consideration; special research chairs have been established at various academic institutions in order to study the matter.*¹⁸

Additionally, the government fully accepted recommendations **138.30**, **138.31**, **138.33**, **138.155**, and **138.156** concerning strengthening the rights of women, children, and migrants; it partially accepted recommendations **138.34** and **138.42** in relation to the same subject. The government did not elaborate on its reasoning behind fully or partially accepting these recommendations.

The government also fully accepted recommendations **138.69** and **138.146** in establishing training programs to build judicial capacity. The government did not elaborate on its reasoning behind fully or partially accepting these recommendations.

Finally, the government fully accepted recommendations **138.139**, **138.142**, **138.145**, **138.147**, **138.149**, **138.150**, and **138.153** concerning strengthening due process and transparency within its criminal justice system. It partially accepted recommendation **138.148** concerning the same subject. In fully and partially accepting these recommendations, the government stated:

*The provisions of the Islamic law are broad and valid for every time and place and are responsive to the [current] circumstances and variables. This is confirmed by the many regulations derived from Islamic law, some of which provide specific descriptions of crimes and punishments (as in the law of combating trafficking of persons), as well as amendments introduced to legal pleadings and criminal proceedings, so as to be more in line with international standards. New provisions within the articles of the Law of Criminal Procedure emphasize the public nature of trials unless otherwise decided by the court—as an exception—taking into account security, public decency, or necessity for the emergence of the truth, which is consistent with international standards for fair trials.*¹⁹

The government rejected outright recommendation **138.38**, concerning the adoption of a formal penal code, and recommendation **138.50**, concerning the adoption of a law on associations. In doing so, it likely utilized the reasoning set forth in its acceptance of recommendations concerning due process and transparency, although this is unclear.

¹⁷ A/HRC/25/3/Add.1, par. 7.

¹⁸ A/HRC/WG.6/17/SAU/1, par. 33.

¹⁹ A/HRC/25/3/Add.1, par. 8.

Brief Assessment

The Government of Saudi Arabia has not brought its judicial and legal systems in line with international standards. Though it has made some modest progress towards codifying certain crimes or provisions – such as that of domestic violence – it has failed to establish stronger protections for due process rights, greater independence and transparency of the judiciary, and more extensive restrictions on the discretionary authority of individual judges. As a result, these nominal legislative improvements have had little practical effect on the human rights situation in Saudi Arabia. On the contrary, the criminal justice system has continued to violate the rights of both Saudi and foreign nationals, issuing harsh sentences in unfair trials of human rights defenders, migrant workers, and political activists, among others. Torture, denial of legal counsel, arbitrary or prolonged detention, and other abuses remain features of the Saudi legal process, particularly in political cases. For these reasons, ADHRB finds that the Government of Saudi Arabia has not implemented its UPR recommendations to substantively reform the kingdom’s judicial and legal systems.

1. ALIGN LAWS AND LEGAL PROCEDURES WITH EXISTING HUMAN RIGHTS OBLIGATIONS

Not Implemented
No Perceived Progress

- 138.27** Continue to work to harmonize its legal framework with the international instruments to which it is a State party (Nicaragua);
- 138.28** Continue its ongoing review of national laws to ensure that they are in line with its international human rights obligations (Turkmenistan);
- 138.29** Continue reforms with a view to ensuring the promotion and the enjoyment of human rights for the Saudi people (Benin);
- 138.60** Continue efforts to strengthen institutional and legal basis for the protection of human rights (Uzbekistan); and
- 138.63** Strengthen the state of law and good governance in harmony with the traditional culture of the country, especially on the legal enforcement and capacity-building for national agencies on human rights (Vietnam);

Following the outcome of its Second UPR Cycle, the Government of Saudi Arabia accepted the above recommendations concerning the alignment of its domestic laws with its existing human rights obligations.²⁰ As detailed in Section A, the Saudi government is a State Party to four international human rights treaties: the CAT, CEDAW, CERD, and CRC.²¹

Saudi authorities have argued that the government’s accession to international treaties ensures the domestic application of their provisions. Article 70 of the 1992 Basic Law of Governance states, “Laws, international agreements, treaties and concessions shall be approved and amended by Royal Decrees.”²² Referencing this article, in May 2002 the Saudi representative to the UN Committee Against Torture informed the treaty body that ratification of the CAT led to its automatic incorporation into domestic law and its potential invocation in courts.²³ Given both

20 A/HRC/25/3

21 Refer to Section A for more information.

22 The Basic Law of Governance, Royal Decree No. A/90, Kingdom of Saudi Arabia, 1412 AH (1992 CE), https://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx.

23 “SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 519th MEETING,” Committee against Torture, May 10, 2002, CAT/C/SR.519.

the provisions of the Basic Law of Governance and the representative's statement, accession to the other three treaties likely precipitated their incorporation into domestic law.

Despite this automatic process, the Saudi government has neglected to harmonize its legal framework with the international instruments to which it is a State Party. Saudi criminal courts continue to issue sanctions based upon the categories of crime under Islamic law known as *qisas* and *hadd* (pl., *hudud*).²⁴ Crimes of *qisas* necessitate retributive punishment, typically with the involvement of the victim's family; crimes of *hudud* prompt a series of severe corporal punishments that can include lashing, stoning, and the amputation of limbs.²⁵ On 9 January 2015, Saudi officials lashed blogger Raif Badawi 50 times, the first in a series of floggings that form part of a sentence consisting of 10 years in prison, 1,000 lashes, and a 1 million riyal fine.²⁶ Badawi's punishment contravenes Article 1 of the CAT, which prohibits public officials from intentionally inflicting pain on individuals for acts they have committed.²⁷ The Committee Against Torture has previously rejected the Saudi government's reasoning that these corporal sanctions are lawful²⁸ and that the CAT does not cover pain inherent in, or incidental to, them.²⁹

Since the beginning of its second UPR cycle in 2013, the Saudi government has also failed to harmonize its legal framework with the CEDAW. Though Article 15 of the CEDAW maintains that State Parties "shall accord to women equality with men before the law,"³⁰ the Saudi government maintains multiple internal regimes that relegate women to second-class citizenship. Chief among these is the guardianship system, within which women cannot travel, attend school, or marry without the consent of a male guardian.³¹ Refer to Section D for further discussion of Saudi Arabia's adherence to the CEDAW.

By passing the Child Protection Law in February 2014, the Saudi government took a significant step to better aligning its domestic law with the CRC. In particular, the law better aligns Saudi Arabia with those provisions contained within Articles 32-34 of the CRC concerning protecting children from labor exploitation, the consumption of narcotics, and sexual exploitation.³² Since the beginning of its second cycle, however, the Saudi government has failed to address corporal punishment against minors, and has sentenced at least three men to death for crimes purportedly committed when they were below the age of 18.³³

Though the Saudi government mostly avoids promoting discrimination based on racial or ethnic divisions, both its strict enforcement of religious codes and its policing of migrant worker populations have a disproportionate, negative impact on racial and ethnic minorities within the country. For example, within recent years the government has arrested and deported Ethiopian

24 Law of the Judiciary/Law of the Board of Grievances, Royal Decree No. M/78, Kingdom of Saudi Arabia, 1428 AH (2007 CE), Articles 10 (4), 20.

25 See section B.2 for further explanation of *qisas* and *hudud* crimes.

26 "Saudi blogger receives first 50 lashes of sentence for 'insulting Islam,'" *The Guardian*, 9 January 2015, <http://www.theguardian.com/world/2015/jan/09/saudi-blogger-first-lashes-raif-badawi>.

27 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, United Nations Human Rights, June 26, 1987, (ratified December 10, 1984), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

28 *Ibid.*, Article 1; "Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: Saudi Arabia," United Nations Committee Against Torture, *supra*, note 1, at 1(b).

29 Refer to Section M.1 for further discussion of Saudi Arabia's adherence to the CAT.

30 *Convention on the Elimination of All Forms of Discrimination against Women*, United Nations, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article15>.

31 Refer to Section D for further discussion of Saudi Arabia's adherence to the CEDAW.

32 *Convention on the Rights of the Child*, United Nations, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

33 Refer to sections B.4 and D for further information on the Child Protection Law.

migrants for practicing their Christian faith.³⁴ Additionally, its gendered citizenship policies, in which a Saudi woman cannot automatically pass her nationality to a child if the father is of non-Saudi origin, also possess a component of ethnic discrimination.³⁵ Both practices violate Article 5 of the CRC,³⁶ which guarantees the right to nationality and the right to freedom of religion regardless of racial or ethnic origin.³⁷

2. CODIFY PENAL CODE AND AMEND CRIMINAL PROCEDURE

Not Implemented
No Perceived Progress

- 138.39** Promulgate a criminal code and amend the law of criminal procedure to comply with international human rights law (Austria);
- 138.41** Consider, within the context of continuing its judicial and legislative reforms, elaborating and adopting a Criminal Code that ensures equal and objective judgment of crimes (Hungary);
- 138.43** Take steps to bring the criminal and criminal procedure systems in line with international standards, including through the adoption of a penal code that clearly defines the relevant offences and corresponding penalties (Costa Rica); and
- 138.45** Draft and implement a penal code and amend the Law of Criminal Procedure to comply with all its obligations under international law, including prohibitions on judicially-sanctioned corporal punishment and the execution of juvenile offenders (Canada)

In supporting these recommendations, and in line with its intent to cooperate with the UN OHCHR, the Saudi government pointed to new regulations that “provide specific descriptions of crimes and punishments.”³⁸ Such specification, however, remains the exception, rather than the rule. Since the beginning of its second UPR cycle, the Saudi government has not made progress in drafting or implementing a set penal code to apply to the scope of its criminal law.

Currently, the penal framework for criminal justice is divided between a) punishments stipulated by the Saudi interpretation of Islamic law for certain crimes and b) a set of minimum and/or maximum sentences written into some (but not all) recently-promulgated criminal laws. Operating within the framework of Islamic law, criminal courts rule on three separate classifications of crime: *qisas*, *hadd* (pl.: *hudud*), and *ta'zir*.³⁹ *Qisas* are crimes of either premeditated or unintended murder or injury that necessitate retributive justice, typically determined with input from the victim's family.⁴⁰ Crimes of *hadd* are offenses explicitly detailed in the Quran that dictate specific punishments. The Saudi interpretation of Islamic law maintains seven *hudud* crimes and corresponding punishments: stoning for adultery, lashes for extramarital sex, lashes for the crime

34 “Ethiopian Christians to be deported from Saudi Arabia,” BBC, 31 January 2012, <http://www.bbc.com/news/world-africa-16808429>

35 Angelina E. Theodorou, “27 countries limit a woman's ability to pass citizenship to her child or spouse,” Pew Research Center, 5 August 2014, <http://www.pewresearch.org/fact-tank/2014/08/05/27-countries-limit-a-womans-ability-to-pass-citizenship-to-her-child-or-spouse/>; See Sections D and G.1 for more information.

36 *International Convention on the Elimination of All Forms of Racial Discrimination*, United Nations, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>.

37 For further information on discrimination against migrant populations, refer to sections B.4 and J.

38 A/HRC/25/3/Add.1, 3.

39 Law of the Judiciary/Law of the Board of Grievances, Royal Decree No. M/78, Kingdom of Saudi Arabia, 1428 AH (2007 CE), Article 20.

40 Jeffrey K. Walker, “The Rights of the Accused in Saudi Criminal Procedure,” *Loyola of Los Angeles International and Comparative Law Review*: 1993, <http://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1302&context=ilr>.

of making a false accusation of adultery, death for apostasy, lashes for the consumption of alcohol, amputation of the right hand for theft, and amputation for highway robbery.⁴¹ *Ta'zir* crimes encompass offenses for which classical Islamic texts dictate no exact punishment.⁴²

Saudi judges have wide latitude to determine *qisas*, *hadd*, and, in particular, *ta'zir* crimes and their corresponding punishments.⁴³ Furthermore, Saudi judges presiding over standard criminal courts are not bound to follow precedents set by other courts on the same circuit or at the appellate level. Saudi justices first and foremost rely on their interpretation of the Quran and other texts concerning the practices of the early Muslim community, and they can also consult *fatwas* published by other religious scholars.⁴⁴ The application of Saudi jurisprudence, including its penal framework, relies upon individual scholarly interpretation.⁴⁵

Despite this traditional lack of precedence and formal codification of criminal punishments, in July 2010 Saudi religious authorities announced their undertaking of an effort to codify unwritten Islamic regulations, particularly as they pertain to criminal, civil, and family courts.⁴⁶ While the Supreme Council of Religious Scholars, Saudi Arabia's senior most religious authority under the monarchy, has since announced its ongoing review and study of the process of codification, it is unclear whether this would ultimately result in the promulgation of a formal penal code; one religious authority, Dr. Abdulrahman al-Sanad, did relate that such codification would reduce sentencing disparities from court to court.⁴⁷ As of the writing of this report, the review process is ongoing.

Certain individual criminal laws list maximum and/or minimum criminal sentences for certain crimes. Articles 3 through 10 of the Anti-Cyber Crime Law, promulgated in March 2007, list maximum prison sentences and fines, ranging from 1 to 10 years and 100,000 to 5 million riyals, respectively.⁴⁸ According to 2013's Law on Protection from Abuse, acts of domestic abuse can garner prison terms ranging from one month to one year and can also be accompanied by fines of 5,000 to 50,000 riyals.⁴⁹ The listing of specific punishments for crimes, however, is not a consistent feature of Saudi Arabia's expanding criminal law. The Child Protection Law of 2014, for example, charges the "competent court" with determining the appropriate punishment for a series of crimes involving the exploitation and abuse of minors.⁵⁰ Additionally, the extent to which practicing judges follow these minimums and maximums is unclear. In a 2012 study of ongoing efforts to formally codify Islamic law in Saudi Arabia, Dr. Nathan Brown, an expert on rule of law in Arab-

41 Ibid.

42 Ibid.

43 Ibid.

44 Nathan J. Brown, "Why won't Saudi Arabia write down its laws?" *Foreign Policy*, 23 January 2012, <http://foreignpolicy.com/2012/01/23/why-wont-saudi-arabia-write-down-its-laws/>.

45 Ibid.

46 Caryle Murphy, "Saudi to codify Sharia 'for clarity'"; *The National*, 21 July 2010, <http://www.thenational.ae/news/world/middle-east/saudi-to-codify-sharia-for-clarity#full>.

47 <http://www.alarabiya.net/articles/2012/05/05/212240.html>.

48 Anti-Cyber Crime Law, Royal Decree No. M/17, Kingdom of Saudi Arabia, 1428 AH (2007 CE), http://www.citc.gov.sa/English/RulesandSystems/CITCSyste/Documents/LA_004_%20E_%20Anti-Cyber%20Crime%20Law.pdf.

49 Law on Protection from Abuse, Royal Decree No. M/52, Kingdom of Saudi Arabia, 1434 AH (2013 CE), Article 12, <http://nshr.org.sa/wp-content/uploads/2013/10/%D8%A7%D9%84%D9%84%D8%A7%D8%A6%D8%AD%D8%A9-%D8%A7%D9%84%D8%AA%D9%86%D9%81%D9%8A%D8%B0%D9%8A%D8%A9-%D9%84%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D9%85%D9%86-%D8%A7%D9%84%D8%A5%D9%8A%D8%B0%D8%A7%D8%A1-1.pdf>.

50 Child Protection Law, Royal Decree No. M/14, Kingdom of Saudi Arabia, 1436 AH (2014 CE), Article 23, <https://www.boe.gov.sa/ShowPDF.aspx?filename=677ecdcd-c556-4d64-81b9-d5b40d22f0be&SystemID=356&VersionID=333>.

majority states, detailed resistance from Saudi legal scholars in incorporating state-issued laws into Islamic jurisprudence.⁵¹

In addition to this largely unwritten penal code, the Saudi government has neglected to fully align its legal procedural process with international norms and standards. The primary system governing legal proceedings is the Law of Criminal Procedure, originally promulgated in 2001 and reformed and reissued in 2013.⁵² The law provides for many basic due process rights recognized by international human rights law. Articles 4, 65, and 70 guarantee the right of the accused to access legal representation during both investigation and trial.⁵³ Article 84 permits a degree of lawyer-client confidentiality, preventing law enforcement officials from seizing documentation or communiques passed between legal representatives and the accused.⁵⁴ Article 140 prohibits the trial of the accused *in absentia*.⁵⁵ Article 102 prohibits criminal investigators from subjecting the accused to coercive measures during interrogation.⁵⁶ Moreover, it is “on the court” to provide an interpreter to accused individuals that do not speak or understand Arabic, per Article 172.⁵⁷

Despite the significant due process protections outlined above, the 2013 reform failed to amend articles that continue to allow for the abuse of basic due process. As written, the law does not protect the defendant’s right to expeditious legal proceedings upon arrest. Per Article 114 of the law, law enforcement officials operating under the Bureau of Investigation and Prosecution (BIP) can detain an accused individual for up to six months without judicial review if the investigators see fit to do so.⁵⁸ Investigators can also hold the accused incommunicado for up to 60 days, although this does not explicitly impinge upon the accused’s right to an attorney.⁵⁹ Furthermore, the law nowhere stipulates that the accused must be informed of his or her rights upon arrest.

The law also fails to mandate that courts conduct fully public trial proceedings. Though Article 154 affirms the public nature of criminal trials, it permits the court broad latitude in closing trials to some or all classes of people for reasons related to security, the maintenance of public morality, or necessity in determining the truth.⁶⁰

Recent counterterrorism legislation has further curtailed protections for internationally-recognized due process rights in legal proceedings determined by authorities to have national security implications. In January 2014, the Saudi government promulgated the Law for Crimes of Terrorism and Its Financing.⁶¹ According to Article 5, law enforcement officials operating under the Ministry of Interior (MoI) can detain those accused of terrorism-related crimes⁶² for

51 Nathan J. Brown, “Why won’t Saudi Arabia write down its laws?” *Foreign Policy*, 23 January 2012, <http://foreignpolicy.com/2012/01/23/why-wont-saudi-arabia-write-down-its-laws/>.

52 نظام الإجراءات الجزائية, Royal Decree No. M/2, Kingdom of Saudi Arabia, 1435 AH (2013 CE), <http://nshr.org.sa/wp-content/uploads/2013/12/%D9%86%D8%B8%D8%A7%D9%85-%D8%A7%D9%84%D8%A5%D8%AC%D8%B1%D8%A7%D8%A1%D8%A7%D8%AA-%D8%A7%D9%84%D8%AC%D8%B2%D8%A7%D8%A6%D9%8A%D8%A9-2013-%D9%85%D8%A4%D8%B1%D8%B4%D9%81.pdf>.

53 Ibid.

54 Ibid.

55 Ibid.

56 Ibid.

57 Ibid.

58 Ibid.

59 Ibid., Article 119.

60 Ibid.

61 نظام جرائم الإرهاب وتمويله, Royal Decree No. M/17, Kingdom of Saudi Arabia, <http://www.sama.gov.sa/ar-sa/AntiMoney/AntiDocuments/%D9%86%D8%B8%D8%A7%D9%85%20%D8%AC%D8%B1%D8%A7%D8%A6%D9%85%20%D8%A7%D9%84%D8%A7%D8%B1%D9%87%D8%A7%D8%A8%20%D9%88%D8%AA%D9%85%D9%88%D9%8A%D9%84%D9%87.pdf>.

62 See Section L for a more detailed discussion of the law’s definition of terrorism.

up to one year without judicial review.⁶³ Per Article 6, law enforcement officials can hold the accused incommunicado for up to 90 days.⁶⁴ Articles 9 and 12 permit the relevant court to try and sentence the accused *in absentia*.⁶⁵ Significantly, the Law of Terrorism and Its Financing removes the accused's guarantees of legal representation as advanced by the Law of Criminal Procedure. Although Article 10 of the law affirms the accused's right to an attorney, the exercise of this right is granted at the discretion of the investigator. Furthermore, the court can prevent the accused's attorney from hearing testimony during the proceedings.⁶⁶

3. BRING JUDICIARY IN LINE WITH BASIC PRINCIPLES AND INCREASE INDEPENDENCE

Not Implemented
No Perceived Progress

- 138.37** Codify its criminal law to bring it in line with international law and standards, and ensure it is applied effectively by an independent and impartial judiciary (United Kingdom of Great Britain and Northern Ireland);
- 138.141** Continue with its efforts to reform the judicial system and its practices and further examine ways by which certain legal provisions are aligned with international human rights standards (Cyprus); and
- 138.150** Continue to take into account the judicial principles as a complimentary measure to international standards and documenting these measures (Jordan)

The Saudi government technically observes the first Basic Principle on the Independence of the Judiciary, that “The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country.”⁶⁷ Article 1 of the 2007 Law of the Judiciary affirms, “Judges are independent and, in the administration of justice, they shall be subject to no authority other than the provisions of *Sharia* and laws in force.”⁶⁸ The wide interpretive powers enjoyed by judges within Saudi Arabia's standard criminal courts, while rendering Saudi jurisprudence highly subjective, also support the third basic principle, that the judiciary has “jurisdiction over all issues of a judicial nature and shall have exclusive authority to decide whether an issue submitted for its decision is within its competence as defined by law.”⁶⁹

In other respects, however, the Saudi government fails to meet these internationally recognized judicial principles. First, the monarchy wields undue influence over the retention of judges. The principles state that judges, “whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists.”⁷⁰ The monarchy, through issuance of a royal decree, appoints all judges⁷¹ and can terminate their services via royal

63 نظام جرائم الإرهاب وتمويله , Royal Decree No. M/17, Kingdom of Saudi Arabia, <http://www.sama.gov.sa/ar-sa/AntiMoney/AntiDocuments/%D9%86%D8%B8%D8%A7%D9%85%20%D8%AC%D8%B1%D8%A7%D8%A6%D9%85%20%D8%A7%D9%84%D8%A7%D8%B1%D9%87%D8%A7%D8%A8%20%D9%88%D8%AA%D9%85%D9%88%D9%8A%D9%84%D9%87.pdf>.

64 Ibid.

65 Ibid.

66 Ibid., Article 12.

67 The Basic Principles on the Independence of the Judiciary, Adopted by the 7th United Nations Congress on the Prevention of Crime and the Treatment of Offenders from 26 August to 6 September 1985 (1985), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>.

68 Law of the Judiciary/Law of the Board of Grievances, Royal Decree No. M/78, Kingdom of Saudi Arabia, 1428 AH (2007 CE), Official Translation Department of the Bureau of Experts at the Council of Ministers.

69 The Basic Principles on the Independence of the Judiciary, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>.

70 Ibid., principle 12.

71 Law of the Judiciary/Law of the Board of Grievances, Royal Decree No. M/78, Article 47.

decree before the judge in question reaches retirement age.⁷² Additionally, Saudi law apportions some functions inherent to judicial systems internationally to its law enforcement officials operating under the MoI. The MoI, and not standard criminal courts, issues warrants for search and detention,⁷³ and can preclude the judicial review of an individual's detention for months at a time. These constraints on judicial function, put in place by both the monarchy and the MoI, could correspond to the "restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter" that the second basic principle prohibits.⁷⁴ Furthermore, the Saudi judiciary fails to follow the tenth basic principle, which prohibits discrimination based on sex in the selection of judges.⁷⁵ The Saudi government does not permit women to practice as judges.⁷⁶

Judges operating within Saudi Arabia's counterterrorism framework operate with less independence than their counterparts in criminal courts of first instance. The 2014 Law of Terrorism and Its Financing retroactively formalized the jurisdiction of the Specialized Criminal Court (SCC), a national security tribunal initially organized by the government in 2008.⁷⁷ The law cedes powers typically ascribed to courts to MoI in ways that compromise judges' independence. As with typical legal proceedings, the MoI, and not the SCC, issues both search and arrest warrants.⁷⁸ The MoI also has the authority to prevent a suspect charged under the law from submitting a complaint to the court concerning his or her legal proceedings until the completion of his or her investigation.⁷⁹ Furthermore, the MoI, and not the SCC, has the authority to order the provisional release of a detainee and the authority to secure the full release of a convicted person.⁸⁰

The lack of a set penal code, the enactment of legal procedures that do not fully protect due process rights, and judges that do not operate in accordance with international norms of judiciary independence all contribute to a criminal justice system that consistently renders partial judgments. Since December 2013, the Saudi government has engaged in the widespread prosecution, imprisonment, and even execution of human rights defenders and nonviolent political dissidents. In many of these cases, to be further discussed in sections B.4, C, E, and L, authorities denied the accused consistent access to legal counsel, closed their hearings to the public, and issued punitive sentences against them.

4. STRENGTHEN RIGHTS OF WOMEN, CHILDREN, AND MIGRANTS

Technically Implemented
No Perceived Progress

- 138.30** Enact and strengthen laws providing the right to education, and take effective measures to protect the rights of the child (Maldives);
- 138.31** Continue to strengthen domestic legislation to promote and protect the rights of women, children, domestic workers and the migrant workers (Bhutan);

72 Ibid., Articles 67 and 69.

73 نظام الإجراءات الجزائية, Royal Decree No. M/2, Kingdom of Saudi Arabia, 1435 AH (2013 CE), Articles 42, 103.

74 The Basic Principles on the Independence of the Judiciary, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>.

75 Ibid.

76 "Saudi Arabia: Women not Allowed to Perform Notary Duties," The Law Library of Congress, accessed June 30, 2015, http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205404200_text.

77 نظام جرائم الإرهاب وتمويله, Royal Decree No. M/17, Kingdom of Saudi Arabia, Article 8.

78 Ibid., Articles 4, 16.

79 Ibid., Article 15.

80 Ibid., Articles 72, 73.

- 138.33** Criminalize femicide in accordance with the international standards and comply in general with CEDAW general recommendation No. 19 (Ecuador);
- 138.34** Abolish, modify or introduce legislation, measures and practices to ensure the effective elimination of all forms of legal discrimination against women and to allow for their full participation in society, including in decision-making and political processes, on an equal basis with men (Canada)
- 138.42** Adopt a criminal code which clearly defines a number of criminal offences that affect women and girls, and which includes clear guidelines on enforcement mechanisms, monitoring and coordination bodies, and sanctions for perpetrators (Chile);
- 138.155** Speed up the process of an alternative penal system and ensure that this system includes treatment of juvenile delinquency in line with the Convention on the Rights of the Child and the comments of the Committee on the Rights of the Child (United Arab Emirates); and
- 138.156** Ensure implementation in practice of laws and regulations to which juvenile offenders are subject, including the prompt access of juveniles to legal counsels, their separate detention and the enrolment of juveniles in appropriate school and training programmes while in custody (Cyprus)

The Government of Saudi Arabia has instituted some measures to strengthen the rights of women and children in the kingdom. In recent years, the government has enacted legislation defining domestic violence for the first time in the kingdom's history, and the semi-governmental National Safety Family Program has had significant success raising awareness and providing services for victims of abuse.⁸¹ Additionally, the authorities have gradually expanded the employment opportunities available to women and permitted them to vote and run in municipal elections.

Despite these technical improvements, however, the core guardianship structure driving discrimination and violence against women remains in place. In 2000, the government ratified the CEDAW with broad reservations that allow it to retain the guardianship system and prevent women from obtaining equal personal status rights as men. Informally, women remain excluded from a wide variety of careers, and the female workforce is disproportionately unemployed.⁸² Structural inequalities within the criminal justice system – and specifically at the intersection of it and the guardianship system – continue to undermine the efficacy of legal reforms, such as the criminalization of domestic violence.⁸³ These matters are discussed at length in Section D. Relatedly; deficiencies in the criminal justice system also facilitate the violation of due process for juvenile offenders, especially in politically-sensitive corporal or capital punishment cases. For more discussion on these issues, see Sections B.1-B.3 and Section F.

Similarly, the government has taken several positive efforts to improve protections for migrant rights in the kingdom, specifically targeting wage-withholding and passport confiscation. Nevertheless, the government has failed to significantly reform the *kafala* sponsorship system or its labor code, and migrant workers are routinely exploited, forced to live in poor conditions, and subjected to legal procedures. For more discussion on these issues, see Section J.

⁸¹ See Section D.

⁸² Ibid.

⁸³ Ibid.

5. PROVIDE TRAINING FOR THE JUDICIARY

Technically Implemented
No Perceived Progress

138.69 Establish training programmes for judges focusing on Saudi Arabia's international human rights obligations (Sierra Leone); and

138.146 Continue efforts to build and develop judicial capacities through training for judges and intensify efforts to strengthen the role of the judiciary (Nigeria)

The Saudi government has cooperated with OHCHR to institute training programs for the kingdom's judiciary.⁸⁴ The programs target judges considered to be more junior in rank and experience. Though ADHRB could not determine the current status of the program, OHCHR had planned to hold between 6 and 10 training periods, each period lasting 14 days, through the end of 2016. The government also permitted OHCHR to nominally engage with Saudi civil society members, who have had the opportunity to discuss human rights and reforms with MoJ officials. The trainings are set to end in late 2016; it is unclear if the Saudi government and OHCHR will restart the program at this time.⁸⁵

In 2014, the European External Action Service (EEAS) released an "Annual Report on Human Rights and Democracy in the World."⁸⁶ According to the report, the EEAS conducted outreach initiatives towards the Saudi government in human rights-related judiciary cases "in close coordination with EU Member States."⁸⁷ It is unclear what these initiatives entailed.

Also in 2014, the Saudi government announced that it would be establishing new training centers aimed at improving the "efficiency and performance" of judges and other MoJ officials.⁸⁸ A number of judges and religious leaders voiced opposition to these centers, however, arguing that they would undermine the traditional religious training that grounds the Saudi judiciary.⁸⁹ Earlier in 2014, local media reported that at least 200 judges wrote to the king expressing their criticism of the impending reforms.⁹⁰ It is as yet unknown if these centers were in fact established.

6. IMPROVE PRISONS, DUE PROCESS, AND TRANSPARENCY

Not Implemented
No Perceived Progress

138.139 Continue to protect and promote the rights of imprisoned persons so as to make conditions and places of detention more humane (Djibouti);

138.142 Continue its activities in the field of the judicial and legislative reforms for speeding up the pace of litigation and judgment enforcement (Azerbaijan);

138.144 Provide maximum judicial transparency, for example by allowing officials of third countries to attend public trials at criminal and security courts (Netherlands);

138.145 Further promote access to remedy for victims of human rights violations (Japan);

138.147 Ensure that all individuals are afforded due process of law, informed of charges brought against them, and given a timely and transparent trial (United States of America);

84 This information was obtained from a private source with knowledge of the program.

85 See Section H.4 for more on Saudi Arabia's cooperation with the OHCHR.

86 European External Action Service, *Annual Report: Human Rights and Democracy in the World in 2014*. 2014. Pg. 223. http://eeas.europa.eu/human_rights/docs/2014-hr-annual-report_en.pdf

87 Ibid.

88 Angus McDowall, "With eye on investors, Saudi Arabia plans training for judges," Reuters, 25 February 2014, <http://www.reuters.com/article/us-saudi-arabia-judges-idUSBREA1O13L20140225>

89 Ibid.

90 Ibid.

- 138.148** Maintain the practice whereby the Ministry of Justice pays the fees of counsel for accused persons who are unable to pay, as well as the presence of the media and persons interested in human rights during trial hearings (Nigeria);
- 138.149** Continue enhancing the principle of public trials, and monitoring them in a way that does not contradict the independence of the judiciary and fair trials, including allowing [the public] to attend court hearings (Jordan); and
- 138.153** Implement legal reforms to promulgate a criminal code, ensure transparent and fair criminal trials, and prevent arbitrary, secret and indefinite detention and torture in custody (Australia)

Apart from aggregate totals, the Saudi government releases little detailed information about the conditions of its prison facilities or the number and distribution of their inmates, and it prevents independent bodies such as the International Committee of the Red Cross from monitoring its detention centers.⁹¹ The International Centre for Prison Studies (ICPS), however,⁹² reported that the total Saudi prison population was approximately 47,000 persons as of 2013, or roughly 161 per every 100,000 of the national population. That same year, the Saudi government announced that foreign nationals constituted 72 percent of the prison population.⁹³ As of 2009, the total population was spread among 104 prisons and 12 reformatories. The ICPS noted a marked increase in the prison population during the 2000s: whereas the prison population totaled approximately 23,720 in 2000, by 2009 this number had climbed to 44,600.⁹⁴ This increase tracks with the up-scaled counterterrorism efforts in which the Saudi government engaged after 2001.⁹⁵ Pascal Manoret, a professor of Middle Eastern Studies at New York University Abu Dhabi and an expert on Saudi Arabia, noted in 2014 that between 12,000 and 30,000 of these inmates were political prisoners or prisoners of conscience.⁹⁶

As the total number of inmates has grown, overcrowding and poor living conditions have become increasingly acute problems in Saudi prisons.⁹⁷ In 2009, Syed Neaz Ahmad submitted two reports to *The Guardian* on his treatment in a series of Saudi detention centers during deportation proceedings. In Mecca, Ahmad “was thrown into a prison room barely large enough to accommodate 100 but some 500 persons had been locked in there.”⁹⁸ After being transferred to a Jeddah detention center, he joined 1,500 other people “in warehouse-like halls with no air conditioning, no fans and temperatures rising to 50C.”⁹⁹ Boys, one as young as nine years old, were imprisoned alongside adults.¹⁰⁰ In May 2013, GDP Director General Maj. Gen. Ali al-Harhi reported that central jails in Riyadh, Mecca and Jeddah had exceeded their capacity three times over.¹⁰¹

91 Ben Hubbard, “Inside Saudi Arabia’s Re-education Prison for Jihadists,” *The New York Times*, 9 April 2016, http://www.nytimes.com/2016/04/10/world/middleeast/inside-saudi-arabias-re-education-prison-for-jihadists.html?_r=0

92 “World Prison Brief: Saudi Arabia.” International Centre for Prison Studies. <http://www.prisonstudies.org/country/saudi-arabia>.

93 “2013 Human Rights Report: Saudi Arabia.” U.S. Department of State. <http://www.state.gov/documents/organization/220586.pdf>, 4.

94 “World Prison Brief: Saudi Arabia.” ICPS. <http://www.prisonstudies.org/country/saudi-arabia>.

95 For more on the Saudi government’s counterterror efforts, see Section L.

96 Pascal Manoret, *Joyriding in Riyadh: Oil, Urbanism, and Road Revolt*, Cambridge: 2014, pg. 21.

97 “2013 Human Rights Report: Saudi Arabia.” U.S. Department of State. <http://www.state.gov/documents/organization/220586.pdf>, 1;5.

98 Ahmad, Syed Neaz. “Corruption rules in Saudi jails.” *The Guardian*. September 6, 2009. <http://www.theguardian.com/commentisfree/2009/sep/06/saudi-prison>.

99 Ahmad, Syed Neaz. “Eleven days in Saudi Gitmo.” *The Guardian*. July 14, 2009. <http://www.theguardian.com/commentisfree/2009/jul/14/saudi-mecca-islam-deported-muslim>.

100 Ahmad, “Corruption rules.”

101 Mohammed, Irfan. “Prisons overcrowded.” *Arab News*. May 17, 2013. <http://www.arabnews.com/news/451896>.

Reports indicate that torture remains a common feature of the Saudi prison system. On July 27, 2011, officials at Dammam General Prison allegedly removed human rights activist Mekhlef al-Shammary from his cell and took him to a room with no video surveillance. They beat him and “poured anti-septic cleaning liquid down his throat,” leading to his hospitalization.¹⁰² In October 2010, Qatari officials extradited Yemeni national Iwad al-Hayki to Saudi Arabia where he was imprisoned. Saudi authorities tortured him by beating him, placing him in cells with very low temperatures, and denying him necessary medical attention.¹⁰³ Notably, the *New York Times* reported¹⁰⁴ in 2016 that living conditions are considered to be better in high-security and/or terrorist rehabilitation facilities than in “regular criminal prisons, where allegations of mistreatment and overcrowding are more common.”¹⁰⁵ ADHRB extensively documents the use of torture within the Saudi criminal justice system in its report, *The Basis of Brutality*.

Saudi Arabia’s state-sanctioned human rights institutions have reportedly conducted a number of visits to the country’s prisons. The Human Rights Commission claims to have made some 842 visits to prisons and detention centers between the commencement of its activities in 2007 and 2014.¹⁰⁶ Similarly, a substantial portion of the NSHR’s 2014 annual report details the organization’s various site visits, a number of which concerned centers of interrogation and detention. It recorded both positive and negative notes for these visits. Concerning a March 2014 visit to the *Mabahith* headquarters in Medina, NSHR members criticized the solitary confinement of, and lack of medical care for, persons with mental illnesses.¹⁰⁷ Following a May 2014 visit to the prison in the town of Dumat al-Jandal, NSHR members criticized its poor management, uncleanliness, and failure to provide for the basic needs of inmates.¹⁰⁸ As with the complaints, however, it remains unclear what effect these criticisms have, if any, on the administration of Saudi detention centers.¹⁰⁹

In 2014, after a two-day forum in Mecca, Saudi prison officials announced that they would be taking new steps to reform and improve the management of the kingdom’s detention facilities.¹¹⁰ State-owned media reported that “the main focus in prison reforms in the Kingdom is vocational training and rehabilitation,” as well as augmented “security measures.”¹¹¹ There is no indication that overcrowding, torture, or other poor living conditions were discussed or targeted for reform at the forum.¹¹² The director of Mecca’s prisons noted that inmate’s healthcare is of the “utmost importance” and claimed that “especial treatments” are to be paid for at government expense, but did not name any specific measures being taken to improve prisoners’ access to medical services.¹¹³ At time of writing, it is unclear if any reforms have been instituted. In October 2015, however, the UK cancelled a £5.9m contract to provide a training program for Saudi prison

102 “2011 Human Rights Report: Saudi Arabia.” U.S. Department of State. <http://www.state.gov/documents/organization/186659.pdf>, 3.

103 “Yemeni Detainee Tortured in Saudi Prison after Extradition by Qatar.” *Jadaliyya*. March 19, 2003. <http://www.jadaliyya.com/pages/index/10701/yemeni-detainee-tortured-in-saudi-prison-after-ext>.

104 Ben Hubbard, “Inside Saudi Arabia’s Re-education Prison for Jihadists,” *The New York Times*, 9 April 2016, http://www.nytimes.com/2016/04/10/world/middleeast/inside-saudi-arabias-re-education-prison-for-jihadists.html?_r=0

105 For more on terrorist rehabilitation programs in Saudi Arabia, see Section L.

106 CAT/C/SAU/2, Annex 4, 41.

107 “التقرير السنوي الحادي عشر للجمعية الوطنية لحقوق الإنسان للسامي 1435 هـ 2014م” National Society for Human Rights, <http://nshr.org.sa/wp-content/uploads/2015/04/book.compressed.pdf>.

108 Ibid.

109 Refer to Section C.5 for more on Saudi Arabia’s national human rights institutions.

110 Irfan Mohammed. “Prison reforms: KSA sets world standards,” *Arab News*, 22 November 2014, <http://www.arabnews.com/featured/news/663736>

111 Ibid.

112 Ibid.

113 Ibid.

officials, citing ongoing human rights violations within the kingdom's prison system as a key factor in the decision.¹¹⁴

Though some due process rights and judicial transparency guarantees are codified in Saudi law, they are rarely enforced. Article 155 of the kingdom's Law of Criminal Procedure declares, "Court hearings shall be public," and that judges may only close them under exceptional circumstances: "for security reasons," the "maintenance of public morality," or if such closure "is deemed necessary for determining the truth."¹¹⁵ Still, Saudi courts frequently close criminal hearings to the public, even when conditions do not meet the government's own "exceptional" standards. According to both the 2014¹¹⁶ and 2015¹¹⁷ U.S. Department of State Human Rights Reports on Saudi Arabia, the kingdom has conducted numerous close proceedings over the past two years. In some capital cases, the State Department noted, the lack of transparency made it impossible to determine whether defendants were able to present a defense or exercise basic due process rights.¹¹⁸ In its August 2015 report on the prevalence of capital punishment in Saudi Arabia, Amnesty International identified secret hearings as recurring elements of cases in which judges administered the death penalty.¹¹⁹

On 24 April 2013, for example, the criminal court in the city of Buraidah initiated the third hearing in the trial of Dr. Abdulkareem al-Khoder, a founding member of the Saudi Arabian Civil and Political Rights Association (ACPRA), a civil society organization that documented human rights violations committed by Saudi MOI officials and called for wide-ranging political reforms.¹²⁰ The court's presiding judge prevented women from al-Khoder's family, including his mother, wife, and daughter, from entering the court to observe the proceedings.¹²¹ When Dr. al-Khoder protested the order, the judge directed authorities to place him under arrest.¹²² In June 2013, the court sentenced him to eight years in prison.¹²³ After an appeals court rejected his initial sentence, authorities forwarded his case to the SCC; though the summary court ordered his release pending re-sentencing, authorities held him until October 2015, when the SCC sentenced him to ten years in prison and a ten-year travel ban.¹²⁴

Some judges and officials within the MoJ have made efforts to make trials more open and

114 Nicholas Watt and Alan Travis, "UK ditches plan to bid for £5.9m Saudi Arabia prisons contract," *The Guardian*, 13 October 2015, <http://www.theguardian.com/world/2015/oct/13/uk-ditches-plan-to-bid-for-saudi-arabia-prisons-contract>

115 Law of Criminal Procedure: Royal Decree No. (M/39). Kingdom of Saudi Arabia, 2001. Retrieved from: http://www1.umn.edu/humanrts/research/saudi-arabia/criminal_procedure.html.

116 "Saudi Arabia 2014 Human Rights Report," U.S. Department of State, <http://www.state.gov/documents/organization/236832.pdf>.

117 "Saudi Arabia 2015 Human Rights Report," U.S. Department of State, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

118 Ibid.

119 Amnesty International. "Killing in the Name of Justice": the Death Penalty in Saudi Arabia. August 2015. <https://www.amnesty.org/en/documents/mde23/2092/2015/en/>, 5.

120 Amnesty International. *Saudi Arabia's ACPRA: How the Kingdom Silences Its Human Rights Activists*. October 2014. https://www.amnesty.nl/sites/default/files/public/saudi_arabias_acpra_how_the_kingdom_silences_his_human_rights_activists_0.pdf.

121 ACPRA, "تصريح عبدالعزيز الشيبلي بعد الجلسة الرابعة من محاكمة حسم القصم", https://www.youtube.com/watch?v=AbjTyR1twKI&feature=youtu_be_gdata_player; see also "وعى" عبد الكريم الخضر. <https://w3iteam.wordpress.com/2014/12/16/%D8%B9%D8%A8%D8%AF-%D8%A7%D9%84%D9%83%D8%B1%D9%8A%D9%85-%D8%A7%D9%84%D8%AE%D8%B6%D8%B1/>.

122 Amnesty International. *Saudi Arabia's ACPRA: How the Kingdom Silences Its Human Rights Activists*. October 2014. https://www.amnesty.nl/sites/default/files/public/saudi_arabias_acpra_how_the_kingdom_silences_his_human_rights_activists_0.pdf, 8.

123 "ADHRB Condemns Court Rulings against ACPRA Members," ADHRB, 20 October 2015, <http://www.adhrb.org/2015/10/adhrb-condemns-court-rulings-against-acpra-members/>

124 Ibid.

transparent. In 2012, the public prosecution brought prominent political reformers and ACPRA-members Dr. Mohammed al-Qahtani and Dr. Abdullah al-Hamid to trial. At their first hearing, the judge permitted both press and public observers to enter the courtroom,¹²⁵ a development that a BBC correspondent noted as unusual.¹²⁶ Even this measure of openness, however, came with restrictions; the judge ordered security officers to record the names and identification numbers of all present, a move described by Dr. al-Hamid as an act of intimidation.¹²⁷ In 2013, the Riyadh criminal court did permit local supporters to attend the hearings of activist Eisa al-Nekhaify, whom authorities sentenced to three years and eight months¹²⁸ in prison.¹²⁹

The proceedings of the kingdom's national security tribunal, the SCC, however, continue to be held in secret. International human rights organizations have documented repeated cases of the SCC convening closed trials without the knowledge of the defendant's family or legal representative. According to private sources, the SCC secretly convened several secret hearings for four young Eastern Province protesters: Ali Saeed al-Rebh, Reda Jafar al-Rebh, Ali al-Nimr, and Mohammed Faisal al-Shiouxh. Their families and attorneys only learned of these hearings after their completion. The SCC initially sentenced all four defendants to death; since then, the appeals court has downgraded the sentence of Reda Jafar al-Rebh to 25 years in prison. On 2 January 2016, the Saudi government executed¹³⁰ Ali Saeed al-Rebh, Mohammed Faisal al-Shiouxh, and Mohammed al-Suwaimel.¹³¹

In addition to political protesters, the SCC has also closed the trials of established human rights activists, as it did for Mohammed al-Bajady, another ACPRA co-founder. In 2012, the SCC sentenced al-Bajady to four years in prison and a further five-year travel ban. During al-Bajady's proceedings, the judge prohibited the presence of independent observers and even prevented his attorney from attending.¹³²

Relatedly, the kingdom rarely allows international observers to attend politically-sensitive trials. In 2014, the EEAS reported that the EU Delegation had obtained permission for its diplomats to attend explicitly public trials in Saudi Arabia since 2013,¹³³ however the report failed to provide examples of any cases with which the EEAS engaged or any hearing it was allowed to attend. Attempts by ADHRB to contact the Saudi Delegation to the European Parliament have gone unanswered.

125 Norah Abdulkarim, "Trial of Saudi Civil Rights Activists Mohammad al-Qahtani and Abdullah al-Hamid," *Jadaliyya*, 3 September 2012, <http://www.jadaliyya.com/pages/index/7174/trial-of-saudi-civil-rights-activists-mohammad-al->

126 "Saudi campaigner Mohammad al-Qahtani goes on trial," *BBC News*, 1 September 2012, <http://www.bbc.com/news/world-middle-east-19448323>.

127 Norah Abdulkarim, "Trial of Saudi Civil Rights Activists Mohammad al-Qahtani and Abdullah al-Hamid," *Jadaliyya*, 3 September 2012, <http://www.jadaliyya.com/pages/index/7174/trial-of-saudi-civil-rights-activists-mohammad-al->

128 A separate court later increased this sentence to nine years.

129 "2013 Human Rights Report: Saudi Arabia." U.S. Department of State. <http://www.state.gov/documents/organization/220586.pdf>, 12; see also ALQST, "ALNAKHEFI," 11 April 2015, <http://www.alqst.org/en/issues/aesa.html>.

130 Tracy McVeigh and Martin Chulov, "US warns Saudi Arabia's execution of prominent cleric risks inflaming sectarian tensions," *The Guardian*, 3 January 2016, <http://www.theguardian.com/world/2016/jan/02/saudi-arabia-cleric-execution-unrest-predicted-shia-areas>; see also Chris Green, "Saudi Arabia executions: The political protesters who were killed – and those still on death row," 3 January 2016, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-executions-the-political-protesters-who-were-killed-and-those-still-on-death-row-a6795016.html>.

131 For more on capital punishment in Saudi Arabia, see Section F.

132 "2014 Human Rights Report: Saudi Arabia." U.S. Department of State. <http://www.state.gov/documents/organization/236832.pdf>, 16.

133 European External Action Service, *Annual Report: Human Rights and Democracy in the World in 2014*. 2014. Pg. 223. http://eeas.europa.eu/human_rights/docs/2014-hr-annual-report_en.pdf

The Saudi legal code nominally ensures the defendant's right to legal counsel, although – like judicial transparency – this is infrequently enforced. Articles 4 and 140 of the Law of Criminal Procedure guarantees the defendant's right to seek legal counsel during trials that adjudicate standard criminal cases.¹³⁴ In SCC proceedings, the law is more ambiguous about the right to access legal representation. Under Article 10 of the Law of Crimes of Terrorism and Their Financing, the law governing the SCC, the accused is “entitled” to legal representation, but only within a timeframe deemed adequate by the investigative authority.¹³⁵

In a Saudi criminal court, the public prosecution, working at the discretion of the Minister of Interior, is at a disproportionate advantage over the defense attorney. Article 160 of the Law of Criminal Procedure permits the prosecution to “amend the memorandum of charges” brought against the accused “at any time,” including during trial.¹³⁶ Also, the court is not bound to supply the defense with a copy of the accused's charges until the trial is underway,¹³⁷ leaving attorneys little opportunity to prepare their case. For example, one defense attorney for a man accused of drug trafficking informed Human Rights Watch in 2008 that he did not know the charges against his client until the judge read them aloud during the trial's opening hearing.¹³⁸ Public prosecutors are also not obliged to share evidence with the defense attorney. The representative referenced in the preceding paragraph had to settle for an “oral briefing” from the prosecutor concerning the state's evidence against his client, even though this evidence purportedly included forensic proof of his client's guilt.¹³⁹

This imbalance between the public prosecution and the defense is wider in the SCC. Article 12 of the Law of Terrorism Crimes and Their Financing permits the judge of the SCC to, in coordination with the public prosecution, hear witness testimony in the absence of both the defendant and his attorney, precluding any opportunity to cross-examine the state's witnesses.¹⁴⁰ In October 2014, the SCC sentenced dissident cleric Sheikh Nimr al-Nimr to death based in part on eyewitness testimony stating that he had violently resisted arrest; the presiding judge, however, prevented al-Nimr's attorneys from cross-examining the witnesses, who submitted written testimonials and did not appear in court.¹⁴¹ Sheikh Nimr was executed in January 2016.¹⁴²

At other times, the courts are unable to properly assist the accused in securing an unimpeded legal defense. Prison officials working under the MOI routinely deny defense attorneys access to

134 Law of Criminal Procedure: Royal Decree No. (M/39). Kingdom of Saudi Arabia, 2001. Retrieved from: http://www1.umn.edu/humanrts/research/saudiarabia/criminal_procedure.html.

135 Monitor of Human Rights in Saudi Arabia, “نظام جرائم الإرهاب وتمويله” <http://mhrsa.org/wp-content/uploads/2015/01/%D9%86%D8%B8%D8%A7%D9%85-%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7%D9%84%D8%A5%D8%B1%D9%87%D8%A7%D8%A8-%D9%88%D8%AA%D9%85%D9%88%D9%8A%D9%84%D9%87-2013-1435.pdf>.

136 Law of Criminal Procedure: Royal Decree No. (M/39). Kingdom of Saudi Arabia, 2001. Retrieved from: http://www1.umn.edu/humanrts/research/saudiarabia/criminal_procedure.html.

137 Ibid., Article 161.

138 Human Rights Watch, *Prekarious Justice : Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia*, March 2008, https://www.hrw.org/sites/default/files/reports/saudijustice0308_1.pdf, 49.

139 Ibid.

140 Monitor of Human Rights in Saudi Arabia, “نظام جرائم الإرهاب وتمويله” <http://mhrsa.org/wp-content/uploads/2015/01/%D9%86%D8%B8%D8%A7%D9%85-%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7%D9%84%D8%A5%D8%B1%D9%87%D8%A7%D8%A8-%D9%88%D8%AA%D9%85%D9%88%D9%8A%D9%84%D9%87-2013-1435.pdf>.

141 Amnesty International. “*Killing in the Name of Justice: the Death Penalty in Saudi Arabia*.” August 2015. <https://www.amnesty.org/en/documents/mde23/2092/2015/en/>.

142 “Sheikh Nimr al-Nimr: Saudi Arabia executes top Shia cleric,” BBC News, 2 January 2016, <http://www.bbc.com/news/world-middle-east-35213244>.

their jailed clients,¹⁴³ even in the face of judicial intervention. During Ali al-Nimr's proceedings, the presiding judge wrote to his prison to request that Ali's attorney be allowed to meet with him.¹⁴⁴ Prison officials refused the judge's request, hampering the preparation of Ali's defense.¹⁴⁵ Despite being aware of this due process violation, the judge allowed the proceedings to continue as scheduled.

Additionally, defense attorneys that take up politically-sensitive cases often face government persecution, up to and including prison sentences. Attorney Waleed Abu al-Khair is currently serving a 15-year sentence for charges related to his human rights activism. MOI officials began harassing him after he led the defense of a group of detained reform activists in 2009.¹⁴⁶ Eisa al-Nekhaify, who took up the cases of Saudi citizens that had gone uncompensated after government forces displaced them from their homes along the Yemeni border, is serving a nine-year sentence.¹⁴⁷ Abdulaziz al-Shubaili, another ACPRA member who represented families seeking compensation for the ongoing arbitrary detention of relatives, is currently on trial before the SCC.¹⁴⁸ Abdulaziz al-Hussan, a prominent commercial attorney who chose to represent activists Mohammed al-Qahtani and Abdullah al-Hamid *pro bono*, fled Saudi Arabia after tweeting about the unjust conditions of his clients' detention, an act which prompted the MoJ to challenge his law license and the MOI to interrogate him.¹⁴⁹

The Saudi government has also prosecuted attorneys who directly challenge the MoJ. In October 2014, the SCC sentenced attorneys Abdulrahman al-Subaihi, Bandar al-Nogaihan, and Abdulrahman al-Rumaih, to prison terms ranging between five and eight years for insulting the judiciary.¹⁵⁰ The attorneys had tweeted critical remarks concerning the lack of legal reforms within the kingdom, and had publicly identified a judge with whom they were dissatisfied.¹⁵¹ Speaking on condition of anonymity, one Saudi activist informed the media outlet *Middle East Eye* that "these three lawyers made an enemy of the Minister of Justice Mohammed bin Abdulkareem al-Issa and are suffering the consequences."¹⁵²

143 Human Rights Watch, *Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia*, March 2008, https://www.hrw.org/sites/default/files/reports/saudijustice0308_1.pdf.

144 Michael E. Miller, "Ali al-Nimr was a boy when thrown in Saudi prison. Now he's a man, and is sentenced to die," *The Washington Post*, 7 October 2015, <http://www.washingtonpost.com/news/morning-mix/wp/2015/10/07/ali-al-nimr-was-a-boy-when-thrown-in-saudi-prison-now-hes-a-man-and-is-sentenced-to-die/>.

145 Ibid.

146 Front Line Defenders, "Saudi Arabia – Increasing threats and harassment against human rights defender, Mr Waleed Sami Abu-Alkhair," 14 July 2009, <https://www.frontlinedefenders.org/node/2095>; see also Front Line Defenders, "Saudi Arabia: Travel ban against human rights defender Mr Waleed Abu Al-Khair confirmed," 30 March 2012, <https://www.frontlinedefenders.org/node/17891>.

147 ALQST, "ALNAKHEFI," 11 April 2015, <http://www.alqst.org/en/issues/aesa.html>.

148 European-Saudi Organisation for Human Rights, "الجلسة الخامسة من محاكمة المدافع عن حقوق الإنسان عبدالعزيز الشبيبي" 3, <http://www.esohr.org/?p=734>.

149 Brittany Terwilliger, "The situations and suffering of these people are huge," *Inside IU Bloomington*, 30 August 2013, <http://inside.indiana.edu/features/stories/2013-08-30-iniub-story-saudi-scholar.shtml>.

150 Al-Omran, Ahmed. "Saudi Lawyers Jailed for Critical Tweets." *The Wall Street Journal*. October 27, 2014. <http://blogs.wsj.com/middleeast/2014/10/27/saudi-lawyers-jailed-for-critical-tweets/>.

151 Ibid.; See also "Saudi Arabia: Assault on Online Expression." Human Rights Watch. November 23, 2014. <http://www.hrw.org/news/2014/11/22/saudi-arabia-assault-online-expression>.

152 Rori Donaghy, "Saudi Arabia jails three lawyers for calling judiciary 'backward' on Twitter," *Middle East Eye*, 27 October 2014, <http://www.middleeasteye.net/news/saudi-arabia-jails-three-lawyers-calling-judiciary-backwards-twitter-41342875>.

138.38 Adopt a penal code, consistent with international human rights standards (Slovenia)

The Government of Saudi Arabia did not accept this recommendation. The Saudi legal system lacks a formal penal code to accompany its various criminal laws and regulations. Serious crimes, among them murder, rape, and theft, are subject to a series of sanctions outlined in the Quran, Hadith, and Sunna that form the basis of the government's interpretation of Islamic law. A lack of formal precedence in sentencing, and an emphasis on the judge's individual powers of interpretation, render the application of these penalties unpredictable. Legal authorities have yet to follow through on announced efforts to codify and standardize the application of Islamic law penalties. Furthermore, the Saudi government continues to regularly impose capital and severe corporal punishments in a manner inconsistent with international human rights standards.¹⁵³

138.50 Set a time frame for the enactment and implementation of a law on associations which respects international human rights standards (Ireland)

On 30 November 2015, the Council of Ministers approved the Law of Civil Associations and Institutions.¹⁵⁴ The Ministry of Social Affairs (MoSA) first submitted a draft of the law to the Saudi Shura Council – a 150-member consultative body appointed by the monarchy that can recommend and deliberate, but cannot legislate, new laws and regulation¹⁵⁵ – in 2006.¹⁵⁶ In 2008, the Shura Council submitted a revised draft to the Council of Ministers,¹⁵⁷ which has the authority, under the king's stewardship, to pass laws and regulations.¹⁵⁸

This report analyzes the Law of Civil Associations and Institutions and its adherence to international human rights standards in Section C. Though there has been little perceptible implementation of the law at time of writing, Amnesty International reported in April 2016 that – if instituted – it will grant the MoSA wide ranging powers to dissolve civil society organizations that it considers to be detrimental to “national unity.”¹⁵⁹

153 See Section F.

154 نظام الجمعيات والمؤسسات الأهلية, Ministry of Social Affairs, <http://www.mosa.gov.sa/sites/default/files/%D9%86%D8%B8%D8%A7%D9%85%20%D8%A7%D9%84%D8%AC%D9%85%D8%B9%D9%8A%D8%A7%D8%AA%20%D9%88%D8%A7%D9%84%D9%85%D8%A4%D8%B3%D8%B3%D8%A7%D8%AA%20%D8%A7%D9%84%D8%A3%D9%87%D9%84%D9%8A%D8%A9.pdf>.

155 “Saudi Arabia's king appoints women to Shura Council,” BBC News, 11 January 2013, <http://www.bbc.com/news/world-middle-east-20986428>; “Law of Shura Council – Saudi Arabia,” Royal Order No. A/91, March 1992, Article 15. Retrieved from University of Minnesota Human Rights Library: http://www1.umn.edu/humanrts/research/saudi-arabia/law-shura_council.html.

156 Adam Coogle, “Dispatches: Better Late Than Never – Saudi Arabia Approves NGO Law,” Human Rights Watch, 2 December 2015, <https://www.hrw.org/news/2015/12/02/dispatches-better-late-never-saudi-arabia-approves-ngo-law>.

157 Ibid.

158 The Law of the Council of Ministers, Article 19, https://www.saudiembassy.net/about/country-information/laws/The_Law_of_the_Council_of_Ministers.aspx.

159 “Saudi Arabia: Counter-terror court sentences human rights activist in relentless onslaught against civil society,” Amnesty International, 24 April 2016, <http://www.amnestyusa.org/news/press-releases/saudi-arabia-counter-terror-court-sentences-human-rights-activist-in-relentless-onslaught-against-ci>

Conclusion

At the midpoint of its second UPR cycle, the Saudi government has made minimal progress toward aligning its judicial and legal system with either its existing international obligations or the HRC's recommendations. Though it took a notable step toward adhering to the CRC by implementing new protections for children's rights, it has specifically failed to meet its commitments under the CAT and the CEDAW by continuing to impose capital and corporal punishments, facilitate torture and other violations of due process, and discriminate against women in both law and practice.

More broadly, despite notable engagement with the OHCHR concerning judicial capacity-building and associated training programs, the government has not instated the necessary reforms to prevent widespread due process violations within the criminal justice system. On the contrary, due process violations such as torture, secret hearings, denial of counsel, and arbitrary or prolonged detention are consistent features of Saudi justice, especially in politically-motivated cases. The kingdom's judiciary is not properly independent or transparent, the penal code is not substantially codified, and individual judges retain inappropriately wide latitude to convict and sentence, among other deficiencies. These failures have led to an increase in arbitrarily detained Saudi and foreign nationals, who in turn often experience poor living conditions in overcrowded detention centers. Specifically, the Saudi judiciary continues to conduct closed trials of human rights defenders and political activists, sentencing them to long prison terms and even death for little more than exercising the right to free expression. Two years on from the second UPR cycle, ADHRB finds that the Saudi government has failed to implement the HRC's recommendations in the area of judicial and legal reforms.

SECTION C

Civil and Political Rights

The Government of Saudi Arabia fully accepted recommendations **138.48**, **138.49**, **138.51**, **138.53**, **138.172**, and **138.173**, concerning the promulgation of a law of civil associations and the recognition of the legal right of human rights organizations to operate. The government partially accepted recommendations **138.46**, **138.47**, **138.52**, and **138.54**, concerning the same subject. In accepting these recommendations, the government stated:

The Kingdom notes that the draft of “civil society organizations” is currently under study, ensuring that it does not consider itself bound to determine a time for issuing any system, including this system.¹⁶⁰

Relatedly, the Saudi government fully accepted recommendations **138.154** and **138.170**, concerning ending legal sanctions against those who exercise their right to expression, including human rights defenders. The government partially accepted recommendations **138.137**, **138.164**, and **138.175**, concerning the same subject.

Additionally, the government fully accepted recommendations **138.117**, **138.65**, and **138.68** concerning instituting protections for the enjoyment of religious freedom. In accepting these recommendations, the government stated:

Systems in the Kingdom preserve freedom of expression and freedom of religion and belief without compromising its identity, as it is the destination for one-and-a-half billion Muslims in the world. There are no minorities in the Kingdom in the religious sense. The Kingdom refers in this regard to paragraphs 21, 22, 23, 24, 25, and 27 from its national report.¹⁶¹

In the paragraphs referred to above, the Saudi government states that Islamic law guarantees freedom of religion for everyone; that everyone has the right to practice their religion in private residences; that all Saudi citizens are Muslims; that the kingdom’s laws do not discriminate against anyone; that scorn of religious beliefs is prohibited; that the Ministry of Islamic Affairs penalizes preachers who advocate intolerance; and finally that the kingdom continues to uphold freedom of expression and opinion, as seen in its broadening of Saudi media in recent years.¹⁶²

The government also fully accepted recommendation **138.59**, concerning the establishment of a national human rights institution in accordance with the Paris Principles. The government did not comment on its acceptance of this recommendation.

Finally, the government fully accepted recommendation **138.162**, concerning granting equal citizenship rights to women and men.

The government rejected outright recommendations **138.169**, **138.171**, and **138.193**, concerning guarantees for the free and public exercise of religious belief. The government also rejected recommendation **138.174**, which asked it to refrain from persecuting those demanding political reforms and to release those imprisoned without due cause.

Brief Assessment

Since its second UPR cycle, the Government of Saudi Arabia has taken no significant steps toward guaranteeing civil and political rights in the kingdom. Though it promulgated a Law on

¹⁶⁰ A/HRC/25/3/Add.1, par. 10.

¹⁶¹ A/HRC/25/3/Add.1, par. 9.

¹⁶² A/HRC/WG.6/17/SAU/1

Associations and Foundations in 2015, there is no evidence that it has been enforced. Moreover, international human rights organizations find that – rather than protect civil society actors – the law may actually grant Saudi government institutions additional power to dissolve or restrict independent civil society organizations. At the same time, Saudi authorities have continued to constrain civil society space by targeting political activists and human rights defenders for reprisal. With the exception of the state-sanctioned National Society for Human Rights, the government has not permitted any independent human rights or political civil society organizations to operate in the country. Additionally, it has continued to dismantle a number of unregistered civil society groups, using a range of legislation to criminalize dissent and prosecute reform advocates for exercising their right to free expression.

The government has also failed to grant equal citizenship rights to women, substantively promote gender equality, or guarantee the free practice of religious beliefs that deviate from the kingdom’s strict interpretation of Sunni Islam. Further, it has as yet failed to establish a national human rights institution that fully adheres to the Paris Principles. As a result, ADHRB finds that the Government of Saudi Arabia has not implemented its UPR recommendations to promote civil and political rights.

1. IMPLEMENT PROTECTIONS FOR CIVIL SOCIETY & THE LAW ON ASSOCIATIONS Not Implemented
No Perceived Progress

- 138.46** Enhance legislative reforms amongst other by taking measures to ensure in the short term, as well as legally and in practice, the registration of fully independent human rights NGOs (Netherlands);
- 138.47** Adopt laws to protect freedoms of association, expression, and religions, and give all individuals a legal basis to form NGOs without interference (United States of America);
- 138.48** Accelerate the issuance of civil society regulations to activate civil work in the areas of protecting and promoting human rights and develop the capacities of the workers in the area of human rights and guarantee their work in freedom and independence (State of Palestine);
- 138.49** Adopt an NGO law which should take into account the views of civil society stakeholders and provide an enabling framework for the development of civil society in Saudi Arabia (Germany);
- 138.51** Intensify its efforts to pass a law on associations (Lithuania);
- 138.52** Revise the 2011 law in order to guarantee freedom of opinion and expression, as well as freedom of association and peaceful assembly (France);
- 138.53** Bring its domestic legislation in line with the rights to freedom of expression, association, and assembly, and to enact and implement a law of association enabling all NGOs to operate legally without harassment and undue government interference (Czech Republic);
- 138.54** Take measures to foster an enabling environment for civil society, including through enacting and implementing before the next UPR a law on associations to allow for the legal creation and registration of independent civil society associations and organizations (Canada);

138.172 Allow the registration of NGOs that are active in the human rights area, both at the legal and practical level (Belgium); and

138.173 Strengthen human rights training for NGOs and help them to carry out their work professionally and objectively (China)

On 30 November 2015, the Council of Ministers approved the Law on Associations and Institutions (also known as the Law on Associations and Foundations or simply the Law on Associations).¹⁶³ The Ministry of Social Affairs (MoSA) first submitted a draft of the law to the Shura Council – a 150-member consultative body appointed by the monarchy that can recommend, but cannot legislate, new laws and regulation¹⁶⁴ – in 2006.¹⁶⁵ In 2008, the Shura Council submitted a revised draft to the Council of Ministers,¹⁶⁶ which has the authority, under the king’s stewardship, to pass laws and regulations.¹⁶⁷

The Law on Associations reportedly provides a legal framework for the operation of non-charity civil society organizations for the first time in the kingdom’s history.¹⁶⁸ The law also provides a single set of guidelines for the registration, administration, and supervision of charity and non-charity organizations,¹⁶⁹ replacing what had previously been a patchwork system of jurisdictions depending on the type and purpose of the organization.¹⁷⁰ Formerly, there were a number of different regulations governing the different types of organizations, from charitable institutions to labor committees.¹⁷¹

At time of writing, however, there has been little perceptible implementation of the law. Per Article 43, the law’s provisions do not go into effect for 90 days following its promulgation. Within that timeframe, the MoSA must promulgate its own set of regulations concerning implementation of the law’s provisions, but as the government stated when it accepted the relevant UPR recommendations, it does not consider itself bound to determine a set timeline.¹⁷² It is currently unclear if the MoSA has published these regulations. Furthermore, Amnesty International reported in April 2016 that the version of the law that was promulgated in 2015 lacked most of the protections for civil society groups that were originally included in the 2008 draft.¹⁷³ The law no longer references “human rights organizations” at all, and it empowers the MoSA to unilaterally

163 نظام الجمعيات والمؤسسات الأهلية, Ministry of Social Affairs, <http://www.mosa.gov.sa/sites/default/files/%D9%86%D8%B8%D8%A7%D9%85%20%D8%A7%D9%84%D8%AC%D9%85%D8%B9%D9%8A%D8%A7%D8%AA%20%D9%88%D8%A7%D9%84%D9%85%D8%A4%D8%B3%D8%B3%D8%A7%D8%AA%20%D8%A7%D9%84%D8%A3%D9%87%D9%84%D9%8A%D8%A9.pdf>.

164 “Saudi Arabia’s king appoints women to Shura Council,” BBC News, 11 January 2013, <http://www.bbc.com/news/world-middle-east-20986428>; “Law of Shura Council – Saudi Arabia,” Royal Order No. A/91, March 1992, Article 15. Retrieved from University of Minnesota Human Rights Library: http://www1.umn.edu/humanrts/research/saudi-arabia/law-shura_council.html.

165 Adam Coogle, “Dispatches: Better Late Than Never – Saudi Arabia Approves NGO Law,” Human Rights Watch, 2 December 2015, <https://www.hrw.org/news/2015/12/02/dispatches-better-late-never-saudi-arabia-approves-ngo-law>.

166 Ibid.

167 The Law of the Council of Ministers, Article 19, https://www.saudiembassy.net/about/country-information/laws/The_Law_of_the_Council_of_Ministers.aspx.

168 Ibid.

169 Ibid.

170 Ibid.

171 Ibid.

172 نظام الجمعيات والمؤسسات الأهلية, Ministry of Social Affairs, Article 42; & A/HRC/25/3/Add.1, par. 10.

173 “Saudi Arabia: Counter-terror court sentences human rights activist in relentless onslaught against civil society,” Amnesty International, 24 April 2016, <http://www.amnestyusa.org/news/press-releases/saudi-arabia-counter-terror-court-sentences-human-rights-activist-in-relentless-onslaught-against-ci>

disband or reject applications of any organization it determines to be “harming national unity.”¹⁷⁴

Under the previous system, which was in place from before the start of the kingdom’s second UPR cycle through December 2015, the government strictly constrained the free development of civil society and the operation of civil society actors. During this period, the MoSA regulated all charitable organizations, philanthropic organizations, and certain non-charity organizations like professional groups, trade associations, and social welfare bodies. First, it required all organizations to register, a cumbersome process that usually took multiple years.¹⁷⁵ In order to register, an applicant organization was required to meet a minimum number of founding members, all of whom must be Saudi citizens, and the MoSA had to preliminarily approve its field of work. The organization could then apply to the MoSA for a license, which the Minister for Social Affairs was empowered to unilaterally grant or refuse.¹⁷⁶ Unsuccessful applicants were generally not provided with clear justification for registration delays.¹⁷⁷ Prior to the new law, the government routinely denied registration to independent human rights organizations and political associations,¹⁷⁸ such as the Adala Center and ACPRA, and generally only granted licenses to charitable organizations or groups that were explicitly philanthropic.¹⁷⁹

Establishing or operating an organization without a license remains a criminal offense.¹⁸⁰ In the absence of a license, the Saudi government has prosecuted members of human rights and political organizations under the 2014 Law for the Crimes of Terrorism and its Financing as well as the 2007 Anti-Cyber Crime Law. As recently as April 2016, a Saudi court sentenced Issa al-Hamid, current president and co-founder of ACPRA, to nine years in prison and a further nine-year travel ban on charges of “participating in establishment of an unlicensed organization,” as well as “defaming the Council of Senior Religious Scholars,” “insulting the judiciary,” “violating Article 6 of the Anti-Cyber Crime Law,” and “communicating false information to international organizations in order to harm the image of the state,” among other charges.¹⁸¹ At time of writing, after al-Hamid’s imprisonment, all but one of ACPRA’s co-founders are serving prison terms on charges stemming from exercising their rights to freedom of expression and association; Abdulaziz al-Shubaili, the only co-founder still at liberty, is nearing the end of his trial before the SCC on similar charges.¹⁸²

The anti-terrorism law has a broad definition of “terrorist crime,”¹⁸³ which grants the MoI wide-ranging powers of arrest and detention.¹⁸⁴ Because of its broad definition, the law criminalizes

174 Ibid.

175 “NGO Law Monitor: Saudi Arabia,” International Center for Not-for-Profit Law, December 12, 2015, <http://www.icnl.org/research/monitor/saudiarabia.html>.

176 Ibid.

177 Ibid.

178 Ibid.

179 “Saudi Arabia 2014 Human Rights Report,” US Department of State, 2014, <http://www.state.gov/documents/organization/236832.pdf>, pg. 29.

180 “Saudi Arabia’s ACPRA: how the kingdom silences its human rights activists,” Amnesty International, October 10, 2014, <https://www.amnesty.org/en/documents/mde23/025/2014/en/>, pg. 5.

181 “One day before launching the National Transformation Vision Issa al-Hamid sentenced to 9 years in prison for calling for reforms,” Saudi Organization for Rights in Freedom (SORF), 4 April 2016, <http://www.saorfen.org/?p=821>

182 “ADHRB Condemns Court Rulings against ACPRA Members,” ADHRB, 21 October 2015, <http://www.adhrb.org/2015/10/adhrb-condemns-court-rulings-against-acpra-members/>

183 “Saudi Arabia’s Anti-Terrorism Law,” ADHRB, 29 January 2015, http://www.adhrb.org/wp-content/uploads/2015/02/2015_29_1_Anti-Terror-Backgrounder_Final.pdf.

184 “Saudi Arabia: New terrorism law is latest tool to crush peaceful expression,” Amnesty International, 3 February 2014, <https://www.amnesty.org/en/latest/news/2014/02/saudi-arabia-new-terrorism-law-one-more-tool-crush-peaceful-protest/>.

a wide array of political dissent. For example, under Article 1, “disrupting public order,” “risking national unity,” and “harming the reputation or status of the country” constitute terrorist acts.¹⁸⁵ The authorities have brought these charges against a wide array of human rights defenders and civil society activists arrested and prosecuted since 2014,¹⁸⁶ including the members of ACPRA and Waleed Abu al-Khair, a human rights lawyer and the founder of the Monitor of Human Rights in Saudi Arabia.¹⁸⁷

In July 2014, the SCC sentenced Waleed Abu al-Khair to 10 years in prison, a \$53,000 fine, and a 15-year travel ban.¹⁸⁸ He had previously defended activists during their trials.¹⁸⁹ The court found him guilty of “undermining the regime,” “inflaming the public opinion,” “founding an unlicensed organizations,” and “harming public order.”¹⁹⁰

Though the case of Issa al-Hamid is the most recent example, the Saudi authorities have systematically targeted the members of ACPRA since it was founded in 2009.¹⁹¹ In addition to the anti-terror legislation, the government has made extensive use of Article 6 of the Anti-Cyber Crime Law to prosecute ACPRA¹⁹² members for exercising their right to free expression and association.¹⁹³ The relevant subsection of Article 6 of the Anti-Cyber Crime Law bans the “production, preparation, transmission, or storage of material impinging on public order, religious values, public morals, and privacy, through the information network or computers.”¹⁹⁴ As evidence of these crimes, Saudi prosecutors have cited tweets and messages they interpreted as harmful to “public order” or “public morals,” calling for demonstrations and marches, and/or interacting with international bodies in order to damage the kingdom’s image abroad.¹⁹⁵ The members’ charges have included “breaking allegiance with the ruler,” “joining an unlicensed civil society,” “attempting to seize power,” and “communicating with foreign agents.”¹⁹⁶ As a result of sustained prosecution, ACPRA effectively ceased to operate by 2014.¹⁹⁷

185 “Saudi Arabia’s Anti-Terrorism Law,” ADHRB, January 29, 2015, http://www.adhrb.org/wp-content/uploads/2015/02/2015_29_1_Anti-Terror-Backgrounder_Final.pdf.

186 “Saudi Arabia: New terrorism law is latest tool to crush peaceful expression,” Amnesty International, 3 February 2014, <https://www.amnesty.org/en/latest/news/2014/02/saudi-arabia-new-terrorism-law-one-more-tool-crush-peaceful-protest/>.

187 “Saudi Arabia’s Anti-Terrorism Law,” ADHRB, January 29, 2015, http://www.adhrb.org/wp-content/uploads/2015/02/2015_29_1_Anti-Terror-Backgrounder_Final.pdf.

188 “Saudi Human Rights Lawyer Waleed Abu al-Khair Sentenced to Fifteen Years,” ADHRB, <http://www.adhrb.org/2015/01/saudi-human-rights-lawyer-waleed-abu-al-khair-sentenced-to-fifteen-years/>.

189 “Saudi Arabian human rights lawyer sentenced to prison for demanding reforms,” Amnesty International, 29 October 2013, <https://www.amnesty.org/en/latest/news/2013/10/saudi-arabian-human-rights-lawyer-sentenced-prison-demanding-reforms/>.

190 “Saudi Arabia: 15-Year Sentence for Prominent Activist,” Human Rights Watch, 7 July 2014, <https://www.hrw.org/news/2014/07/07/saudi-arabia-15-year-sentence-prominent-activist>.

191 Gulf Center for Human Rights, “On the fate of eleven members of targeted Saudi civil rights group,” IFEX, 29 January 2016, https://www.ifex.org/saudi_arabia/2016/01/29/saudi_arabia_acpra/.

192 Ibid.

193 “Saudi Arabia’s ACPRA: how the kingdom silences its human rights activists,” Amnesty International, 10 October 2014, <https://www.amnesty.org/en/documents/mde23/025/2014/en/>, pg. 11-12.

194 “Saudi Arabia’s Anti-Cyber Crime Law,” Kingdom of Saudi Arabia Bureau of Experts at the Council of Ministers, 26 March 2007, http://www.citc.gov.sa/English/RulesandSystems/CITCSyste/Documents/LA_004_%20E_%20Anti-Cyber%20Crime%20Law.pdf, pg. 4.

195 “Saudi Arabia’s ACPRA: how the kingdom silences its human rights activists,” Amnesty International, 10 October 2014, <https://www.amnesty.org/en/documents/mde23/025/2014/en/>, pg. 12.

196 Ibid.

197 “Saudi Arabia 2014 Human Rights Report,” US Department of State, 2014, <http://www.state.gov/documents/organization/236832.pdf>, pg. 28.

In March 2014, the government also pressured the Adala Center for Human Rights, a human rights organization based in the Eastern Province, to announce an indefinite hiatus.¹⁹⁸ The Center had been operating without a license since 2011, but was engaged in litigation with the MoSA in order to obtain permission to register.¹⁹⁹ When it announced the suspension of its activities, the Center cited as the reason for its closure the concern that the government would use the anti-terror law to press charges against its members and other human rights activists.²⁰⁰

Saudi authorities have similarly targeted individual activists and civil society actors for their free expression and/or their interaction with international NGOs. In May 2014, a Jeddah court convicted blogger Raif Badawi of “insulting Islam” by founding an online political forum and for his comments during television interviews; it sentenced him to ten years in prison and 1,000 lashes, 50 of which have been administered.²⁰¹ The kingdom’s national security tribunal, the SCC, sentenced prominent Eastern Province activist Fadhil al-Manasif to 15 years in prison, a 15-year travel ban, and a large fine in 2014, after it convicted him of charges that included “breaking allegiance with the ruler,” and having contact with foreign organizations.²⁰² For more on the government’s use of anti-terror legislation and the SCC to prosecute activists, see Section L.

2. END LEGAL SANCTIONS AGAINST FREE EXPRESSION

Not Implemented
No Perceived Progress

- 138.137** Reiterate its recommendations to guarantee the right to freedom of expression and conscience of all representatives of civil society, including religious minorities, and to revise the judgements against the prisoners who were convicted for having freely expressed their opinion (Switzerland);
- 138.154** Ensure that the judicial and law enforcement system is not abused to harass individuals for expressing their political or religious views (Czech Republic);
- 138.164** Remove all obstacles to freedom of expression and movement against human rights defenders, including travel bans (Norway);
- 138.170** Respect freedom of expression and association, and restrict to the extent strictly necessary the use of criminal prosecutions against people who make use of such rights (Belgium); and
- 138.175** Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (Norway)

Though the Government of Saudi Arabia accepted the above recommendations to curb its use of legal sanctions against individuals who exercise their right to freedom of expression, it has continued to prosecute political activists, human rights defenders, and reform advocates on charges related to nonviolent dissent.²⁰³ The government has also specifically prosecuted journalists who publish articles deemed offensive to the monarchy, religious establishment, or

198 Ibid.

199 Ibid.

200 Ibid.

201 “World Report 2015: Saudi Arabia,” Human Rights Watch, 2015, <https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia>.

202 Ibid.

203 “Saudi Arabia 2015/2016,” Amnesty International, 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

state institutions.²⁰⁴

Saudi authorities have primarily used two different laws to prosecute those who exercise their freedom of expression: the Law of Terrorism Crimes and its Financing and the Anti-Cyber Crime Law. Among other things, the anti-terror law defines terror crimes as acts that are “disrupting the public order,” “harming the reputation or status of the country,” and “risking national unity.”²⁰⁵ Because the law does not expand on the definitions of these offenses, the authorities have broadly applied them to criminalize dissent and other forms of free expression.²⁰⁶ Article 3 of the terror law also criminalizes attempts to change the ruling system in the kingdom;²⁰⁷ the government has consistently interpreted non-violent criticism of the king, the government, or the al-Saud family as advocating for governmental reform or change, and thus grounds for these terror charges.²⁰⁸ Refer to Section L for more on the government’s use of anti-terror legislation to target political activists.

Similarly, the government has continued to prosecute individuals on charges related to free expression using the 2007 Anti-Cyber Crime Law.²⁰⁹ Like the anti-terror law, the authorities have used the broad language of the Anti-Cyber Crime Law to prosecute individuals for dissenting or critical speech acts. Article 2 states that the law seeks to ensure the “protection of public interest, morals, and common values.”²¹⁰ Article 6 mandates imprisonment and/or a fine for the “production, preparation, transmission, or storage of material impinging on public order, religious values, public morals, and privacy, through the information network or computers.”²¹¹ The authorities employed this aspect of the Anti-Cyber Crime Law to prosecute blogger Raif Badawi for establishing the Free Saudi Liberals Network, an online forum for political discussion.²¹² In July 2015, Saudi security forces also arrested Dr. Zuhair Kutbi and detained him for months after he advocated for a constitutional monarchy during a television interview.²¹³ For these comments, the SCC sentenced him to four years in prison, a further five-year ban, a roughly \$26,600 USD fine, and a 15-year ban on writing and giving interviews to the media.²¹⁴ According to Amnesty International, the SCC also ordered him to delete his social media accounts.²¹⁵ The authorities had arrested Dr. Kutbi at least six previous times on charges related to the content of his writing.²¹⁶

In addition to this specialized legislation, the kingdom’s Basic Law states that “mass media and all other vehicles of expression shall employ civil and polite language, contribute towards the

204 “Freedom in the World 2016: Saudi Arabia,” Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>.

205 “Saudi Arabia’s Anti-Terrorism Law,” ADHRB, 29 January 2015, http://www.adhrb.org/wp-content/uploads/2015/02/2015_29_1_Anti-Terror-Backgrounder_Final.pdf.

206 “Saudi Arabia’s ACPRA: how the kingdom silences its human rights activists,” Amnesty International, 10 October 2014, <https://www.amnesty.org/en/documents/mde23/025/2014/en/>

207 “Law of Terrorism Crimes and its Funding,” Kingdom of Saudi Arabia, 2014.

208 “Saudi Arabia 2014 Human Rights Report,” US Department of State, 2014, <http://www.state.gov/documents/organization/236832.pdf>

209 “Saudi Arabia’s ACPRA: how the kingdom silences its human rights activists,” Amnesty International, 10 October 2014, <https://www.amnesty.org/en/documents/mde23/025/2014/en/>

210 “Anti-Cyber Crime Law,” Kingdom of Saudi Arabia, Bureau of Experts at the Council of Ministers, 26 March 2007.

211 Ibid.

212 “Saudi Arabia 2015/2016,” Amnesty International, 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

213 Ibid.

214 “Saudi Arabia: Release Dr Zuhair Kutbi (UA 188/15),” Amnesty International, 13 January 2016, <http://www.amnestyusa.org/get-involved/take-action-now/saudi-arabia-release-dr-zuhair-kutbi-ua-18815>

215 Ibid.

216 “Saudi Arabia: Prominent Writer Detained: discussed peaceful reform in TV interview,” Human Rights Watch, 10 August 2015, <https://www.hrw.org/news/2015/08/10/saudi-arabia-prominent-writer-detained>.

education of the nation, and strengthen unity. The media is prohibited from committing acts that lead to disorder and division, affect the security of the state, or its public relations, or undermine human dignity and rights.”²¹⁷ Further, the Press and Publications Law, which is enforced by the Ministry of Culture and Information (MoCI), extends to internet communications, printed materials, bookstores, the import, rental, and sale of films, television and radio, and foreign media offices and their correspondence.²¹⁸ Saudi judges also maintain excessively broad authority to determine which forms or particular acts of expression adhere to these laws, and which are criminal.²¹⁹

In November 2015, a Saudi court sentenced Palestinian poet Ashraf Fayadh to death on charges of committing blasphemy and renouncing Islam.²²⁰ The charges related to the content of poems that he wrote in an Abha café in 2013; Saudi authorities alleged that they contained atheistic and/or blasphemous comments.²²¹ In 2016, another court reduced Fayadh’s sentence to four years in prison, 800 lashes, and a public repentance in official media.²²² While the court revoked the death penalty, it upheld that Fayadh was guilty of apostasy.²²³

The Saudi authorities closely monitor visual art, as well. The MoCI performs on-site inspections before any visual art show opens.²²⁴ According to Saudi artists, the government enforces the ban on criticism of religion and the royal family in all art mediums; violations are punishable by imprisonment, lashing, and even death.²²⁵ Furthermore, the authorities specifically prohibit a number of mediums and subjects, such as photography or referencing the Quran in art installations.²²⁶ The government also proscribes nudity and sculptures of “living beings.”²²⁷ In January 2014, the MoI issued a directive banning hotels, festival halls, and commercial centers from organizing graphic arts or photography exhibits. Such exhibits must first receive permission from the MoCI.²²⁸

The government’s continued prosecution of human rights defenders based on statements they make in speech, press, and on the internet, as well as its constriction of artistic space, demonstrates that it has not implemented the above recommendations.

217 Quoted in “Saudi Arabia 2014 Human Rights Report,” US Department of State, 2014, <http://www.state.gov/documents/organization/236832.pdf>

218 Ibid.

219 “Sacrifice to the State: Capital Punishment in Bahrain and Saudi Arabia,” ADHRB, April 2015, <http://www.adhrb.org/wp-content/uploads/2015/04/Sacrifice-to-the-State-Capital-Punishment.pdf>, pg. 2.

220 “Freedom in the World 2015: Saudi Arabia,” Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>

221 Geiger, Dorian, “Saudi Arabia’s Art Scene is Horrified by the Death Sentence Given to Poet Ashraf Fayadh,” *Vice*, 30 November 2015, <http://www.vice.com/read/saudi-arabias-tight-knit-art-scene-is-horrified-by-the-death-sentence-given-to-poet-asher-fayadh>.

222 Batty, David, and Mahmood, Mona, “Palestinian poet Ashraf Fayadh’s death sentence quashed by Saudi court,” *The Guardian*, 2 February 2016, <http://www.theguardian.com/world/2016/feb/02/palestinian-poet-ashraf-fayadhs-death-sentence-overturned-by-saudi-court>.

223 Ibid.

224 Geiger, Dorian, “Saudi Arabia’s Art Scene is Horrified by the Death Sentence Given to Poet Ashraf Fayadh,” *Vice*, 30 November 2015, <http://www.vice.com/read/saudi-arabias-tight-knit-art-scene-is-horrified-by-the-death-sentence-given-to-poet-asher-fayadh>.

225 Ibid.

226 Ibid.

227 Al-Omran, Ahmed, and Stancati, Margherita, “Bold Contemporary-Art Scene Emerges in Saudi Arabia,” *Wall Street Journal*, 15 March 2016, <http://www.wsj.com/articles/bold-contemporary-art-scene-emerges-in-saudi-arabia-1458066504>.

228 “Saudi Arabia 2014 Human Rights Report,” US Department of State, 2014, <http://www.state.gov/documents/organization/236832.pdf>, pg. 26.

138.117 Taking into account the section in the national report relative to the fight against discrimination and the promotion of freedom of opinion and expression, strengthen action to ensure implementation of legislation against discrimination and religious violence (Argentina);

138.165 Protect freedom of religion or belief of all people living in the country (Romania); and

138.168 Take necessary measures to ensure the effective enjoyment and protection of the right to freedom of religious belief, with a view to promoting the equality of all peoples and respect for all faith (Canada)

Saudi Arabia's Basic Law of Governance establishes Islam as the kingdom's official religion,²²⁹ with the Quran and the Sunna as its constitution.²³⁰ The government does not legally recognize or protect religious freedom.²³¹ Non-Islamic proselytizing is illegal, and the government prohibits the public propagation of Islamic teachings that differ from its official interpretation of Islam.²³² The government prohibits the public practice of any religion other than this interpretation of Islam, and restricts the religious practices of the Shia and Sufi Muslim minority sects.²³³ It also restricts the construction of Shia mosques and other centers of worship for minority groups.²³⁴

The citizenship regulations also require all Saudis to be Muslims. Non-Muslims must convert to Islam before they are eligible for the naturalization process to become Saudi citizens.²³⁵ The law requires that applicants for citizenship attest to being Muslim and obtain a certificate documenting their religious affiliation endorsed by an Islamic religious authority.²³⁶

The government does recognize the right of non-Muslims to worship in private, albeit it does not always respect this right in practice.²³⁷ While they often permit foreign residents to worship privately, Saudi authorities have suppressed other private, non-Muslim, or minority religious gatherings.²³⁸ In its 2015 report on religious freedom in Saudi Arabia, Freedom House stated that non-Muslims and members of minority sects, such as the kingdom's Shia community, are vulnerable to discrimination, harassment, detention, and – for noncitizens – deportation.²³⁹

The Saudi government also prosecutes individuals for religious crimes. As part of the anti-terrorism law, the authorities introduced a range of measures criminalizing acts of “calling into

229 “Saudi Arabia Freedom of Religion,” US Department of State, Bureau of Democracy, Human Rights, and Labor, 2014, <http://www.state.gov/documents/organization/238688.pdf>, pg. 3.

230 Ibid.

231 Ibid.

232 Ibid.

233 “Freedom in the World 2015: Saudi Arabia,” Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>.

234 Ibid.

235 “Saudi Arabia 2014 International Religious Freedom Report,” US Department of State, 2014, <http://www.state.gov/documents/organization/238688.pdf>

236 Ibid.

237 “Freedom in the World 2015: Saudi Arabia,” Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>.

238 “Saudi Arabia Freedom of Religion,” US Department of State, Bureau of Democracy, Human Rights, and Labor, 2014, <http://www.state.gov/documents/organization/238688.pdf>, pg. 6; also, see Section G.2 for more on the government's discrimination against private Shia religious gatherings.

239 “Freedom in the World 2015: Saudi Arabia,” Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>.

question the Islamic religion,” and “calling for atheist thought;”²⁴⁰ a 2014 royal decree made the latter punishable by up to 20 years in prison.²⁴¹ The government has also detained individuals on charges of committing apostasy and insulting Islam.²⁴² Judges commonly issue lengthy prison sentences and lashes for the latter,²⁴³ while the former is traditionally considered a capital crime.²⁴⁴ The US State Department notes that Saudi judges have considered converting from Islam to another religion a form of apostasy.²⁴⁵

Specifically, Saudi authorities continue to discriminate against the kingdom’s Shia community. Human Rights Watch noted in 2009 that Saudi officials often describe the Shia as heretical, and have publicly questioned their loyalty to the state.²⁴⁶ Shia faculty are underrepresented in the Saudi education system, and Shia teachings are not included in the curricula.²⁴⁷ In the legal system, courts have reportedly disqualified Shia witnesses on the basis of their religion, and the authorities have prevented Shia from becoming judges.²⁴⁸ As of 2009, none of the kingdom’s ministers, senior diplomats, or high-ranking military officers were Shia.²⁴⁹

In the seven years since, the government has reportedly taken some measures to promote a “culture of dialogue,” and understanding between Muslim religious communities inside the kingdom, advance inter-religious dialogue in the international fora, improve conditions in the Eastern Province, continue efforts to counter extremist ideology, and make further revisions to remove intolerant passages from textbooks and curricula.²⁵⁰ Despite these efforts, however, the US State Department noted in 2014 and 2015 that the authorities continue to perpetuate many of the same forms of discrimination against the Shia. For more information on the kingdom’s treatment of the Shia community, see sections G.2 and K.

4. ESTABLISH AN NHRI ACCORDING TO THE PARIS PRINCIPLES

Not Implemented
No Perceived Progress

138.59 Establish a national human rights institution in accordance with the Paris Principles (Uruguay)

According to the Paris Principles, the goal of a national human rights institution (NHRI) is to “publicize human rights and efforts to combat all forms of discrimination, by increasing public awareness, especially through information and education and by making use of all press organs,” and to “promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective

240 “Saudi Arabia Freedom of Religion,” US Department of State, Bureau of Democracy, Human Rights, and Labor, 2014, <http://www.state.gov/documents/organization/238688.pdf>, pg. 1.

241 “Freedom in the World 2015: Saudi Arabia,” Freedom House, 2016, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>.

242 “Saudi Arabia Freedom of Religion,” US Department of State, Bureau of Democracy, Human Rights, and Labor, 2014, <http://www.state.gov/documents/organization/238688.pdf>

243 Ibid.

244 “Sacrifice to the State: Capital Punishment in Bahrain and Saudi Arabia,” ADHRB, April 2015, <http://www.adhrb.org/wp-content/uploads/2015/04/Sacrifice-to-the-State-Capital-Punishment.pdf>, pg. 2.

245 “Saudi Arabia Freedom of Religion,” US Department of State, Bureau of Democracy, Human Rights, and Labor, 2014, <http://www.state.gov/documents/organization/238688.pdf>, pg. 3.

246 “Saudi Arabia: treat Shia equally,” Human Rights Watch, 3 September 2009, <https://www.hrw.org/news/2009/09/03/saudi-arabia-treat-shia-equally>.

247 Ibid.

248 Ibid.

249 Ibid.

250 “Saudi Arabia,” US Commission on International Religious Freedom Annual Report, 2015, <http://www.uscirf.gov/sites/default/files/Saudi%20Arabia%202015.pdf>, pg. 58.

implementation.”²⁵¹ The principles also stipulate that NHRIs should be representative of all demographics of civil society, and should be independent of the government.²⁵²

Saudi Arabia’s Council of Ministers passed Resolution No. 207 establishing the Human Rights Commission, the kingdom’s official human rights institution, on 12 September 2005. Resolution No. 207, also known as the Human Rights Commission Regulation, states that the Human Rights Commission will “protect and enhance human rights according to international standards for human rights in all aspects, and to promote public awareness thereof and participate in ensuring implementation of the same in light of the provisions of Shari’ah.”²⁵³

While its mandate may technically adhere to that of an accredited NHRI, in practice, the Human Rights Commission is not in accordance with the Paris Principles. Most significantly, the Commission is not independent, and it operates only within a state-sanctioned framework. It reports directly to the President of the Council of Ministers,²⁵⁴ which is the king, and Article 4 of Resolution No. 207²⁵⁵ also empowers the President of the Council of Ministers to appoint all 24 members of the Commission.²⁵⁶ Thus, not only does the king directly supervise the Human Rights Commission, he also selects its entire membership.

The government established another human rights institution, the National Society for Human Rights (NSHR) on March 9, 2004.²⁵⁷ Its stated mandate is to protect and defend human rights in accordance with the “Constitution of the Kingdom of Saudi Arabia”²⁵⁸ and “the ordinances of Islamic [law]... and the international conventions and covenants that don’t contradict with ... [Islamic law].”²⁵⁹ Though the NSHR does not have any direct administrative connections with the Saudi government,²⁶⁰ it is state-sanctioned and government-funded.²⁶¹

Both the Human Rights Commission and the NSHR run complaint programs that largely, though not exclusively, focus on the government’s violations of human rights. Beyond a regulation directing the Human Rights Commission to forward complaints to the relevant government agencies, however, it is unclear how or if these two institutions investigate and follow up on complaints, in part due to privacy laws which protect the content and outcome of any individual complaint process. The US Department of State’s 2014 report on human rights in Saudi Arabia details a case in which the Human Rights Commission lodged a complaint with the MoSA concerning

251 “Principles relating to the Status of National Institutions (The Paris Principles),” United Nations, 20 December 1993, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

252 Ibid.

253 “Human Rights Commission Regulation—Saudi Arabia,” University of Minnesota Human Rights Library, <http://www1.umn.edu/humanrts/research/saudiarabia/HRC-regulation.html>.

254 Ibid.

255 Law of the Council of Ministries—Saudi Arabia,” University of Minnesota Human Rights Library, http://www1.umn.edu/humanrts/research/saudiarabia/law-council_ministries.html.

256 “Human Rights Commission Regulation—Saudi Arabia,” University of Minnesota Human Rights Library, <http://www1.umn.edu/humanrts/research/saudiarabia/HRC-regulation.html>.

257 “The Foundation of the Society,” Saudi Arabia National Society for Human Rights, 2013, http://nshr.org.sa/en/?page_id=52.

258 “The Objectives and Functions of the Society,” Saudi Arabia National Society for Human Rights, 2013, http://nshr.org.sa/en/?page_id=55.

259 “The Foundation of the Society,” Saudi Arabia National Society for Human Rights, 2013, http://nshr.org.sa/en/?page_id=52.

260 “Mapping the Saudi State, Chapter 9: National Human Rights Institutions,” ADHRB, 10 December 2015, http://www.adhrb.org/wp-content/uploads/2015/12/MSS-Ch.-9_Final.pdf, pg. 5.

261 Ibid.

ten individuals that remained in juvenile detention despite serving their full terms.²⁶² The State Department did not include any information on how or if the MoSA, which oversees juvenile detention centers, responded to the complaint.²⁶³ In other cases, the Human Rights Commission has deferred to the government agency targeted by the complaint. In detailing anonymized information about individual complaints concerning torture and arbitrary detention, the Human Rights Commission's 1433 AH report (largely corresponding to 2012) repeatedly states that the complaints are either under investigation by the accused agency, or that the agency's reply has been satisfactory.²⁶⁴ The Commission often raises cases it considers to be significant to the civil Board of Grievances, although this body lacks executive authority to enforce compensation claims in cases of arbitrary detention and torture.²⁶⁵ For cases deemed less politically-sensitive, however, the Human Rights Commission has been somewhat more effective; it has provided legal aid to women seeking redress for domestic violence, for example.²⁶⁶

Though the NSHR has only published three 'annual' reports on the kingdom's human rights situation since it was established, it has been able to document several significant violations. The US State Department has noted that its work on the kingdom's prison conditions, in particular, has revealed a number of serious deficiencies, such as few properly-trained wardens, a lack of access to medical care, prolonged detention of inmates, and a failure to inform detainees of their basic legal rights.²⁶⁷ Additionally, the NSHR claims to have sent hundreds of complaints to government agencies, such as the *Mabahith*, the MoI's powerful internal security service, as well as conducting visits to a variety of the kingdom's prisons.²⁶⁸ Still, although it is more independent than the Human Rights Commission, the NSHR remains dependent on state funding and it lacks significant leverage over or representation in government policy-making; it is equally unclear if its actions have had any effect on the behavior of Saudi authorities.²⁶⁹

While both organizations do offer the Saudi government actionable recommendations for the improvement of human rights within the kingdom,²⁷⁰ they have proven largely unable to influence government practices. As both organizations operate within frameworks defined by the government – albeit to different extents – and as both remain hesitant or unwilling to criticize certain government agencies,²⁷¹ they do not meet the criteria of the Paris Principles, which call for independent organizations to fully and impartially review a country's human right record in

262 "Saudi Arabia 2014 Human Rights Report," US Department of State, <http://www.state.gov/documents/organization/236832.pdf>

263 "السعودية العربية المملكة في الإنسان حقوق حالة تقرير" 1433 هـ "Human Rights Commission, <http://hrc.gov.sa/arsa/Reports/HCRreports/Documents/%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1%20%D8%AC%D8%AF%D9%8A%D8%AF%D8%A9%20%D9%8A%D9%88%D9%85%2012%20%D9%86%D9%88%D9%81%D9%85%D8%A8%D8%B1/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1%20%D8%AD%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86%20%D8%AD%D9%82%D9%88%D9%82%20%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86%20%D9%81%D9%8A%20%D8%A7%D9%84%D9%85%D9%85%D9%84%D9%83%D8%A9%20%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9%&>"Mapping the Saudi State, Chapter 9: National Human Rights Institutions," ADHRB, 10 December 2015, http://www.adhrb.org/wp-content/uploads/2015/12/MSS-Ch.-9_Final.pdf

264 Ibid.

265 Ibid.

266 Ibid.

267 "Saudi Arabia 2014 Human Rights Report," US Department of State, <http://www.state.gov/documents/organization/236832.pdf>,

268 Mapping the Saudi State, Chapter 9: National Human Rights Institutions," ADHRB, 10 December 2015, http://www.adhrb.org/wp-content/uploads/2015/12/MSS-Ch.-9_Final.pdf

269 Ibid

270 Ibid.

271 "Mapping the Saudi State, Chapter 9: National Human Rights Institutions," ADHRB, 10 December 2015, http://www.adhrb.org/wp-content/uploads/2015/12/MSS-Ch.-9_Final.pdf, pg. 8.

order to drive policy reform. Additionally, at time of writing, neither institution has been formally recognized or accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), the division of the OHCHR that regulates NHRIs.²⁷² For more on these national human rights bodies, see Section E.

5. EQUAL CITIZENSHIP RIGHTS FOR MEN AND WOMEN

Not Implemented
No Perceived Progress

138.162 Grant equal citizenship rights to women and men (France)

Women and girls remain subject to discrimination in law and in practice. Women have subordinate status to men under the law, particularly in relation to family matters such as divorce, child custody, and inheritance, and they are inadequately protected against sexual and other forms of violence.²⁷³ Under Saudi Arabia's male guardianship system, ministerial policies and practices forbid women from obtaining a passport, marrying, traveling, or accessing higher education without the approval of a male guardian, such as a husband, father, brother, or son.²⁷⁴ Men hold legal powers for their female relatives in nearly all of their interactions with the state.²⁷⁵ Because of these restrictions, Saudi women and girls face discrimination in almost every facet of life in the kingdom.²⁷⁶

12 December 2015 marked Saudi Arabia's first election wherein women could vote and run as candidates.²⁷⁷ On 25 September 2011, the late King Abdullah bin Abdulaziz al-Saud announced that women would be permitted to both vote and stand for office in Saudi Arabia's third cycle of municipal elections.²⁷⁸ His decision represented a notable change in the kingdom's official position on women's rights, as two years earlier, in 2009, Interior Minister and Crown Prince Naif bin Abdulaziz answered a question about women voting by saying he "saw no need for women to vote or participate in politics."²⁷⁹ During the elections, more than 900 female candidates ran alongside 6,000 men for around 3,100 council seats. Registered women voters made up around 130,000 of the country's 1.49 million registered voters.²⁸⁰ On 12 December 2015, over 100,000 women voted in local elections, and 21 women won municipal council seats.²⁸¹

272 "Directory of Institutions – Global," International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, <http://nhri.ohchr.org/EN/Contact/NHRIs/Pages/Global.aspx>

273 "Saudi Arabia 2015/2016," Amnesty International Annual Report, 2016, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>.

274 "World Report 2015: Saudi Arabia: Events of 2014," Human Rights Watch, 2015, <https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia#49dda6>.

275 Lydia Smith, "Saudi Arabia women vote: five other restrictions women face in ultraconservative country," *International Business Times*, 11 December 2015, <http://www.ibtimes.co.uk/saudi-arabia-women-vote-five-other-restrictions-women-face-ultraconservative-country-1532937>.

276 Anne Barker, "Women in Saudi Arabia still face barriers to equality after historic elections allow female vote for first time," Australian Broadcasting Corporation, <http://www.abc.net.au/news/2015-12-14/saudi-women-still-face-inequality-after-landmark-election/7027166>.

277 Ibid.

278 "It Is Our Right: Saudi women speak on the positives, pitfalls of municipal elections," ADHRB, 25 January 2016, http://www.adhrb.org/wp-content/uploads/2016/01/It-is-Our-Right_Saudi-Women-Speak-on-the-Positives-Pitfalls-of-Municipal-Elections.pdf, pg. 1.

279 Ibid.

280 Lydia Smith, "Saudi Arabia women vote: five other restrictions women face in ultraconservative country," *International Business Times*, December 11, 2015, <http://www.ibtimes.co.uk/saudi-arabia-women-vote-five-other-restrictions-women-face-ultraconservative-country-1532937>.

281 "It Is Our Right: Saudi women speak on the positives, pitfalls of municipal elections," ADHRB, 25 January 2016, http://www.adhrb.org/wp-content/uploads/2016/01/It-is-Our-Right_Saudi-Women-Speak-on-the-Positives-Pitfalls-of-Municipal-Elections.pdf, pg. 1.

However, although the councils play a role in basic local governance, they operate under significant constraints. In practice, they exercise only limited authority over local affairs, and have little to no influence on national politics.²⁸² Further, even as women were elected to serve on the municipal councils, the government ordered the segregation of men and women in local council meetings.²⁸³ Under the current rules, female representatives must participate in the council meetings through a video link.²⁸⁴ The men are able to hear their female colleagues, but are not able to see them.²⁸⁵

Female candidates who ran for seats on the councils also faced significant barriers while campaigning. Photographs of candidates are banned, and women standing for election were barred from talking to male candidates. The MOMRA also required female candidates to speak from behind a panel in certain cases.²⁸⁶ Additionally, the MOMRA banned women from campaigning directly to male voters, encouraging them to appoint or hire a male spokesperson to reach male audiences or to speak to men indirectly via a P.A. system.²⁸⁷ Women also reported irregularities when registering as voters and candidates, which created obstacles to their full and unimpeded participation in the elections.²⁸⁸ The MOMRA even halted voter- and candidate-education workshops run by the Baladi Initiative, a civil society organization founded in 2011 to increase women's participation in electoral processes, without clearly stating its reasons for the decision.²⁸⁹ Further obstacles included: women's difficulty obtaining identifying documentation; the general restrictions of the male guardianship system; and limitations on women's freedom of movement, including a continued ban on driving, which prevented many women from traveling to register and vote.²⁹⁰ Partly due to these structural challenges, voter registration among women remained low. Women comprised 22 percent of first-time registered voters, and formed only six percent of the total electorate.²⁹¹ Moreover, days before the election, officials made a series of arbitrary decisions to ban several women candidates from participating. In late November 2015, the government suspended Nassima al-Sadah, Loujain al-Hathloul, and Tamador al-Yami from running as candidates. All three women have a history of political activism, such as taking part in the women's driving campaign; the security forces had previously arrested al-Hathloul for driving. While al-Hathloul won her appeal to participate in the election and was reinstated as a candidate on 9 December, the government rejected al-Sadah's appeal. Al-Yami also appealed, although she did not comment publicly on the outcome of the process.²⁹² For more information on women's rights, see Sections D and G.

282 Ibid.

283 Margherita Stancati and Ahmed al-Omra, "Saudi Arabia Orders Women Segregated from Men in Council Meetings," *The Wall Street Journal*, 3 February 2016, <http://www.wsj.com/articles/saudi-arabia-orders-women-segregated-from-men-in-council-meetings-1454522211>.

284 Ibid.

285 Ibid.

286 Lydia Smith, "Saudi Arabia women vote: five other restrictions women face in ultraconservative country," *International Business Times*, 11 December 2015, <http://www.ibtimes.co.uk/saudi-arabia-women-vote-five-other-restrictions-women-face-ultraconservative-country-1532937>.

287 "It Is Our Right: Saudi women speak on the positives, pitfalls of municipal elections," ADHRB, 25 January 2016, http://www.adhrb.org/wp-content/uploads/2016/01/It-is-Our-Right_Saudi-Women-Speak-on-the-Positives-Pitfalls-of-Municipal-Elections.pdf, pg. 2.

288 Ibid.

289 Ibid.

290 Ibid.

291 Ibid.

292 Ibid.

6. GUARANTEE THE RIGHT TO FREE EXERCISE OF RELIGIOUS BELIEF

Not Accepted

- 138.169** Continue enhancing the legal protection of freedom of religion and belief, aiming at gradually allowing the public practice of all faiths and beliefs (Italy);
- 138.171** Guarantee freedom of opinion, expression and belief and refrain from preventing Syrian pilgrims from practicing their religious duties as it constitutes a flagrant violation of freedom of belief and religion as one of the basic freedoms (Syrian Arab Republic);
- 138.193** Pass legislation guaranteeing the right of religious minorities to build and maintain places of worship (Austria);

The Government of Saudi Arabia rejected the above recommendations to permit the free exercise of religious belief within the kingdom. Though Saudi law nominally allows the private exercise of different religious beliefs, the authorities prohibit the public practice of any faith that deviates from the government's interpretation of Sunni Islam. In the specific context of recommendation **138.193**, refer to Sections H and G.2 for discussion of the government's closure of Shia mosques and places of worship and/or religious education.

7. REFRAIN FROM POLITICAL REPRISAL AND FREE PRISONERS OF CONSCIENCE

Not Accepted

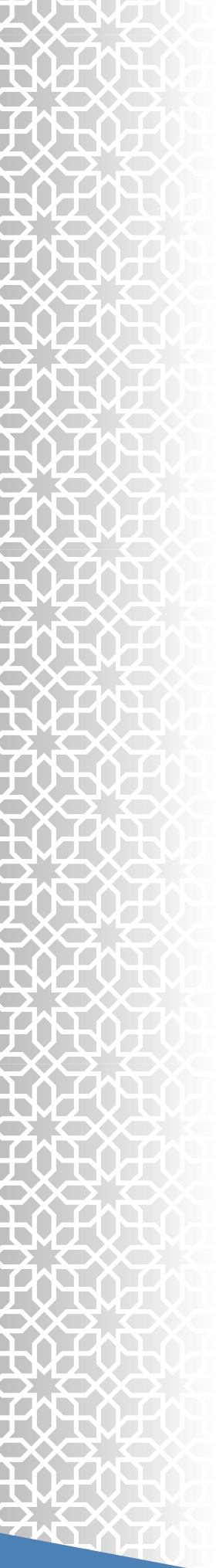
- 138.174** Refrain from exercising oppression and vengeance against legal activists and those demanding political reforms, the release of all detainees who are held without due cause, and guarantee the rights of prisoners and detainees through fair and just trials (Syrian Arab Republic);

The Government of Saudi Arabia rejected this recommendation to end its reprisals against political activists, release prisoners of conscience, and ensure fair trials. Refer to Sections C.1, C.2, B, and L for discussion of how Saudi authorities continue to prosecute human rights defenders and reform advocates on charges related to their free expression, and for how the kingdom's criminal justice system violates due process rights.

Conclusion

Although the kingdom promulgated the Law on Associations and Foundations in 2015, the government has given no indication that it has implemented the new legislation, and it may actually impose greater restrictions on civil society. Moreover, the government has taken no significant measures to establish greater protections for Saudi civil society actors. On the contrary, the government's consistent prosecution of human rights defenders and political activists, in addition to its continued refusal to recognize political groups and human rights organizations, demonstrates that these key actors do not have the right to operate within Saudi Arabia – in either law or practice. Furthermore, the government's prosecution and imprisonment of the members of unregistered organizations does not comply with the spirit of its UPR recommendations.

Specifically, Saudi authorities have not instituted appropriate protections for the right to free expression. Instead, they have used a network of media, anti-terror, and anti-cybercrime legislation to criminalize dissent and political activism. The government has prosecuted critics of the royal family under the anti-terror law, bloggers and interlocutors of international human rights organization under the Anti-Cyber Crime Law, and writers and journalists under the Press and Publications Law. Additionally, the government has censored artistic expression and targeted poets for reprisal.



Saudi Arabia has also failed to establish a national human rights institution in accordance with the Paris Principles, as its two state-sanctioned human rights bodies lack the independence and leverage to influence government policy.

Similarly, the government has neither granted equal citizenship to men and women nor abolished the male guardianship system that formalizes gender inequality in the kingdom.

Finally, while Saudi authorities allow some non-Muslims to privately practice their religion, they prohibit the public expression of other religious beliefs and have repressed communities that practice faiths other than the state-sponsored interpretation of Sunni Islam. Specifically, the government continues to systematically discriminate against the kingdom's Shia minority population in many facets of public life. For these reasons, ADHRB finds that the government has so far failed to implement its UPR recommendations to promote civil and political rights.

SECTION D

Women and Children's Rights

The Government of Saudi Arabia fully accepted recommendations **138.100, 138.101, 138.102, 138.103, 138.105, 138.106, 138.107, and 138.108** concerning abolishing the system of male guardianship over women. The government partially accepted recommendations **138.109, 138.110, and 138.111** regarding the same subject. In response to these recommendations, the government stated:

The kingdom understands that the guardianship system referred to in some of the recommendations means the control of males on women. It emphasizes that all its regulations protect women from this control and whatsoever reinforces it, and that it does not consist of any exclusion of women or differentiation between men and women that could result in the attenuation of recognition of women's rights in accordance with the definition of discrimination against women under the Convention on the Elimination of All Forms of Discrimination against Women. The concept of guardianship in Islamic law ensures women's rights and helps the cohesiveness and building of family. When some people abuse this and use it to control women and violate their rights, there are many remedies that women can resort to at any time, mainly the judiciary.²⁹³

The government also fully accepted recommendations **138.55, 138.58, 138.75, 138.92, 138.93, 138.95, 138.96, 138.99, 138.113, 138.114, 138.115, 138.163**. These recommendations concerned the provision of full legal identity to women and the promotion of gender equality in both law and practice. In response to these recommendations, the government stated:

The kingdom's legislation and regulations ensure equality and criminalize and punish discrimination of any form, especially against women. Since it is possible for a violation to occur due to wrong individual practices, the Kingdom is increasing its efforts to eliminate it through the enactment of more policies and regulations and taking the procedural measures that criminalize and punish all forms of discrimination against women.²⁹⁴

Additionally, the government fully accepted recommendations **138.56, 138.74, and 138.134** concerning combating violence against women and children. The government did not comment on these recommendations.

The government also fully accepted recommendations **138.57, 138.138, and 138.152** concerning the prohibition of early and forced marriages. It partially accepted recommendation **138.35** regarding the same subject. In response to these recommendations, the government stated:

Forced marriage is forbidden by Islamic law, and the marriage contract is void if it lacks the free and full consent of either of spouse, according to the kingdom's system. As for the marriage of minors, it is currently under study; determining a minimum age for marriage is to pre-empt the results of this study, noting that the marriage of minors does not happen, except in rare cases.²⁹⁵

Furthermore, the government fully accepted recommendations **138.98, 138.176, 138.177, 138.178, 138.179, 138.180, 138.181, 138.184, 138.191, and 138.192** concerning promoting the full participation of women in the public sphere. In response to these recommendations, the government stated:

293 A/HRC/25/3/Add.1, par. 11.

294 Ibid.

295 Ibid., par. 12.

The national report highlighted the kingdom's achievements in the field of women's rights, particularly with regard to their participation in public and political life.²⁹⁶

Though the government does not refer to specific paragraphs within the national report, the relevant paragraphs are 48 through 53. In them, the government details steps to enhance the political participation, employment, and education of women. Paragraph 48 points to the January 2013 inclusion of women in the Shura Council; paragraph 49 highlights the permission of women's participation in the 2015 municipal elections; paragraph 50 details a section of the Saudi Enforcement Act that the government identifies as satisfying a personal status code; paragraph 51 details the participation of women in NGOs and civic organizations; paragraph 52 details increases in women's employment; and paragraph 53 reports on increases in the enrollment of women in higher education and the expansion of women's campuses.²⁹⁷

Finally, the government fully accepted recommendation **138.44** concerning continued efforts to combat child trafficking. It did not provide commentary on this recommendation.

The government rejected recommendation **138.36** concerning the introduction of a law setting the minimum age of marriage at 18; the applicable response to this recommendation can be viewed above. The government also rejected recommendation **138.104** concerning the direct abolition of male guardianship by royal decree.

Brief Assessment

Though the Government of Saudi Arabia has recently taken some measures to curb domestic violence and strengthen the role of women in society – most notably by legally defining acts of domestic abuse, combatting child trafficking, and permitting women to participate in the most recent round of municipal elections – it has failed to implement the majority of its recommendations to promote the rights of women and children beyond a technical level. Specifically, it has refused to abolish or substantively reform the primary driver of discrimination and violence against women in Saudi Arabia: the male guardianship system. Instead, it has continued to restrict women's rights to travel, work, and marry, among others. Additionally, the government has not put an end to early or forced marriages, and it has not granted women equal citizenship or personal status. Consequently, ADHRB finds that the Government of Saudi Arabia has not made substantive progress toward implementing its UPR recommendations to strengthen women's and children's rights.

1. ABOLISH THE SYSTEM OF MALE GUARDIANSHIP

Not Implemented
No Perceived Progress

138.100 Take urgent steps to abolish the system of guardianship (Denmark);

138.101 Continue to make efforts to abolish the practice of male guardianship over women (Republic of Korea);

138.102 Dismantle the system of male guardianship and allow women to freely travel, work, study, marry, and access health care and other public services (Australia);

138.103 Continue the progress underway and introduce further steps to achieve gender equality, in particular the abolishment of the system of male guardianship (New Zealand);

²⁹⁶ Ibid., par. 11.

²⁹⁷ A/HRC/WG.6/17/SAU/1, par. 48-53.

- 138.105** Take steps to remove the guardianship system, when it results in a limitation of the full exercise and enjoyment of the rights and freedom of women (Costa Rica);
- 138.106** Proceed with the promulgation of the necessary laws in order to abolish the male guardianship system while, in parallel, the stereotypes affecting women's enjoyment of their rights, including their personal status law, should be remedied (Greece);
- 138.107** Repeal the legal guardianship system for adult women (Italy);
- 138.108** As a step to advance the situation of women, abolish the principle of guardianship over women (Sweden);
- 138.109** Take measures to end the practice of guardianship and abolish existing legal provisions that require a guardian's authorization (Senegal);
- 138.110** Intensify efforts to put an end to the male guardianship system over women, modify negative stereotypes and cultural practices that discriminate against women and carry out the necessary legislative changes, including to make it possible for women to drive vehicles (Uruguay); and
- 138.111** Allow women to participate fully and equally in society by abolishing the guardianship system, appointing more women to positions of authority, and increasing freedom of movement (United Kingdom of Great Britain and Northern Ireland)

Though the Saudi government fully accepted recommendations to “dismantle” and “abolish” the male guardianship system by “allow[ing] women to freely travel, work, study, marry, and access healthcare and other public services,” it chose to interpret the recommendations as compatible with the system as it exists, stating that guardianship “ensures women’s rights” and that current regulations shield women from undue control by their guardians.²⁹⁸

The male guardianship system persists throughout all levels of Saudi society, affecting every woman in the country. According to Saudi law, a woman’s guardian can be her father, brother, husband, or even her son.²⁹⁹ Women are subject to the approval of their guardian for everything from traveling, to education, to access to healthcare.

The Saudi government prohibits women from driving and does not permit them to travel without the permission of their male guardian.³⁰⁰ Despite fully or partially accepting the above recommendations to carry out legislative changes necessary to allow women to drive, the government has made no effort to do so.³⁰¹ Saudi authorities have charged female drivers with a range of offenses, from minor infractions such as driving without a license to serious crimes like disturbing public order or staging political protests, which can warrant lengthy prison sentences and/or corporal punishment.³⁰² In 2014, police arrested two women, Loujain al-Hathloul and

298 “Report of the Working Group on the Universal Periodic Review: Kingdom of Saudi Arabia,” UN Human Rights Council, 25th Session, 28 February 2014, A/HRC/25/3/Add.1, 4.

299 A. Yusuf Ali, *The Holy Qur’an: Text, Translation and Commentary* (Maryland: Amana Corp., 1983), p. 190.

300 “The Evasion of Equality: A report on the implementation of Saudi Arabia’s recommendations from the Special Rapporteur on violence against women and its causes,” ADHRB, April 2015, <http://www.adhrb.org/2015/05/adhrb-publishes-new-report-on-womens-rights-in-saudi-arabia/>

301 AL-Shihri, Abdullah. “Saudi Arabia Warns Female Drivers before Protest.” *AP Online*, October 25, 2013. Accessed September 14, 2015. <http://www.highbeam.com/doc/1A1-b3767a094e084a9e881a6ec81d340e46.html?>

302 Ibid.

Maysaa al-Amoudi, for driving and protesting the ban; they face charges before the SCC, Saudi Arabia's anti-terrorism court.³⁰³

Though the government has taken nominal steps to increase freedom of movement for women in recent years, they have failed to yield significant changes in practice. In 2008, Saudi authorities implemented a new policy to allow women over 45 years old to travel locally without permission, but Saudi women report that the rule is rarely enforced, and is entirely dependent on the discretion of the officials at individual traffic hubs.³⁰⁴ Should an airport official decide to ask for the permission slip of a woman over 45, for example, she has little to no legal recourse.³⁰⁵ For women under 45, the standard restriction on local travel remains in place.³⁰⁶

In June 2015, the director of the Saudi Passports Department announced a new set of travel controls that would purportedly remove the age restriction on travel altogether, allowing women to travel both locally and abroad without the authorization of their guardians.³⁰⁷ According to the department, permission to travel would now be granted based on the reason for a woman's trip rather than her age, though it is unclear what reasons are acceptable.³⁰⁸ Saudi media reports indicate that the policy would also allow women to leave or travel throughout the country without the additional approval of the MoI, MoJ, or MoSA.³⁰⁹ Nevertheless, the program has yet to be implemented as of February 2016, and human rights organizations predict that it will ultimately be vetoed by the religious establishment.³¹⁰

The government has imposed additional constraints on women's travel, however. In 2012, Saudi authorities began enforcing a policy³¹¹ to send text messages to a woman's male relatives whenever she leaves the country, even if her guardian is accompanying her.³¹² Reports indicate that this policy remains in place.³¹³

These travel restrictions are particularly onerous for female students seeking government scholarships to study abroad, as they are required to be joined by a male guardian.³¹⁴ In practice, this means that prospective students must have a guardian capable of accompanying them for the duration of their foreign study, and has resulted in a "30-year-old female student living in the

303 Mazza, Ed. "Saudi Historian Says U.S. Women Drive Because They Don't Care If They're Raped." *Huffington Post*, February 10, 2015, The World Post sec. Accessed September 14, 2015. http://www.huffingtonpost.com/2015/02/09/saudi-women-drivers_n_6649896.html.

304 "Perpetual Minors." Human Rights Watch. April 19, 2008. Accessed September 10, 2015.

305 Ibid.

306 Vishakha Sonawane, "Saudi Arabia To Issue New Travel Rules For Women, Official Says Regulations In Line With 'Advanced Countries,'" *International Business Times*, <http://www.ibtimes.com/saudi-arabia-issue-new-travel-rules-women-official-says-regulations-line-advanced-1958025>

307 Ibid.

308 Ibid.

309 Arab News, "Women traveling without mahram under study," 9 June 2015, Arab News, <http://www.arabnews.com/featured/news/759181>

310 "Eleven things women in Saudi Arabia cannot do," *The Week*, 4 February 2016, <http://www.theweek.co.uk/60339/eleven-things-women-in-saudi-arabia-cant-do>

311 Luke Harding, "Saudi Arabia Criticised over Text Alerts Tracking Women's Movements." *The Guardian*, 23 November 2012, <http://www.theguardian.com/world/2012/nov/23/saudi-arabia-text-alerts-women>

312 Vishakha Sonawane, "Saudi Arabia To Issue New Travel Rules For Women, Official Says Regulations In Line With 'Advanced Countries,'" *International Business Times*, 9 June 2015, <http://www.ibtimes.com/saudi-arabia-issue-new-travel-rules-women-official-says-regulations-line-advanced-1958025>

313 Ibid.

314 Sarah Drury, "Education: The Key to Women's Empowerment in Saudi Arabia?" *Middle East Institute*, 30 July 2015, <http://www.mei.edu/content/article/education-key-women%E2%80%99s-empowerment-saudi-arabia>

United States having an 18-year-old male ‘guardian,’” for example.³¹⁵ To even register for courses or internships at the university level, particularly where such courses or internships would involve interaction with males, women require the permission of their guardians.³¹⁶

While women are legally allowed to accept jobs independently, some institutions will not hire them without the written permission of their guardian.³¹⁷ Travel restrictions also prohibit many women from working, as they must obtain not only the permission of their guardian to travel to and from work, but also an acceptable means of transportation, such as a chauffeur. Together, these obstacles significantly inhibit female integration into the Saudi labor force and prevent them from securing consistent employment.³¹⁸

The guardianship system also limits women’s access to hospitals and basic health-care. Some hospitals simply refuse to treat women if they are not accompanied by her male guardian.³¹⁹ While the Ministry of Health has not explicitly condoned this practice, reports³²⁰ indicate that it has continued to occur at healthcare facilities throughout the country.³²¹ According to local media sources, in 2014, officials at Riyadh’s King Saud University prevented an ambulance from accessing a female student suffering from a heart attack because the medical personnel were not accompanied by her guardian or a member of her family.³²² The 24-year-old student, Amna Bawazeer, died on the campus.³²³ University officials justified their actions by stating that Bawazeer was “not covered,” and emphasizing that it was policy to prevent men from entering women’s buildings even in the case of emergency.³²⁴ The incident reportedly led to substantial outcry on Saudi social media, with some citizens noting its similarity to the Mecca school fire in 2002;³²⁵ during that incident, 15 young schoolgirls died after members of the CPVPV forcibly blocked them from leaving the burning building due to their dress.³²⁶ In July 2013, the King Fahd Hospital in Baha reportedly delayed the necessary medical amputation of a woman’s hand because her guardian – her husband – was not present to approve the operation; he had been killed in the same car accident that had injured his wife’s hand.³²⁷

315 Ibid.

316 O’Mahony, Jennifer. “Saudi Arabia: Male Guardianship Policies Harm Women.” Human Rights Watch. April 20, 2008. Accessed September 9, 2015. <https://www.hrw.org/news/2008/04/20/saudi-arabia-male-guardianship-policies-harm-women>. *The Telegraph*, November 23, 2012, Technology sec.

317 Fatany, Samar. “Why Divorce in Saudi Arabia Is on the Rise.” *Saudi Gazette*, March 23, 2013, Opinion sec.

318 See section H for information on the affect of these travel restrictions on female teachers’ housing conditions.

319 Almuhaythif, Najd. “Saudi Arabia’s Guardianship System and the Violation of Women’s Rights.” *Chicago Monitor*, June 30, 2015. Accessed September 14, 2015. <http://chicagomonitor.com/2015/06/saudi-arabias-guardianship-system-and-the-violation-of-womens-rights/>.

320 Elham Manea, “Women in Saudi Arabia are caught in a system of gender apartheid,” DW, 30 December 2013, <http://www.dw.com/en/women-in-saudi-arabia-are-caught-in-a-system-of-gender-apartheid/a-17330976>

321 “Saudi woman loses life, was denied medical help under gender law,” Hindustan Times, 7 February 2014, <http://www.hindustantimes.com/world/saudi-woman-loses-life-was-denied-medical-help-under-gender-law/story-WkQD5YcfbOtAEIGmp7QgCM.html>

322 Ibid.

323 Ibid.

324 “Saudi woman dies waiting for approval of male-driven ambulance,” Egypt Independent, 7 February 2014, <http://www.egyptindependent.com/news/saudi-woman-dies-waiting-approval-male-driven-ambulance>

325 “Saudi woman loses life, was denied medical help under gender law,” Hindustan Times, 7 February 2014, <http://www.hindustantimes.com/world/saudi-woman-loses-life-was-denied-medical-help-under-gender-law/story-WkQD5YcfbOtAEIGmp7QgCM.html>

326 “Saudi police ‘stopped’ fire rescue,” BBC, 15 March 2002, http://news.bbc.co.uk/2/hi/middle_east/1874471.stm

327 Elham Manea, “Women in Saudi Arabia are caught in a system of gender apartheid,” DW, 30 December 2013, <http://www.dw.com/en/women-in-saudi-arabia-are-caught-in-a-system-of-gender-apartheid/a-17330976>

Women are also deprived of full rights with regards to their own children under the guardianship system. A Saudi woman cannot enroll her child in school, access her child's school records, or open a bank account for the child without the child's guardian.³²⁸ Saudi law also prevents women from passing citizenship to their children if the father is not Saudi.³²⁹ Women in Saudi Arabia rarely win custody of their children in the event of a divorce, in large part due to the restrictions of the guardianship system.³³⁰ These limitations make it extremely difficult for a woman to see her children after a divorce, and thereby simultaneously encourage women to remain in unhappy or abusive marriages for fear of losing their children.

Finally, potentially removing a male guardian is a cumbersome process, and can be dangerous for the women involved. Samar Badawi, a Saudi women's rights activist, sued her father for refusing to let her marry. Badawi's father countersued her for disobedience to a guardian, and she was imprisoned for months before eventually winning her case and marrying.³³¹ Badawi's situation is not unique; women have difficulty divorcing abusive husbands or leaving abusive familial situations due to the restrictions of the guardianship system.³³² In the case of one Saudi woman interviewed by *USA Today*, the courts prevented her from divorcing her husband for over four years because her guardian would not sanction the decision; it turned out that her guardian was one and the same as the husband she was attempting to divorce, and who had abandoned her, her daughter, and her mother-in-law.³³³ Women are further prevented from communicating with organizations that could potentially offer assistance in removing their guardians due to legal obstacles barring interaction between women and organizations without their guardian's consent.³³⁴

2. ENSURE FULL LEGAL STATUS FOR WOMEN AND GENDER EQUALITY

Not Implemented
No Perceived Progress

- 138.55** Consider legislating a special personal status law that would contribute to the strengthening of women's rights (Morocco);
- 138.58** Further consider incorporating in relevant laws the principles of equality between women and men and where such principle exists, to campaign for greater understanding and awareness among the general public and officials for the effective implementation of such laws (Thailand);
- 138.75** Explore the possibility of elaborating and adopting a national policy for gender equality in accordance with the international instruments in this area to which Saudi Arabia is a party (Colombia);
- 138.92** Put an end to all forms of discrimination against women, both in law and in practice (Belgium);

328 "Perpetual Minors." Human Rights Watch. April 19, 2008. Accessed September 10, 2015.

329 "CUSTODY DISPUTES - Australian Embassy." CUSTODY DISPUTES - Australian Embassy. Accessed September 15, 2015.

330 Nihal, Mariam. "Women Fear Losing Custody of Children If They File for Divorce." *Arab News (Jeddah, Saudi Arabia)*, December 16, 2011. Accessed September 15, 2015. <http://www.highbeam.com/doc/1G1-275140334.html?>

331 *The Evasion of Equality: A Report on the Implementation of Saudi Arabia's Recommendations from the Special Rapporteur on Violence against Women and Its Causes*, ADHRB, 2015, <http://www.adhrb.org/2015/05/adhrb-publishes-new-report-on-womens-rights-in-saudi-arabia/>

332 Murphy, Caryle. "Saudi Women Still Assigned Male 'guardians'" *USA Today*, December 9, 2014, News sec. Accessed September 14, 2015. <http://www.usatoday.com/story/news/world/2014/12/09/globalpost-saudi-arabia-male-guardians/20134065/>.

333 Ibid.

334 O'Mahony, Jennifer. "Saudi Arabia: Male Guardianship Policies Harm Women." Human Rights Watch. April 20, 2008. Accessed September 9, 2015. <https://www.hrw.org/news/2008/04/20/saudi-arabia-male-guardianship-policies-harm-women>." *The Telegraph*, November 23, 2012, Technology sec.

- 138.93** Continue to provide more concern on discrimination against gender, and also continue its efforts in combating discrimination against women (South Sudan);
- 138.95** Give full legal identity to all women residing in the Kingdom (Norway);
- 138.96** Continue its efforts with a view to ensuring equality of all before the law and to guaranteeing equal citizenship rights to women and men (Togo);
- 138.99** Continue the measures aimed at achieving the elimination of existing patriarchal and gender stereotypes, with respect to the roles and responsibilities of men and women in the family and society (Argentina);
- 138.113** Continue efforts to promote gender equality and strengthen the role of women in society (Ukraine);
- 138.114** Continue efforts to promote the empowerment of women and the protection of their rights (Sri Lanka);
- 138.115** Continue its on-going efforts to safeguard the rights of women and children (Brunei Darussalam); and
- 138.163** Guarantee birth registration for all boys and girls without discrimination of any kind (Mexico)

There is no evidence to suggest that the Government of Saudi Arabia has considered granting women full legal status or establishing a national policy for gender equality in line with international norms. The 1992 Basic Law fails to guarantee gender equality, and it considers women to be legal minors under the authority of their guardians.³³⁵ Although Saudi Arabia ratified the CEDAW in 2000, it included sweeping reservations that allow it to disregard any of the treaty's provisions that it determines to be in contradiction of Sharia, on which the Basic Law is founded.³³⁶ In this way, the government has continued to defend the guardianship system as necessary for ensuring the rights of women within the kingdom's particular interpretation of Islamic law.³³⁷ The persistence of the guardianship system inherently precludes the provision of full legal identity to women.

Specifically, the kingdom does not find itself to be bound by Article 9, Paragraph 2 of the CEDAW, which holds that "States Parties shall grant women equal rights with men with respect to the nationality of their children."³³⁸ Rather, the guardianship system stipulates a hierarchy of personal status between the two genders that grants only men full citizenship rights, thereby preventing women from passing citizenship to their children.³³⁹

The government has taken some steps to strengthen the role of women in society. In 2015, Saudi authorities followed a royal decree issued by the late King Abdullah and permitted women to vote

335 UN Women, "Spring Forward for Women Programme: Saudi Arabia," UN, 2015, <http://spring-forward.unwomen.org/en/countries/saudi-arabia>

336 Ibid.

337 "Report of the Working Group on the Universal Periodic Review: Kingdom of Saudi Arabia," UN Human Rights Council, 25th Session, 28 February 2014, A/HRC/25/3/Add.1, 4.

338 *United Nations Convention on the Elimination of All Forms of Discrimination against Women*, UN, 1979, <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

339 "CUSTODY DISPUTES - Australian Embassy," CUSTODY DISPUTES - Australian Embassy. Accessed September 15, 2015.

and run in the country's municipal elections³⁴⁰ for the first time.³⁴¹ Additionally, the government recently expanded the employment opportunities available to women, with the consent of their guardian no longer necessary for a variety of jobs related to food preparation, retail, and amusement parks, among others.³⁴² In 2013, the government also decided to allow women to pursue careers as attorneys.³⁴³ That same year, a Royal Order instituted a quota system for the advisory Shura Council, requiring that at least 20 percent of the appointed seats belong to women; since then, 19.87 percent of the councilors have been female.³⁴⁴

Nevertheless, the kingdom continues to perpetuate patriarchal and gendered stereotypes in both law and practice. Article 153 of the Saudi Policy on Education states, "A girl's education aims at giving her the correct Islamic education to enable her to be in life a successful housewife, an exemplary wife and a good mother."³⁴⁵ Elham Manea, a Middle East specialist at the University of Zurich, writes that "the general framework of education [in Saudi Arabia] is tailored to reinforce discriminatory gender roles and what the authorities consider as suitable to 'women's nature and future role as wives and mothers.'"³⁴⁶ Reportedly, as of 2014, no Saudi universities offered engineering degrees for women, and only one began offering degrees in journalism and communications; a commentator ascribed this reticence to the religious establishment's general disapproval of female newscasters.³⁴⁷ The government reinforces similar stereotypes in its labor policies, with the 2006 labor code stating, "Women shall work in all fields suitable to their nature."³⁴⁸ Until 2015, this grounded a ban on women's participation in jobs that could be described as "dangerous."³⁴⁹ Many employers still refuse to hire women or informally request permission from their guardian, and a disproportionate percentage of the female workforce is unemployed.³⁵⁰ Women remain segregated from men in most occupations, including in the Shura and Municipal councils, and positions of power within the government are limited to men.³⁵¹

340 For more on these elections, see Section D.4.

341 Ahmed Al Omran, "21 women won seats in Saudi municipal election, the first to allow women to run and vote—Official," Twitter, 15 December 2015, <https://twitter.com/ahmed/status/676698257079205888>.

342 Elham Manea, "Women in Saudi Arabia are caught in a system of gender apartheid," DW, 30 December 2013, <http://www.dw.com/en/women-in-saudi-arabia-are-caught-in-a-system-of-gender-apartheid/a-17330976>

343 Al Arabiya. "First female lawyer's office opens in Saudi Arabia." (Al Arabiya: 2014). Retrieved from: <http://english.alarabiya.net/en/News/middle-east/2014/01/03/First-female-lawyer-s-office-opens-in-Saudi-Arabia.html>.

344 UN Women, "Spring Forward for Women Programme: Saudi Arabia," UN, 2015, <http://spring-forward.unwomen.org/en/countries/saudi-arabia>

345 Rana Harbi, "Saudi Muslim women take on oppressive guardianship system," Musawah, 7 March 2014, <http://www.musawah.org/saudi-muslim-women-take-oppressive-guardianship-system>

346 Elham Manea, "Women in Saudi Arabia are caught in a system of gender apartheid," DW, 30 December 2013, <http://www.dw.com/en/women-in-saudi-arabia-are-caught-in-a-system-of-gender-apartheid/a-17330976>

347 Aya Batrawy, "Freedoms for Saudi university girls end at gates," The Seattle Times, 6 January 2014, <http://www.seattletimes.com/nation-world/freedoms-for-saudi-university-girls-end-at-gates/>

348 Ibid.

349 Ibid.

350 For more information, see section D.6.

351 UN Women, "Spring Forward for Women Programme: Saudi Arabia," UN, 2015, <http://spring-forward.unwomen.org/en/countries/saudi-arabia>

- 138.56** Adopt legal measures to criminalize violence against women (Spain);
- 138.74** Enact procedural mechanisms for application of the Child Protection Act and to continue delivering awareness programs on combating domestic violence (Slovenia); and
- 138.134** Continue efforts to combat violence against most vulnerable groups, especially women (Lebanon)

The Saudi government has taken several steps to criminalize and reduce violence against women. In 2005, a royal decree established the National Family Safety Program (NFSP), a subdivision of the National Guard Health Affairs administration aimed at raising awareness for domestic violence and providing assistance to victims.³⁵² According to the NFSP, which is reportedly the first of its kind in the kingdom, it “strives to be a center of excellence on family violence by providing prevention and advocacy services, raising awareness and building partnerships with professionals, public and private agencies, and with international organizations to foster a safe family environment in Saudi Arabia.”³⁵³ Additionally, the NFSP states that it works to prepare and influence “national regulations and policies” intended to end domestic violence and child abuse.³⁵⁴ Among other services, it operates the Saudi Child Help Hotline, which provides counseling and information for children at risk of abuse.³⁵⁵ The NFSP has also furthered the application of the Child Protection Act by advocating for greater numbers of Child Protection Centers at the kingdom’s hospitals; as of 2012, Saudi Arabia maintained 41 Child Protection Centers, compared with just four in 2009.³⁵⁶

In 2014, US President Barack Obama presented the NFSP’s founder and executive director, Dr. Maha al-Muneef, with the State Department’s International Women of Courage award for her work to assist victims of domestic violence in Saudi Arabia and to advocate for stronger legal protections against abuse.³⁵⁷

Dr. Al-Muneef also served as an advisor to the kingdom’s Shura Council when, in 2013, the Council of Ministers promulgated the Regulation to Protect Against Abuse (also known as the Protection from Abuse Law), which the US State Department described as “landmark legislation” for combating domestic violence in Saudi Arabia.³⁵⁸ The law defines domestic violence as “all forms of exploitation, or bodily, psychological, or sexual abuse, or threat of it, committed by one person against another, including if [that person] has authority, power, or responsibility, or [if there is a] a family, support, sponsorship, guardianship, or living dependency relationship between the two [individuals].”³⁵⁹ According to the US Library of Congress, “the definition includes any failure to

352 “The National Family Safety Program Summary,” Government of Saudi Arabia, National Family Safety Program, <http://www.nfsp.org.sa/>

353 Ibid.

354 Ibid.

355 Ibid.

356 Aziz, Afshan. “Domestic Violence Still Largely Hidden Issue.” *Arab News*, January 7, 2013. Accessed September 11, 2015. <http://www.arabnews.com/saudi-arabia/domestic-violence-large-hidden-issue>.

357 Clark, Lesley. “Obama Honors Saudi Woman’s Fight against Abuse, Heads Back to Washington.” March 29, 2014, <http://www.miamiherald.com/latest-news/article2087863.html>

358 Ibid.

359 “Saudi Arabia: New Law to Criminalize Domestic Abuse.” Human Rights Watch. September 3, 2013. Accessed March 31, 2015. <http://www.hrw.org/news/2013/09/03/saudi-arabia-new-law-criminalize-domestic-abuse>.

provide another person with legally required necessities.”³⁶⁰ The law sets the penalty for crimes of domestic violence between one month and a year in prison, and/or up to \$13,300 USD in fines.³⁶¹ Additionally, women no longer need the approval of guardians to file complaints about abuse or domestic violence.³⁶²

While the Regulation to Protect Against Abuse marks significant legislative progress toward combating violence against women, the wide discretionary powers of the Saudi judiciary undermine its efficacy. Article 11 of the law suggests that not every act defined as abuse necessarily constitutes a crime, granting an “undefined ‘competent authority’ within the Saudi legal system the power to determine which acts of abuse constitute criminal offenses by stipulating ‘if the competent authority determines that the act of abuse constitutes a crime, it shall refer the matter to the competent law enforcement authority to take the necessary measures.’”³⁶³ Coupled with the general lack of full codification or jurisprudence in the Saudi criminal justice system, this law still allows judges – a profession that remains exclusively male-dominated in Saudi Arabia – wide latitude in determining if an act constitutes criminal abuse or domestic violence.³⁶⁴

Moreover, as of 2015, the law had yet to be fully implemented, and it is unclear what mechanisms and regulations will be established to ensure its full application.³⁶⁵ Women in the country are still reluctant to report abuse for fear of social stigma or retaliation from family members, who often happen to be the abusers.³⁶⁶ The authorities continue to refuse service to women at police stations and informally request the permission of their guardians, part of the reason why the kingdom has reportedly established several women’s police units to work on cases of abuse. It is not yet clear how effective such units have been.³⁶⁷

Additionally, while rape is criminalized under Sharia, the Basic Law has no such provisions, leaving cases of sexual violence open to the interpretation and discretion of the judge. The punishment for rape in Sharia law varies from lashing and imprisonment to the death penalty. However, rape cases in Saudi Arabia often result in the punishment of the victim, as judges have the discretion to decide that the rape at least partially resulted from the woman violating the law of gender segregation. In one infamous case, a gang of seven men raped a 19-year-old girl and her male friend in Qatif when the two were alone in their car.³⁶⁸ In October 2006, the General Qatif Court initially sentenced the victim to 90 lashes and six months in prison. The kingdom’s highest court reviewed the case on appeal, increasing the number of lashes to 200.³⁶⁹ After international outcry, King Abdullah issued

360 “Saudi Arabia: New Regulation on Protection Against Abuse.” Issam Saliba, Law Library of Congress. September 10, 2013. Accessed September 10, 2015.

361 Ibid.

362 Mahmoud Habboush, “Saudi Arabia passes kingdom’s first domestic abuse law,” Reuters, 29 August 2013, <http://www.reuters.com/article/us-saudi-women-violence-idUSBRE97S0Q620130829>

363 “Saudi Arabia: New Regulation on Protection Against Abuse.” Issam Saliba, Law Library of Congress. September 10, 2013. Accessed September 10, 2015.

364 For more on the Saudi judiciary, see Section B.

365 *The Evasion of Equality: A report on the implementation of Saudi Arabia’s recommendations from the Special Rapporteur on violence against women and its causes*, ADHRB, April 2015, <http://www.adhrb.org/2015/05/adhrb-publishes-new-report-on-womens-rights-in-saudi-arabia/>

366 Ibid.

367 Ibid.

368 Howden, Daniel. “In the Name of God: The Saudi Rape Victim’s Tale.” The Independent. November 29, 2007. Accessed March 31, 2015. <http://www.independent.co.uk/news/world/middle-east/in-the-name-of-god-the-saudi-rape-victims-tale-760847.html>.

369 Ibid.

a royal pardon for the girl in December 2007.³⁷⁰ In his official decree, however, he emphasized that he believed the verdict was fair, and that he had no doubts regarding the integrity of the justice system.³⁷¹ Yet, as not all women get pardoned, cases like these have undoubtedly contributed to the persistent underreporting of such attacks.

Further, the absence of female judges has also prevented women from adequately accessing the justice system, and has undermined the kingdom's ability to address gendered crimes like sexual assault.³⁷² Antoinette Vlioger, in an interview-based socio-legal study on domestic workers in Saudi Arabia and the United Arab Emirates, describes the typical interactions between women and judges in court as severely obstructed. While some judges will allow female relatives of the accused to enter as a group, others bar them completely,³⁷³ enforcing in court the strict gender segregation that the state maintains in society. Additionally, "most judges refuse to look at women's faces...some judges refuse to let women talk entirely, and other [sic] refuse them as witness."³⁷⁴ One of Vlioger's female interviewees argued that these impediments contribute to the widespread underreporting of sexual assault and domestic abuse in Saudi Arabia and the UAE: "If [a woman] is abused, she has to prove it. How? She cannot show her bruises to the judges, she cannot even show him a picture of her face, so how can she show her bruises? And it's impossible for her to talk with the judge about sex, so how can she talk of sexual abuse? This is not possible."³⁷⁵ In a country report on Saudi Arabia, Freedom House noted that the guardianship scheme places women at a distinct disadvantage in divorce and child custody cases, wherein their husband is often their guardian and their legal opponent.³⁷⁶ According to Freedom House, if a woman can surmount this obstacle and actually file a claim, the judge will likely value her testimony and any potential compensation at half that of a man.³⁷⁷ Taken together, these prevailing trends threaten to offset in practice much of what the Regulation to Protect Against Abuse has achieved in law.

4. END EARLY AND FORCED MARRIAGES

Not Implemented
No Perceived Progress

138.35 Introduce and implement a law prohibiting all child, early and forced marriages, including the introduction of a legal minimum age of majority for marriage, and other measures to safeguard and enforce women's rights relating to marriage, choices and free and full consent (Canada);

138.57 Continue work towards the improvement of women's rights. In particular, incorporate in law the principle of equality between men and women and ban child marriage (Sierra Leone);

138.138 Redouble its efforts to tackle the practice of forced and early marriage (Italy); and

370 Ibid.

371 Zoepf, Katherine. "Saudi King Pardons Rape Victim Sentenced to Be Lashed, Saudi Paper Reports." *The New York Times*. December 17, 2007. Accessed March 31, 2015.

372 ADHRB. *The Pretense of Progress*. (ADHRB: 2015). Retrieved from: http://adhrb.org/wp-content/uploads/2015/03/ADHRB_Pretense-of-Progress_v1_web.pdf.

373 Antoinette Vlioger. "Domestic Workers in Saudi Arabia and the Emirates: A Socio-legal Study on Conflicts." (Quid Pro Books: 2012). Retrieved from: https://books.google.com/books?id=FNzeP2cTlywC&dq=female+judges+saudi&source=gbs_navlinks_s

374 Ibid.

375 Ibid.

376 Eleanor Abdella Doumato. "Freedom House – Saudi Arabia Country Profile." (Freedom House: 2010). Retrieved from: https://freedomhouse.org/sites/default/files/inline_images/Saudi%20Arabia.pdf.

377 Ibid.

138.152 Implement legal reforms recognizing a legally-defined age of minority that prevents early and forced marriage, detention of minors as adults and exposure of minors to the death penalty (Australia)

During Saudi Arabia's first and second UPR cycles, MoJ officials have attempted to introduce reforms that would reduce rates of childhood marriage within the country. In March 2013, the MoJ proposed marriage regulations that require marriages with potential brides under 16 years of age to meet certain requirements, such as obtaining the approval of a competent court and securing medical reports affirming the potential bride's physical and mental readiness.³⁷⁸ In recent years, the MoJ has also attempted to introduce regulations that would make the ages of brides and grooms explicit in the marriage contract.³⁷⁹

In December 2014, Saudi Grand Mufti Sheikh Abdulaziz Al al-Sheikh effectively abolished these reforms by stating that the marriage of girls 15 years old and younger was permissible, and that he would not act to restrict it.³⁸⁰ The Grand Mufti is the senior religious scholar in Saudi Arabia and the head of the Permanent Committee for Islamic Research and Issuing Fatwas; because the Saudi judicial system is based on Islamic law, the Grand Mufti's declarations are highly influential among the judges who would enact the MoJ's proposals.³⁸¹

ADHRB could not locate reliable statistics on the rate of early marriage in Saudi Arabia. In October 2015, Saudi media reported that a Lebanese researcher, Nada Khalifa, delivered a paper to a Beirut conference which stated that early marriages constituted 13 percent of all Saudi unions.³⁸² A published copy of the paper, however, could not be located.

While the Grand Mufti's declaration stopped Saudi progress towards addressing the UPR recommendations regarding early marriage, the issue of forced marriage also reasserted itself during the second UPR cycle. In December 2014, the MoJ acknowledged an increase of *tahjeer*, or cases in which a guardian marries a woman in his charge to a male relative without her consultation.³⁸³ The MoJ reported that nine instances of *tahjeer* had occurred in 2013 and 2014, three of which took place between October and November of the latter year.³⁸⁴ Although *tahjeer* is considered a forced marriage and thus illegal under Saudi law,³⁸⁵ it is unclear whether the government prosecuted perpetrators in these cases.

378 وزارة العدل السعودية تضع ضوابط للسماح بزواج القاصرات, Al Arabiya, 5 March 2013, <http://www.alarabiya.net/articles/2013/03/05/269776.html>.

379 Habib Toumi, "Saudi Arabia Grand Mufti says no opposition to underage marriage," Gulf News, 21 December 2014, <http://gulfnews.com/news/gulf/saudi-arabia/saudi-arabia-grand-mufti-says-no-opposition-to-underage-marriage-1.1429882>.

380 "No minimum age for marriage of girls – Grand Mufti," Arabian Business, 22 December 2014, <http://www.arabianbusiness.com/no-minimum-age-for-marriage-of-girls-grand-mufti-576044.html>.

381 https://wikileaks.org/plusd/cables/09RIYADH361_a.html.

382 السعودية الرابعة عربيا في حماية القاصرات, Al Arabiya, 28 October 2015, <http://www.alarabiya.net/ar/saudi-today/saudi-press/2015/10/28/%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%A7%D9%84%D8%B1%D8%A7%D8%A8%D8%B9%D8%A9-%D8%B9%D8%B1%D8%A8%D9%8A%D8%A7-%D9%81%D9%8A-%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D9%82%D8%A7%D8%B5%D8%B1%D8%A7%D8%AA-.html>.

383 "Saudi Arabia records higher number of women forced to marry relatives," Al Arabiya, 7 December 2014, <http://english.alarabiya.net/en/News/middle-east/2014/12/07/Saudi-Arabia-sees-higher-number-of-women-forced-to-marry-relatives.html>.

384 Ibid.

385 "Saudi scholars say 'forced marriages are against Islam,'" Al Arabiya, 30 April 2014, <http://english.alarabiya.net/en/News/middle-east/2014/04/30/Saudi-scholars-say-forced-marriages-are-against-Islam-.html>.

Since the beginning of Saudi Arabia's second UPR cycle, reports have repeatedly surfaced of Saudi men arranging early marriages with non-Saudi brides and returning them to the kingdom. Saudi men—at times acting on their own, at others working through “fixers”—have arranged marriages with Syrian girls in the Jordanian refugee camp of Zaatari.³⁸⁶ The men pay sizable dowries to the families of these refugee girls, many of which are experiencing severe financial hardship.³⁸⁷ In one case, a 46-year-old Saudi man married a 14-year-old girl, stayed with her for eight days, and then returned to Saudi Arabia and refused to visit her.³⁸⁸ In another instance reported by *The Independent* in 2014, two Saudi men, 55 and 45 years of age, paid over 4,000 British pounds each to marry two daughters, 17 and 16 years of age, from the same Syrian refugee family.³⁸⁹ Both men left after three weeks.³⁹⁰

5. ENSURE WOMEN'S FULL PARTICIPATION IN THE PUBLIC SPHERE

Technically Implemented
No Perceived Progress

- 138.98** Take further measures to protect and promote women's rights, particularly in the fields of female employment, education, health and legal capacity (Turkmenistan);
- 138.176** Redouble efforts to achieve a greater participation of women in remunerated employment, which goes beyond the area of teaching or the education sector, and that includes leadership positions in both the public and private spheres (Ecuador);
- 138.177** Carry out properly follow-up measures to guarantee meaningful progress in the area of women's public and political participation (Indonesia);
- 138.178** Continue to expand the opportunities for women's political and public participation, employment and education (Nigeria);
- 138.179** Exert more effort to enable women's participation in the political and the public life, and eliminating the barriers that prevent women from enjoying their rights, whether cultural or societal (Oman);
- 138.180** Continue actions in ensuring the participation of women in political and public life in order to eliminate existing barriers in the way of guaranteeing, promoting and protecting the rights of women in line with the international standards (Russian Federation);
- 138.181** Continue to implement appropriate measures to promote further participation of women in various sectors of society and women's employment both within Government and in the private sector (Japan);
- 138.184** Take additional measures aimed at protecting and promoting women's rights in education, health and work sectors, as well as the legal capacity for women (Morocco);
- 138.191** Continue to promote gender equality and the empowerment of women especially through access to quality education (Singapore); and

386 Brenda Stoter, “Teenage Syrian refugees wed ‘for protection,’” Al Jazeera, 12 November 2013, <http://www.aljazeera.com/indepth/features/2013/11/teenage-syrian-refugees-wed-protection-201311101497543146.html>; Brenda Stoter, “Financial burden, risk of violence pressure Syrian girls to marry,” Al-Monitor, 17 March 2015, <http://www.al-monitor.com/pulse/originals/2015/03/syrian-girls-jordan-refugees-early-marriage.html>.

387 Ibid.

388 Ibid.

389 Fernando van Tets, “Easy prey: The sexual exploitation of Syria's female refugees,” *The Independent*, 8 March 2014, <http://www.independent.co.uk/news/world/middle-east/easy-prey-the-sexual-exploitation-of-syrias-female-refugees-9179090.html>.

390 Ibid.

138.192 Further increase the attendance of girls in secondary and higher education and the participation of women in the professional sphere (Turkey)

In recent years, the Saudi government has permitted greater women's participation in the public sphere, including in employment and political life. This government has failed, however, to couple this wider allowance with needed reforms that would secure women's equal participation in society.

In December 2015, the government permitted Saudi women to vote and run as candidates in its municipal elections for the first time. 131,000 women registered to vote, and over 970 ran as candidates,³⁹¹ competing alongside 5,900 men³⁹² for 2,106 open seats on 284 local councils.³⁹³ Saudi voters elected 21 women.³⁹⁴

The councils, however, lack administrative authority over municipal affairs, and council members largely act in an advisory capacity for local municipal agents under the MoMRA.³⁹⁵ Furthermore, the government maintained gendered barriers that impeded women's participation in the elections. Because the guardianship system effectively relegates most property ownership to men, women reported difficulties in producing documentation that established their residence within their municipality, a requirement for registration.³⁹⁶ The prohibition on driving, in addition to segregated registration and polling centers, discouraged women from voting.³⁹⁷ In the weeks leading up to the election, the MoMRA forbade women from campaigning directly to men, directing them to hire male proxies for their campaign (and thus placing undue financial burden on women candidates).³⁹⁸

The government also discouraged women from effectively organizing their participation in the elections. In August 2015, the MoMRA suspended workshops run by the Baladi Initiative,³⁹⁹ a women-run civil society group that coordinated voter and candidate trainings for the municipal elections.⁴⁰⁰ The MoMRA did not provide the leaders of the initiative with clear reasoning behind the suspension.⁴⁰¹ Additionally, two weeks before the election the government suspended three women candidates from running in the elections: Loujain al-Hathloul, Nassima al-Sadah, and

391 "Saudi Arabia's women vote in election for first time," BBC News, 12 December 2015, <http://www.bbc.com/news/world-middle-east-35075702>.

392 Ibid.

393 نشرة تعريفية عن اختصاصات وصلاحيات المجالس البلدية, The General Council for Elections, Ministry of Municipal and Rural Affairs. Print.

394 Ahmed Al Omran, "21 women won seats in Saudi municipal election, the first to allow women to run and vote—Official," Twitter, 15 December 2015, <https://twitter.com/ahmed/status/676698257079205888>.

395 "It Is Our Right: Saudi Women Speak on the Positives, Pitfalls of Municipal Elections," ADHRB, January 2016, http://www.adhrb.org/wp-content/uploads/2016/01/It-is-Our-Right_Saudi-Women-Speak-on-the-Positives-Pitfalls-of-Municipal-Elections.pdf.

396 Ibid.

397 Elizabeth Dickinson, "A Long Road to Women's Suffrage in Saudi Arabia," *Foreign Policy*, 4 November 2015, <http://foreignpolicy.com/2015/11/04/why-saudi-arabias-women-have-suffrage-in-name-only/>.

398 David Andrew Weinberg, "Women voted in Saudi Arabia this week – but they only won 1% of available seats and still face systemic discrimination," *Business Insider*, 15 December 2015, <http://www.businessinsider.com/women-voted-in-saudi-arabia-this-week-but-they-only-won-1-of-available-seats-and-still-face-systematic-discrimination-2015-12>.

399 "My Country: How Saudi Arabia is Undermining Women's Newfound Right to Vote," ADHRB, 24 August 2015, <http://www.adhrb.org/2015/08/my-country-how-saudi-arabia-is-undermining-womens-newfound-right-to-vote/>.

400 "Saudi Women Respond to Exclusion from Voting: Baladi Campaign," *Jadaliyya*, 16 May 2011, http://www.jadaliyya.com/pages/index/1600/saudi-women-respond-to-exclusion-from-voting_balad.

401 "My Country: How Saudi Arabia is Undermining Women's Newfound Right to Vote," ADHRB, 24 August 2015, <http://www.adhrb.org/2015/08/my-country-how-saudi-arabia-is-undermining-womens-newfound-right-to-vote/>.

Tamador al-Yami.⁴⁰² All three women had previously been active in women's driving campaigns.⁴⁰³ The women appealed their suspensions;⁴⁰⁴ although the government reinstated al-Hathloul several days before the elections,⁴⁰⁵ officials rejected al-Sadah's appeal,⁴⁰⁶ and the results of al-Yami's appeal are uncertain.

While 21 women now serve on various councils, they have suffered discrimination in working alongside their male counterparts. At the January 2016 opening meeting of a newly-elected municipal council in Jeddah, male council members refused to sit with their two new female counterparts, and demanded that a partition be erected between them,⁴⁰⁷ when the women objected, they were made to move to the back of the hall.⁴⁰⁸ Several male council members also objected to having their photographs taken with female colleagues.⁴⁰⁹ Following this incident, the MoMRA issued new regulations stating that, during municipal council meetings, women councilors should work from a separate room and interact with their male colleagues through closed-circuit television.⁴¹⁰

Yet even as women enter politics at the municipal level, they have lost senior representation within higher levels of government. In April 2015, King Salman removed Norah al-Faiz from her position as deputy minister of education.⁴¹¹ Al-Faiz was the highest ranking women in the Saudi government and the only woman serving in a ministerial capacity.⁴¹² Since the beginning of his tenure in January 2015, the current king has not appointed another woman to a ministerial position.

Women's access to employment and education continues to expand in Saudi Arabia. From 2010 to 2013, the number of women working in the private sphere expanded from 55,000 to 454,000 individuals.⁴¹³ Women also received 64 percent of the bachelor's degrees awarded by Saudi universities between 2010 and 2012.⁴¹⁴ The relaxation of certain gendered labor regulations has accompanied gains in female employment. In November 2015, the government removed a clause from its 2005 Labor Law that prevented women from working in "hazardous" or "dangerous" jobs.⁴¹⁵ A 2012 regulation that limited lingerie shop employment to women has also opened the

402 Ahmed Al Omran, "Saudi Women Appeal Against Electoral Ban," The Wall Street Journal, 30 November 2015, <http://www.wsj.com/articles/saudi-women-appeal-against-electoral-ban-1448893590>.

403 Ibid.

404 Ibid.

405 Loujain Hathloul, "تم استرجاعي كمرشحة بعد الطعن بقرار اللجنة المحلية. وهنا قرار لجنة الفصل في الطعون والمخالفات," Twitter, 9 December 2015, <https://twitter.com/LoujainHathloul/status/674590707118665729>.

406 Nassima al-Sadah, "الانتخابات البلدية لمن يسأل، تم رفض الطعن الذي قدمته متأخرا وبدون تسبب فقدمت دعوى قضائية في المحكمة الادارية وجلستي الاثنين#," Twitter, 10 December 2015, <https://twitter.com/nasema33/status/67494822251622400>.

407 "Male councilors refuse to sit with female colleagues," Arab News, 9 January 2016, <http://www.arabnews.com/saudi-arabia/news/862506>.

408 Ibid.

409 Ibid.

410 Maha Akeel, "Saudi women's work and challenges in the council just starting," Saudi Gazette, 2 February 2016, <http://saudigazette.com.sa/opinion/saudi-womens-work-and-challenges-in-the-council-just-starting/>.

411 Ahmed Al Omran, "Saudi Minister's Removal Spurs Fears Among Women," The Wall Street Journal, 30 April 2015, <http://www.wsj.com/articles/saudi-ministers-removal-spurs-fears-among-women-1430430015>.

412 Ibid.

413 Louise Redvers, "Keys to The Kingdom: The slow rise of Saudi women," BBC, 9 April 2015, <http://www.bbc.com/capital/story/20150408-slow-gains-for-saudi-women>.

414 "Women constitute 13% of Saudi workforce: stats agency," Al Arabiya, 10 February 2015, <http://english.alarabiya.net/en/News/middle-east/2015/02/10/Women-constitute-13-of-Saudi-workforce-stats-agency.html>.

415 Holly Ellyatt, "Saudi Arabia opens up 'dangerous' jobs to women," CNBC, 23 November 2015, <http://www.cnbc.com/2015/11/23/saudi-arabia-opens-up-dangerous-jobs-to-women.html>.

door to women's employment in the trade of clothes and other commodities, such as handbags, shoes, and toys.⁴¹⁶

These positive developments, however, mask ongoing challenges for women attempting to enter the labor market. Despite the constituting the majority of college graduates in recent years, Saudi women form only 13 percent of the workforce.⁴¹⁷ Large retailers that hire women subject them to segregated workplaces.⁴¹⁸ While several women have been able to work as attorneys, the government forbids women from working as judges.⁴¹⁹

6. COMBAT THE TRAFFICKING OF CHILDREN

Technically Implemented
No Perceived Progress

138.44 Continue efforts regarding the rights of the child especially in relation to combatting child trafficking (Greece)

Child trafficking, and particularly the economic exploitation of children in the form of forced begging, remain a problem in Saudi Arabia. In 2014, Saudi authorities returned 647 Yemeni child beggars to the northern Yemeni city of Sa'dah.⁴²⁰ In August 2014, the MoSA stated that 90 percent of child beggars in Saudi Arabia were foreign-born, while 10 percent were citizens;⁴²¹ Saudi child beggars are eligible for entry into care and social reintegration programs coordinated by the MoSA, while non-nationals are subject to deportation.⁴²² In November 2014, the Council of Ministers promulgated the Child Protection Law, which prohibits the economic and sexual exploitation of children, although it fails to set clear legal sanctions for the perpetrators of these crimes.⁴²³ The Saudi government has also yet to take serious steps to curtail Saudi men from engaging in the early marriage of Syrian refugee girls.⁴²⁴

ADHRB fully examines the Saudi government's response to child trafficking in Section I.3 of this report.

416 Juliane von Mittelstaedt and Samiha Shafy, "Lifting the Veil: How Working Women Are Remaking Saudi Arabia," *Der Spiegel*, 23 June 2015, <http://www.spiegel.de/international/world/more-saudi-arabia-women-working-despite-limited-rights-a-1040135.html>.

417 "Women constitute 13% of Saudi workforce: stats agency," *Al Arabiya*, 10 February 2015, <http://english.alarabiya.net/en/News/middle-east/2015/02/10/Women-constitute-13-of-Saudi-workforce-stats-agency.html>.

418 Rachel Martin, "For Women in Saudi Arabia, Gender Segregation More Like a 'Glass Wall,'" *NPR*, 13 December 2015, <http://www.npr.org/2015/12/13/459554523/for-women-in-saudi-arabia-gender-segregation-more-like-a-glass-wall>.

419 Ibid.

420 "Yemen Situation Report: February 2015," UNICEF, http://www.unicef.org/mena/MENA-UNICEF_Yemen_SitRep_February_2015.pdf.

421 "'Ten percent' of child beggars in Saudi Arabia are nationals," *Al-Arabiya*, 11 August 2014, <http://english.alarabiya.net/en/News/middle-east/2014/08/11/10-of-child-beggars-are-Saudi-Ministry.html>; see also "المنة من أطفال الشوارع" سعوديون *Al-Hayat*, 10 August 2014, <http://www.alhayat.com/Articles/4049564/-%D8%A7%D9%84%D8%B4%D8%A4%D9%88%D9%86-%D8%A7%D9%84%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9%D9%8A%D8%A9--%D9%84%D9%80--%D8%A7%D9%84%D8%AD%D9%8A%D8%A7%D8%A9---10-%D9%81%D9%8A-%D8%A7%D9%84%D9%85%D8%A6%D8%A9-%D9%85%D9%86--%D8%A3%D8%B7%D9%81%D8%A7%D9%84-%D8%A7%D9%84%D8%B4%D9%88%D8%A7%D8%B1%D8%B9--%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D9%88%D9%86>.

422 Ibid.

423 "Saudi Arabia declares war on child abuse." *Arab News*, 18 November 2014, <http://www.arabnews.com/featured/news/661746>.

424 See Section D.4.

7. SET A MINIMUM MARRIAGE AGE

Not Accepted

138.36 Introduce a minimum marriage age of 18 years for both men and women (Germany)

The Saudi government did not accept this recommendation and has not introduced a minimum marriage age of 18 years for either men or women. Additionally, in December 2014 the Saudi Grand Mufti, the most prominent religious scholar in the country, publicly announced his opposition to proposed MoJ regulations to more closely vet early marriages.⁴²⁵

8. END MALE GUARDIANSHIP BY DECREE

Not Accepted

138.104 Put an end, by royal decree, to the system of guardianship of adult women (Switzerland)

The Saudi government did not accept this recommendation and has taken no significant steps to end the system of male guardianship over women.

Conclusion

Women remain unequal citizens in Saudi Arabia, and the authorities continue to subject them to a variety of restrictions, from travel to employment. The government has undertaken several initiatives to foster greater women's participation in the public sphere since its second UPR cycle, primarily in municipal politics and private-sector employment, but in both of these cases women are often segregated from their male counterparts. Moreover, the king removed the only woman serving at a ministerial position in government in 2015, and women are still forbidden from pursuing many careers, such as judgeship. Additionally, while it has instituted a number of notable technical measures aimed at criminalizing and combating violence against women and children, it is unclear if the authorities are properly enforcing them, or if they have had any noticeable impact on reducing the rates of abuse. Moreover, gendered barriers intrinsic to the male-dominated Saudi judiciary threaten to undermine much of the progress this new legislation could achieve.

Ultimately, the Saudi government has failed to couple many of its technical reforms with deeper changes to the inherently discriminatory arrangement that governs women's lives in Saudi Arabia. Despite its acceptance of recommendations to dismantle the male guardianship system, the Government of Saudi Arabia has chosen to interpret the system as necessary to ensure women's rights within the kingdom's legal structure – an interpretation that patently differs from that of the international community. Similarly, it has largely failed to match its technical improvements in the areas of combatting domestic violence and strengthening women's roles in the public sphere with more substantive measures to eliminate discrimination and secure gender equality in practice. ADHRB finds that the Saudi government has either only technically implemented the UPR recommendations for strengthening women's and children's rights, or it has failed to implement them at all.

⁴²⁵ Habib Toumi, "Saudi Arabia Grand Mufti says no opposition to underage marriage," Gulf News, 21 December 2014, <http://gulfnews.com/news/gulf/saudi-arabia/saudi-arabia-grand-mufti-says-no-opposition-to-underage-marriage-1.1429882>.

SECTION E

Dissemination and Education of a Human Rights Culture

The Saudi government fully accepted recommendations **138.61** and **138.62** concerning the development of a culture of human rights. The government also fully accepted recommendations **138.65**, **138.66**, and **138.67** concerning the promotion of human rights principles in school curricula. Finally, the government fully accepted recommendations **138.64**, **138.68**, **138.71**, and **138.97** concerning raising awareness on women's rights. In accepting these recommendations, the government stated:

*All recommendations under this section were accepted.*⁴²⁶

Brief Assessment

The Government of Saudi Arabia has taken nominal steps toward developing a culture of human rights. In the last two years, the government's Human Rights Commission has continued to organize events on various human rights issues, though little public information exists on the content of these events. The government allows one technically independent human rights NGO to operate, though it does not publish up-to-date information on its events.

The government additionally reports that it has begun to incorporate human rights education in school curricula. This statement cannot be verified, however, as the Ministry of Education does not publish its curriculum online. Notably, a prominent college for Saudi security forces offers a graduate program focusing on criminal justice and human rights. Still, while the government's Human Rights Commission claims that abuse has decreased because of such human rights training, detainees continue to regularly report being tortured by Saudi authorities.

Similarly, the government has undertaken limited measures to raise awareness of women's issues and to provide women additional rights. King Abdullah granted women the right to vote in municipal elections in 2011, and women participated in municipal elections in December 2015. The government also organized a campaign aimed at raising awareness of domestic abuse in 2013, followed by the passage of a draft law criminalizing domestic violence. However, the government has not detailed enforcement mechanisms for the law. Amendments to the labor law in 2015 actually entrenched discrimination against women, though the government did announce in November 2015 that it would allow women to work in fields once deemed too dangerous for their participation. While the government has made pledges to abolish the guardianship system, it remains intact, and women continue to face especially harsh punishments for violations of Sharia law. In light of these deficiencies, ADHRB finds that the Saudi government has only implemented its recommendations to disseminate a human rights culture on a technical level; its limited measures have not achieved this goal in practice.

⁴²⁶ A/HRC/25/3/Add.1, par. 13.

138.61 Develop the culture of human rights on the basis of awareness raising work and educational program (Uzbekistan); and

138.62 Continue positive efforts to increase a culture of human rights principles (Cuba);

Saudi Arabia has taken modest steps toward promoting a human rights culture since 2013. The government-sponsored Human Rights Commission continues to hold periodic events on human rights issues, including a December 2014 seminar on protections from human rights abuses and an October 2015 seminar on children's rights.⁴²⁷ In September 2015, the Commission announced a plan to train 6,200 civil and military employees on human rights issues across 14 provinces beginning in 2016.⁴²⁸ Furthermore, the King Abdulaziz Center for National Dialogue, established in 2003, continues to hold forums⁴²⁹ in which "representatives from across the whole spectrum of society participate" in discussions.⁴³⁰

These institutions do not always advance a culture of human rights in conformity with international standards, however. Following the Saudi government's execution of 47 individuals on 2 January 2016, for example, the Human Rights Commission endorsed the punishments.⁴³¹ This endorsement came despite the inclusion of nonviolent political dissidents, individuals arrested as minors, and persons with mental disabilities among the executed.⁴³²

Saudi officials allow one nominally independent human rights NGO to operate within the kingdom: the National Society for Human Rights (NSHR). The NSHR, which claims to operate financially and administratively independent of the government, states on its webpage that it "defends the human rights of citizens, residents, and visitors within and out[side] the Kingdom of Saudi Arabia."⁴³³ The NSHR, however, receives significant funding from a trust set up by the late King Fahd⁴³⁴ and only functions according to royal decree.⁴³⁵ Its website lists NSHR-organized events, including "lawyers and human rights" workshops and campaigns to spread a human rights culture for students and school staff, but it has not listed a new event since October 2013.⁴³⁶ In

427 Abdulaziz bin Othman al-Faleh 24 ,, هيئة حقوق الإنسان وتشخيص الإيذاء December 2014, <http://www.alriyadh.com/1006558>.

428 ,Akhbar 24, 13 September 2015 "116 حقوق الإنسان تستهدف 6200 مسؤول مدني وعسكري بقطاع" <http://akhbaar24.argaam.com/article/detail/234388/%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D8%AA%D8%B3%D8%AA%D9%87%D8%AF%D9%81-6200-%D9%85%D8%B3%D8%A4%D9%88%D9%84-%D9%85%D8%AF%D9%86%D9%8A-%D9%88%D8%B9%D8%B3%D9%83%D8%B1%D9%8A-%D8%A8%D9%8014-%D9%82%D8%B7%D8%A7%D8%B9%D8%A7>

429 "King Abdulaziz Center for National Dialogue Meeting Held," Ministry of Foreign Affairs, 1 October 2012, <http://www.mofa.gov.sa/sites/mofaen/ServicesAndInformation/news/GovernmentNews/Pages/NewsArticleID65099.aspx>.

430 A/HRC/WG.6/17/SAU/1, par. 27.

431 "هيئة حقوق الإنسان: أحكام القصاص حماية للمجتمع", Al Arabiya, 2 January 2016, <http://www.alarabiya.net/ar/saudi-today/2016/01/02/%D9%87%D9%8A%D8%A6%D8%A9-%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D8%A3%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D9%82%D8%B5%D8%A7%D8%B5-%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D9%84%D9%84%D9%85%D8%AC%D8%AA%D9%85%D8%B9.html>

432 Rori Donaghy, "REVEALED: Juvenile prisoners and mentally ill killed in Saudi executions," Middle East Eye, 8 January 2016, <http://www.middleeasteye.net/news/untold-story-prisoners-arrested-children-and-mentally-unwell-inmates-executed-saudi-8396661>.

433 "The Objectives and Functions of the Society," The National Society for Human Rights, http://nshr.org.sa/en/?page_id=55.

434 "Saudi Arabia 2014 Human Rights Report," U.S. Department of State, <http://www.state.gov/documents/organization/236832.pdf>, 3.

435 "The Royal Approval," National Society for Human Rights, 9 March 2004, http://nshr.org.sa/en/?page_id=127.

436 "The Events Organized by the Society," The National Society for Human Rights, <http://nshr.org.sa/en/?activity=fourth-the-events-organized-by-the-society>.

November 2015, an NSHR delegation visited Shaqra University to present and discuss a research project on racial discrimination.⁴³⁷ But, as the content of the NSHR's seminars are not available online, it is difficult to judge their efficacy in raising awareness of substantive human rights issues.

The Saudi government continues to play a role in the international human rights community. In summer 2015, Saudi Arabia hosted an international conference on human rights, attended by the president of the UN Human Rights Council (HRC), which focused on combating intolerance and violence related to religious belief.⁴³⁸ In September 2015, Saudi Arabia was appointed to a seat on an HRC panel that contributes to the selection of the human rights experts who staff the UN Special Procedures.⁴³⁹ Earlier in that same year, Saudi Arabia had considered seeking the presidency of the UN Human Rights Council, but it withdrew its bid due to international criticism.⁴⁴⁰

The behavior of Saudi officials within the Council itself has also caused controversy. In September 2014, the Saudi Ambassador to the UN, Hassan Trad, interrupted human rights defender Samar Badawi when she attempted to deliver an oral intervention to the Council on the imprisonment of activists in Saudi Arabia.⁴⁴¹ Upon Ms. Badawi's return to Saudi Arabia, the government banned her from further travel outside the country.⁴⁴²

2. PROMOTE HUMAN RIGHTS IN SCHOOL CURRICULA

Technically Implemented
No Perceived Progress

- 138.65** Continue efforts towards promotion of human rights education and awareness-raising in the country, inter alia, through inclusion of human rights and international humanitarian law in the syllabi of schools and universities (Armenia);
- 138.66** Continue to promote education in the area of human rights by including it in the school curriculum (Djibouti); and
- 138.67** Strengthen human rights education and training in school curricula (Senegal)

The government has made minimal strides to integrate human rights education and international human rights law into school curricula. According to Saudi newspapers, the “language of human

437 Shaqra University “114 زيارة وفد من كلية المجتمع بحريملاء شكر الطالبات مقر الجمعية الوطنية لحقوق الإنسان فرع الرياض” <http://colleges.su.edu.sa/Huraimila/FOCC/News/Pages/%D8%B2%D9%8A%D8%A7%D8%B1%D8%A9-%D9%88%D9%81%D8%AF-%D9%85%D9%86-%D9%83%D9%84%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%AC%D8%AA%D9%85%D8%B9-%D8%A8%D8%AD%D8%B1%D9%8A%D9%85%D9%84%D8%A7%D8%A1-%D8%B4%D8%B7%D8%B1-%D8%A7%D9%84%D8%B7%D8%A7%D9%84%D8%A8%D8%A7%D8%AA-%D9%85%D9%82%D8%B1-%D8%A7%D9%84%D8%AC%D9%85%D8%B9%D9%8A%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%A9-%D9%84%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86-%D9%81%D8%B1%D8%B9-%D8%A7%D9%84%D8%B1%D9%8A%D8%A7%D8%B6-.aspx>

438 Adam Withnall, “Saudi Arabia hosts UN-backed human rights summit ‘on combating religious discrimination,’” The Independent, 7 June 2015, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-hosts-un-backed-human-rights-summit-on-combating-religious-discrimination-10303616.html>.

439 Tom Brooks-Pollock, “Anger after Saudi Arabia ‘chosen to head key UN human rights panel,’” The Independent, 20 September 2015, <http://www.independent.co.uk/news/world/anger-after-saudi-arabia-chosen-to-head-key-un-human-rights-panel-10509716.html>.

440 Christopher Ingram, “Why one of the world’s worst human rights offenders is leading a U.N. human rights panel,” The Washington Post, 28 September 2015, <https://www.washingtonpost.com/news/wonk/wp/2015/09/28/why-one-of-the-worlds-worst-human-rights-offenders-is-leading-a-un-human-rights-panel/>.

441 “مواطنه سعودية تشتكي آل سعود في الأمم المتحدة”; YouTube, 18 September 2014, <https://www.youtube.com/watch?v=VVo3L-UdgVs>.

442 “Saudi Arabia: Human rights defender Samar Badawi banned from travel prior to EU meeting,” Gulf Center for Human Rights, 3 December 2014, <http://www.gc4hr.org/news/view/838>.

rights” has slowly begun to enter university programs,⁴⁴³ and the Saudi government points to the establishment of the National Human Rights Education Committee, which receives input from 10 governmental bodies, as evidence of its commitment to human rights-focused education. Unfortunately, it is unclear what the Committee does. Other than a series of public statements made in 2012 by the Committee’s president, Dr. Nayef al-Roumi, concerning its general progress in instituting human rights curricula in public schools, little is known of its activities.⁴⁴⁴

Additionally, King Fahd Security College has, for the academic year corresponding to 2015-2016 (1436-1437 AH), begun to offer a graduate program in criminal justice and human rights, although only to security officers who are candidates for the rank of captain.⁴⁴⁵ Course subjects reportedly include Saudi criminal procedure, human rights in Sharia law, and international human rights law.⁴⁴⁶

In a July 2013 summary of the Human Rights Commission’s annual report, a Saudi newspaper stated that the Human Rights Commission claimed that incidences of torture had declined because of such increased human rights and criminal justice training within the security forces.⁴⁴⁷ On the contrary, continuous reports of torture and abuse in Saudi Arabia demonstrate that these courses have failed to produce measurable changes in security forces’ behavior.⁴⁴⁸ Additionally, Ministry of Education curricula and textbooks cannot be publicly accessed, so it is impossible to assess whether course materials on human rights and international human rights law adequately work towards improving the human rights culture in Saudi Arabia’s school system.

3. RAISE AWARENESS ON WOMEN’S RIGHTS

Technically Implemented
No Perceived Progress

- 138.64** Continue to adopt legal and political measures, along with widespread awareness-raising and sensitization campaigns aimed at continuing to make progress towards gender equality, in particular in the areas of the family, labour, politics and education (Paraguay);
- 138.68** Continue taking measures and setting awareness programs aimed at enhancing women’s rights in different spheres including programmes that aim at clearing the misconception between Islamic sharia and negative cultural norms (Egypt);
- 138.71** Further promote equal treatment between women and men by increasing national awareness campaigns on gender equality, especially on women’s rights (Cambodia); and

443 Essa, Ahmed. “التعليم وثقافة حقوق الإنسان.” Alhayat. September 17, 2014. Accessed January 23, 2015. <http://alhayat.com/Opinion/ahmed-alisa/4630215/%D8%A7%D9%84%D8%AA%D8%B9%D9%84%D9%8A%D9%85-%D9%88%D8%AB%D9%82%D8%A7%D9%81%D8%A9-%D8%AD%D9%82%D9%88%D9%82-%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86>

444 “الرومي: حققنا إنجازات في تربية الطلاب على حقوق الإنسان” Al-Watan, 23 May 2012, http://www.alwatan.com.sa/Local/News_Detail.asp?ArticleID=100541&CategoryID=5; “السعودية ماضية في دمج قيم حقوق الإنسان ضمن المنظمات التربوية”, Al-Sharq Al-Awsat, 8 October 2012, <http://archive.aawsat.com/details.asp?section=43&article=698809&issueno=12368#.Vpg3KBURiFl>.

445 “برامج الدبلومات العليا بالمعهد العالي للدراسات الأمنية”, The Higher Institute for Security Studies at King Fahad Security College, Curriculum for 1436-1457 AH (2015-2016), http://www.kfsc.edu.sa/HigherInstitute/Documents/%D8%A8%D8%B1%D8%A7%D9%85%D8%AC_%D8%A7%D9%84%D8%AF%D8%A8%D9%84%D9%88%D9%85%D8%A7%D8%AA_%D8%A7%D9%84%D8%B9%D9%84%D9%8A%D8%A7_%D8%A8%D8%A7%D9%84%D9%85%D8%B9%D9%87%D8%AF_%D8%A7%D9%84%D8%B9%D8%A7%D9%84%D9%8A_%D9%84%D9%84%D8%AF%D8%B1%D8%A7%D8%B3%D8%A7%D8%AA_%D8%A7%D9%84%D8%A3%D9%85%D9%86%D9%8A%D8%A9_%D9%84%D9%84%D8%B9%D8%A7%D8%A7%D9%84%D8%AF%D8%B1%D8%A7%D8%B3%D9%8A_1436-1437.pdf, 13-16.

446 Ibid.

447 “هيئة حقوق الإنسان تصدر تقريراً عن حالة حقوق الإنسان في المملكة”, Al-Eqtisadiah, 3 July 2013, http://www.aleqt.com/2013/07/03/article_767548.html.

448 Refer to Section M.1 in this report for further discussion on torture in Saudi Arabia.

138.97 Launch additional awareness programmes that aim at enhancing the degree of awareness of women's rights and address the misconception between sharia law and negative cultural patterns (Oman)

Since 2013, Saudi Arabia has undertaken several limited measures to grant women additional rights in the kingdom. In 2011, King Abdullah granted women the right to vote in elections and run for office and⁴⁴⁹ December 2015's municipal elections featured both female candidates and voters for the first time in the country's history.⁴⁵⁰

Women's rights activists in Saudi Arabia, however, have informed ADHRB that the Saudi government did not organize public-awareness campaigns to market the elections to women.⁴⁵¹ Furthermore, the government interfered with civil society organizations that attempted to raise awareness around the elections for women. In August 2015, for example, the Ministry of Social Affairs shut down election training workshops organized by the Baladi Initiative, a project that aims to increase women's role in Saudi society.⁴⁵²

Certain individuals affiliated with the government have also taken steps to publicize and curtail domestic violence against women. In May 2013, the King Khalid Foundation, a charitable organization directed by Princess Banderi A.R. Al Faisal, launched its first major campaign against domestic violence, entitled the "No More Abuse" campaign.⁴⁵³ The foundation published large newspaper advertisements displaying a woman with a black eye⁴⁵⁴ and provided figures on domestic violence and emergency resources on the campaign's website.⁴⁵⁵ This campaign contributed to the adoption of a draft law criminalizing domestic abuse in August 2013.⁴⁵⁶ Since that year, however, the campaign has appeared to be inactive, and its dedicated website, "No More Abuse," now looks to be defunct.⁴⁵⁷

The government has not taken any noticeable actions to raise awareness of how Sharia law impacts women's rights. The guardianship system remains intact despite mass international criticism and government pledges to abolish it.⁴⁵⁸ Policies and practices forbid women from marrying, traveling, and accessing higher education without the approval of their male guardian.⁴⁵⁹ In a limited step in April 2014, the Shura Council asked the Ministry of Education to consider the possibility of offering physical education courses to girls in public school, provided the students comply with

449 Saudi women candidates register for historic elections," Al Jazeera, 30 August 2015, <http://www.aljazeera.com/news/2015/08/saudi-women-candidates-register-historic-elections-150830154028791.html>.

450 Ibid.

451 "It Is Our Right': Saudi Women Speak on the Positives, Pitfalls of Municipal Elections," ADHRB, January 2016, pg. 6.

452 Adam Coogle, "Dispatches: Saudi Women Registering to Vote is a Start," Human Rights Watch, 20 August 2015, <https://www.hrw.org/news/2015/08/20/dispatches-saudi-women-registering-vote-start>.

453 Caitlin Dewey, "Saudi Arabia launches powerful ad campaign against domestic violence," The Washington Post, 1 May 2013, <https://www.washingtonpost.com/blogs/worldviews/wp/2013/05/01/saudi-arabia-launches-powerful-ad-campaign-against-domestic-violence/>; See also Daisy Carrington, "Can Saudi Arabia's first anti-domestic violence advert make a difference?" CNN, 12 May 2013, <http://www.cnn.com/2013/05/12/world/meast/saudi-arabia-anti-domestic-abuse-campaign/>.

454 Daisy Carrington, "Can Saudi Arabia's first anti-domestic violence advert make a difference?" 12 May 2013, <http://www.cnn.com/2013/05/12/world/meast/saudi-arabia-anti-domestic-abuse-campaign/>.

455 "وما خفو كان أعظم", King Khalid Foundation, <http://www.kkf.org.sa/ar/Pages/nomoreabuse.aspx>.

456 "Saudi Arabia: New Law to Criminalize Domestic Abuse," Human Rights Watch, 3 September 2013, <https://www.hrw.org/news/2013/09/03/saudi-arabia-new-law-criminalize-domestic-abuse>

457 "No More Abuse," King Khalid Foundation, <http://www.kkf.org.sa/nomoreabuse/default.aspx>.

458 See Section D.1 for further discussion of the guardianship system.

459 "Word Report 2015: Saudi Arabia," Human Rights Watch, <https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia>.

Sharia rules on dress and gender segregation.⁴⁶⁰

In June 2015, at the launch of a new campaign entitled “Your Passport, Your Identity,” the director general of the passport office announced that Saudi Arabia was considering plans to lift restrictions on women traveling without a man’s permission.⁴⁶¹ An official additionally stated that new regulations were being drafted so that women would no longer have to request permission from various ministries for permission to travel.⁴⁶² In July 2015, the Saudi newspaper Arab News reported that women had begun traveling abroad without a *mahram* (male relative escort), in groups with other women and with their children.⁴⁶³ Nevertheless, as of February 2016, it could not be confirmed that the new travel regulations had been instituted; some media outlets have reported that they remain under consideration but are suspected to be vetoed by the kingdom’s religious authorities.⁴⁶⁴ For more on women’s travel restrictions, see Section D.

Conclusion

Since the beginning of its second UPR cycle, the Saudi government has made negligible progress in disseminating a culture of human rights. The government’s Human Rights Commission, and the government-influenced NSHR continue to hold workshops, seminars, and trainings for the police and the general public, but it remains difficult to assess the efficacy of these efforts, especially given the ongoing reports of torture in custody and limited public progress on women’s rights. Government claims that human rights principles have been integrated into public school curricula are also difficult to assess given the lack of public access to Ministry of Education textbooks. The offering of high-level graduate courses on human rights and international human rights law at the King Fahd Security College represents a promising step toward the dissemination of a human rights culture within the Saudi security forces, but this program is substantially limited in scope, and the actual value of its content remains difficult to measure.

Moreover, few of these institutions or initiatives have significantly deviated from the status quo that existed prior to Saudi Arabia’s second UPR cycle. The Human Rights Commission’s endorsement of the government’s mass execution in January 2016, for example, calls into question its fundamental commitment to upholding international human rights standards. Rather than demonstrating a deepened commitment to human rights culture, Saudi Arabia’s enlarged role at the HRC has engendered significant controversy due to the government’s continued harassment of human rights defenders, such as Samar Badawi at the HRC itself. Additionally, the government’s efforts to raise awareness about women’s rights have been mostly symbolic or piecemeal; while permitting women to participate in the 2015 municipal elections was a very positive step, the government’s failure to conduct outreach around the election process – and its suspension of an organization attempting to do so – constitutes a missed opportunity to substantively promote women’s advancement in Saudi society. Therefore, although the government has enacted a number of reforms that ostensibly promote a culture of human rights, the cosmetic nature of these improvements prevents ADHRB from concluding that they have been implemented on anything more than a purely technical level.

460 “Saudi Arabia moves to allow girls to play sports in school,” Al Jazeera America, 9 April 2014, <http://america.aljazeera.com/articles/2014/4/9/saudi-arabia-movestoallowgirlstplaysportsinschool.html>.

461 Adam Withnall, “Saudi Arabia is to lift laws that ban women from traveling without a man’s permission,” The Independent, 9 June 2015, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-is-to-lift-laws-that-ban-women-from-travelling-without-a-mans-permission-10308153.html>.

462 Ibid.

463 Nadia al-Fawaz, “Saudi women travel with friends abroad without mahram,” Arab News, 28 July 2015, <http://www.arabnews.com/saudi-arabia/news/782906>.

464 “Eleven things women in Saudi Arabia cannot do,” The Week, 4 February 2016, <http://www.theweek.co.uk/60339/eleven-things-women-in-saudi-arabia-cant-do>

SECTION F

Death penalty and corporal punishment

The Government of Saudi Arabia partially supported recommendations **138.126** and **138.130** concerning the abolition of the death penalty for minors (children under the age of 18). In partially accepting these recommendations, the government stated:

The death penalty is abolished for minors, and is not carried out against children. It should be noted that the definition of a child under the laws of the kingdom is in line with Article 1 of the Convention on the Rights of the Child.⁴⁶⁵

Additionally, the government fully supported recommendation **138.123** concerning greater transparency and openness for legal proceedings for which capital punishment is a possible outcome. In fully accepting this recommendation, the government stated:

The death penalty is only issued for the most serious crimes, and the kingdom's systems provide guarantees of a fair trial, legal proceedings, and criminal procedure regulations that comply with international standards.⁴⁶⁶

The government also partially accepted recommendations **138.124** and **138.125** concerning the reconsideration of the death penalty and the establishment of alternatives to its use. In partially accepting these recommendations, the government referred to paragraphs 34 through 37 of its national report submitted in preparation for the second UPR cycle.⁴⁶⁷ Within this report, paragraph 36 stated:

No authority in the State is empowered to modify or suspend the penalties of retribution and doctrinal punishment prescribed, respectively, for qisas or hadd offences, as they are categorically provided for in sharia law, with no leeway for interpretation. These penalties are confined to specific offences for which no conviction can be handed down unless the evidence is so conclusive as to leave no room for doubt, which is in keeping with the Kingdom's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Furthermore, they were prescribed by Islam in order to preserve life, safeguard the supreme interests of society and deter any attempt to violate those interests. Killing thus incurs a qisas penalty as a just retaliation equivalent to the offense committed.⁴⁶⁸

The government rejected outright recommendations **138.118**, **138.119**, **138.120**, **138.121**, **138.122**, and **138.129** concerning the direct abolition of the death penalty and corporal punishment. Finally, the government also rejected **138.40**, **138.127**, and **138.128** concerning the direct abolition of capital and corporal punishment for individuals who commit crimes under the age of 18. In rejecting these recommendations, the government stated:

[T]he Kingdom emphasizes that corporal punishments in its regulations do not fall within the concept of torture and degrading treatment, in accordance with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.⁴⁶⁹

⁴⁶⁵ A/HRC/25/3/Add.1, par. 15.

⁴⁶⁶ Ibid., par. 14.

⁴⁶⁷ Ibid., par. 16.

⁴⁶⁸ A/HRC/WG.6/17/SAU/1

⁴⁶⁹ A/HRC/25/3/Add.1, par. 16.

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During the current UPR period, Saudi Arabia has made no efforts to abolish the death penalty or corporal punishment. It has not only failed to establish a moratorium on the use of the death penalty, but also starkly increased the number of executions in the last two years. Prosecutions involving the death penalty frequently proceed under conditions of at least partial secrecy. Furthermore, corporal punishment remains legal under Saudi law. Despite acceding to the UN Convention on the Rights of the Child (CRC), the Government of Saudi Arabia has neither abolished the death penalty nor corporal punishment for minors, and the government has sentenced a number of minors to death in recent years. As a result, ADHRB finds that the government has failed to implement its UPR recommendations concerning the death penalty and corporal punishment.

1. ABOLISH DEATH PENALTY FOR MINORS

Not Implemented
No Perceived Progress

138.126 Abolish the death penalty for all individuals considered as minors under international law (Switzerland); ensure that capital punishment is not imposed for offences committed by persons under 18 years of age (Austria); and

138.130 End the practice of executing children and bring the law and judicial practices into line with fair trial guarantees in international standards (Norway)

The Government of Saudi Arabia acceded to the UN Convention on the Rights of the Child (CRC) in 1996.⁴⁷⁰ Article 37(a) states that “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.”⁴⁷¹

Despite its accession to the CRC, Saudi law does not fully define the legal age for adulthood, nor does it prohibit the execution of minors.⁴⁷² In order to decide whether a defendant qualifies as a child – and is therefore protected from the death penalty – Saudi judges are free to exercise their own discretion to determine whether physical signs of puberty are present at the time of the trial.⁴⁷³ In past cases, children have been sentenced to death for crimes committed when they were as young as 13 years old.⁴⁷⁴

Since the beginning of its second UPR cycle, the government has sentenced several men to death for alleged crimes committed as minors. In May 2014, the Specialized Criminal Court (SCC) sentenced youth protester Ali al-Nimr to death for crimes he reportedly committed at the age of 17, including nonviolent offenses such as “breaking allegiance with the ruler” and “going out to a number of marches, demonstrations, and gatherings.”⁴⁷⁵ On 14 October 2014, the Specialized Criminal Court (SCC) sentenced two other individuals to death for crimes they purportedly

470 “Status of Ratification Interactive Dashboard: Saudi Arabia,” The Office of the High Commission for Human Rights, 2014, <http://indicators.ohchr.org/>.

471 Convention on the Rights of the Child, UN General Assembly, adopted 20 November 1989, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

472 “Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty,” Human Rights Watch, 8 October 2010, <https://www.hrw.org/news/2010/10/08/iran-saudi-arabia-sudan-end-juvenile-death-penalty>.

473 Adam Coogler, “Saudi Arabia’s Troubling Death Sentence,” Human Rights Watch, 26 September 2015, <https://www.hrw.org/news/2015/09/26/saudi-arabias-troubling-death-sentence>.

474 “Iran, Saudi Arabia, Sudan: End Juvenile Death Penalty,” Human Rights Watch, 8 October 2010, <https://www.hrw.org/news/2010/10/08/iran-saudi-arabia-sudan-end-juvenile-death-penalty>.

475 “Saudi Arabia Must Not Execute Ali Mohammed Baqir al-Nimr,” Amnesty International, <https://act.amnestyusa.org/ea-action/action?ea.client.id=1839&ea.campaign.id=42755>.

committed as minors.⁴⁷⁶ In May 2012, authorities arrested Dawood Hussein al-Marhoon when he was 17 years old for allegedly participating in anti-government rallies.⁴⁷⁷ Security forces arrested Abdullah Hasan al-Zaher for similar offenses in March 2012, when he was still 16 years of age.⁴⁷⁸

Ali, Dawood, Abdullah, and their families maintain that the Government of Saudi Arabia repeatedly violated their due process rights during their respective legal proceedings. Law enforcement officials detained Ali without charge for nearly nine months before taking him before a judge, and they did not allow him access to a lawyer during this time.⁴⁷⁹ Private sources on the ground informed ADHRB that officials tortured Ali into confessing. The court later found Ali guilty on the basis of this confession, despite Ali's assertion that he had signed the confession under duress without reading it.⁴⁸⁰ Abdullah and Dawood also reported through interlocutors that officials had tortured them in order to coerce them into confessing.⁴⁸¹ Saudi authorities also denied them access to legal counsel during their trials.⁴⁸² These due process violations contravene Saudi Arabia's obligations under the CRC, which stipulates, "Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance."⁴⁸³

On 2 January 2016, the Saudi government conducted a mass execution of 47 prisoners, including at least four individuals sentenced for crimes committed as minors.⁴⁸⁴ Among them was Chadian national Mustafa Abkar, who Saudi authorities arrested in 2003 when he was only 13 years old.⁴⁸⁵ Security officials detained Abkar and at least two other Chadian minors for allegedly attending an Islamic education program that "turned out to be a terrorist criminal course."⁴⁸⁶ An anonymous source has informed international media that a Saudi court sentenced Abkar to death in 2014, eleven years after he was arrested.⁴⁸⁷ The source reported that the authorities prevented Abkar from accessing an attorney, and only brought him before the court once.⁴⁸⁸ Yahya Assiri of the Saudi human rights organization *Al Qst* has described the case as "completely secret."⁴⁸⁹ The current status of the other two Chadian minors arrested with Abkar is unknown.

476 "Saudi Arabia: Fears grow that three young activists could soon be executed," Amnesty International, 16 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/saudi-arabia-three-young-activists-could-soon-be-executed/>.

477 Ibid.

478 Michael Kaplan, "Who Is Abdullah Al-Zaher? Saudi Arabian Teenager Set For Execution By Beheading For Anti-Government Protest," International Business Times, 21 December 2015, <http://www.ibtimes.com/who-abdullah-al-zaher-saudi-arabian-teenager-set-execution-beheading-anti-government-2234466>.

479 Adam Coogly, "Saudi Arabia's Troubling Death Sentence," Human Rights Watch, 26 September 2015, <https://www.hrw.org/news/2015/09/26/saudi-arabias-troubling-death-sentence>.

480 Confidential source.

481 "Saudi Arabia: Fears grow that three young activists could soon be executed," Amnesty International, 16 October 2015, <https://www.amnesty.org/en/latest/news/2015/10/saudi-arabia-three-young-activists-could-soon-be-executed/>.

482 "Abdullah Al-Zaher...A Saudi Citizen. Despite Being Arrested as a Child, Saudi Arabia Is Set To Kill Him After Prosecutors Demand Crucifixion," European-Saudi Organisation for Human Rights, 14 October 2015, <http://www.esohr.org/en/?p=505>; see also "Dawood al-Marhoon," Reprieve, 2015, <http://www.reprieve.org.uk/case-study/dawood-al-marhoon/>.

483 Convention on the Rights of the Child, UN General Assembly, adopted 20 November 1989, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

484 Rori Donaghy, "REVEALED: Juvenile prisoners and mentally ill killed in Saudi executions," Middle East Eye, 8 January 2016, <http://www.middleeasteye.net/news/untold-story-prisoners-arrested-children-and-mentally-unwell-inmates-executed-saudi-8396661>

485 Ibid.

486 Ibid.

487 Ibid.

488 Ibid.

489 Ibid.

The government also executed Mishaal al-Farraj on 2 January, a Saudi national sentenced to death for allegedly joining al-Qaeda in 2004, when he was 17 years old.⁴⁹⁰ Security officials reportedly tortured al-Farraj, denied him legal counsel, and held him for years without trial.⁴⁹¹

Nearly a month after the mass execution, the human rights organization Reprieve found that Saudi authorities had executed a third individual for a crime allegedly committed as a minor, Ali Saeed al-Rebh.⁴⁹² Security forces arrested al-Rebh at his school on 12 February 2012 for reportedly participating in protests in the Eastern Province the previous year, when he was 17.⁴⁹³ According to Reprieve, the government did not inform al-Rebh's family of his execution and has failed to reveal where he was buried.⁴⁹⁴

VICE News reported in April 2016 that the mass execution included a fourth individual that had been sentenced for offenses allegedly committed as a minor.⁴⁹⁵ According to the European Saudi Organization for Human Rights, the authorities arrested Amin Mohammed Aqla al-Ghamidi for his alleged involvement with an al-Qaeda plot in 2003; he was 14 years old at the time.⁴⁹⁶ Al-Ghamidi's father told local media outlets that his son had been detained while he was walking along a street in Mecca with a schoolmate.⁴⁹⁷

2. INCREASE TRANSPARENCY IN CAPITAL PUNISHMENT CASES

Not Implemented
No Perceived Progress

138.123 Carry out further efforts to increase the transparency and openness of legal proceedings contemplating death sentences (Italy)

Legal proceedings in Saudi Arabia consistently fail to meet international standards of transparency and openness. Defendants have repeatedly reported a lack of consistent access to counsel, the commencement of secret hearings, and incommunicado or indefinite detention.⁴⁹⁸

Saudi Arabia has frequently conducted legal proceedings in death penalty cases in at least partial secrecy, and neither judicial nor other law enforcement officials have taken noticeable steps to increase transparency in these cases.⁴⁹⁹ Though Article 155 of the Law of Criminal Procedure mandates that court hearings shall be public, the law also enables judges to close hearings under exceptional circumstances, including for "security reasons," "maintenance of public morality," or if a closed hearing "is deemed necessary for determining the truth."⁵⁰⁰ Authorities regularly close

490 Ibid.

491 Ibid.

492 "Juvenile protester was among Saudi mass-execution victims, new information shows," Reprieve, 25 January 2016, <http://www.reprieve.org.uk/press/juvenile-protester-was-among-saudi-mass-execution-victims-new-information-shows/>

493 Ibid.

494 Ibid.

495 Miriam Wells and Namir Shabibi. "These Are the Juvenile 'Offenders' Saudi Arabia Executed in January." VICE News, 26 April 2016, <https://news.vice.com/article/these-are-the-juvenile-offenders-saudi-arabia-executed-in-january>

496 Ibid.

497 Ibid.

498 Refer to section B.5 for a more thematic discussion of transparency of legal proceedings.

499 "Death Sentences and Executions: 2014," Amnesty International, 2015, https://www.amnestyusa.org/pdfs/DeathSentencesAndExecutions2014_EN.pdf, pg. 51.

500 "Law of Criminal Procedure," Government of Saudi Arabia, 2001, accessed 2 February 2016, <https://www.saudiembassy.net/about/country-information/laws/CriminalProcedures2001-3of3.aspx>.

hearings even when these standards are not met.⁵⁰¹ Both the 2014⁵⁰² and 2015⁵⁰³ U.S. Department of State Human Rights Reports on Saudi Arabia noted that closed proceedings in some capital cases made it impossible to determine whether defendants were able to present a defense or exercise basic due process rights. Authorities rarely allow defendants in death penalty cases formal representation, and they frequently do not inform defendants of progress in legal proceedings against them.⁵⁰⁴

The increasing use of the Specialized Criminal Court (SCC) to adjudicate cases involving the death penalty has exacerbated this lack of transparency, as the SCC has more expansive authorities by which to conduct trials in secret and in the absence of the accused.⁵⁰⁵ Since the start of Saudi Arabia's second UPR cycle, the SCC has sentenced several men to death after closed legal proceedings. Sources have informed ADHRB that the court secretly convened hearings in the trials of protesters Ali Saeed al-Rebh, Reda Jafar al-Rebh, Ali al-Nimr, Mohammed Faisal al-Shioukh, Abdullah al-Zaher, Dawood al-Marhoon, and Mohammed al-Suwaimel, seven young Eastern Province protesters.⁵⁰⁶ The judge sentenced all seven individuals to death, though the court later downgraded Reda Jafar al-Rebh's sentence to 25 years in prison.⁵⁰⁷ On 2 January 2016, the Saudi government executed Ali Saeed al-Rebh, Mohammed Faisal al-Shioukh, and Mohammed al-Suwaimel.⁵⁰⁸

The trial of Sheikh Nimr Baqir al-Nimr, an opposition activist and Muslim cleric, suffered from similar due process violations. Throughout his legal proceedings Sheikh Nimr was denied consistent access to legal counsel, with authorities often informing his lawyer of hearing dates either a day before or not at all.⁵⁰⁹ Additionally, the court refused Sheikh Nimr's defense team the opportunity to cross-examine the government's witnesses, and Saudi officials replaced the judge in the middle of the trial.⁵¹⁰ The SCC sentenced Sheikh Nimr to death on 15 October 2014 and carried out his execution on 2 January 2016.⁵¹¹

501 "Mapping the Saudi State, Chapter 8: The Judiciary and Ministry of Justice," ADHRB, November 2015, http://www.adhrb.org/wp-content/uploads/2015/10/2015.10.26_MSS-Ch-8_MoJ.pdf, pg. 8.

502 "Saudi Arabia 2014 Human Rights Report," U.S. Department of State, <http://www.state.gov/documents/organization/236832.pdf>.

503 "Saudi Arabia 2015 Human Rights Report," U.S. Department of State, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>

504 Sentences and Executions: 2014," Amnesty International, 2015, https://www.amnestyusa.org/pdfs/DeathSentencesAndExecutions2014_EN.pdf, pg. 51.

505 For further discussion of the SCC's lack of transparency, refer to Section B.

506 Confidential source.

507 "Mapping the Saudi State, Chapter 8: The Judiciary and Ministry of Justice," ADHRB, November 2015, http://www.adhrb.org/wp-content/uploads/2015/10/2015.10.26_MSS-Ch-8_MoJ.pdf, pg. 8-9.

508 Tracy McVeigh and Martin Chulov, "US warns Saudi Arabia's execution of prominent cleric risks inflaming sectarian tensions," *The Guardian*, 3 January 2016, <http://www.theguardian.com/world/2016/jan/02/saudi-arabia-cleric-execution-unrest-predicted-shia-areas>; see also Chris Green, "Saudi Arabia executions: The political protesters who were killed – and those still on death row," 3 January 2016, <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-executions-the-political-protesters-who-were-killed-and-those-still-on-death-row-a6795016.html>.

509 Mandates of the UN Special Procedures to the Government of Saudi Arabia concerning the case of Sheikh Nimr Baqir al-Nimr, 17 November 2014, [https://spdb.ohchr.org/hrdb/28th/public_-_UA_Saudi_Arabia_17.11.14_\(12.2014\).pdf](https://spdb.ohchr.org/hrdb/28th/public_-_UA_Saudi_Arabia_17.11.14_(12.2014).pdf).

510 "Saudi Arabia: Appalling death sentence against Shi'a cleric must be squashed," Amnesty International, 15 October 2014, <https://www.amnesty.org/en/latest/news/2014/10/saudi-arabia-appalling-death-sentence-against-shi-cleric-must-be-quashed/>.

511 "Sheikh Nimr al-Nimr: Saudi Arabia executes top Shia cleric," BBC News, 2 January 2016, <http://www.bbc.com/news/world-middle-east-35213244>.

3. RECONSIDER USE OF CAPITAL PUNISHMENT

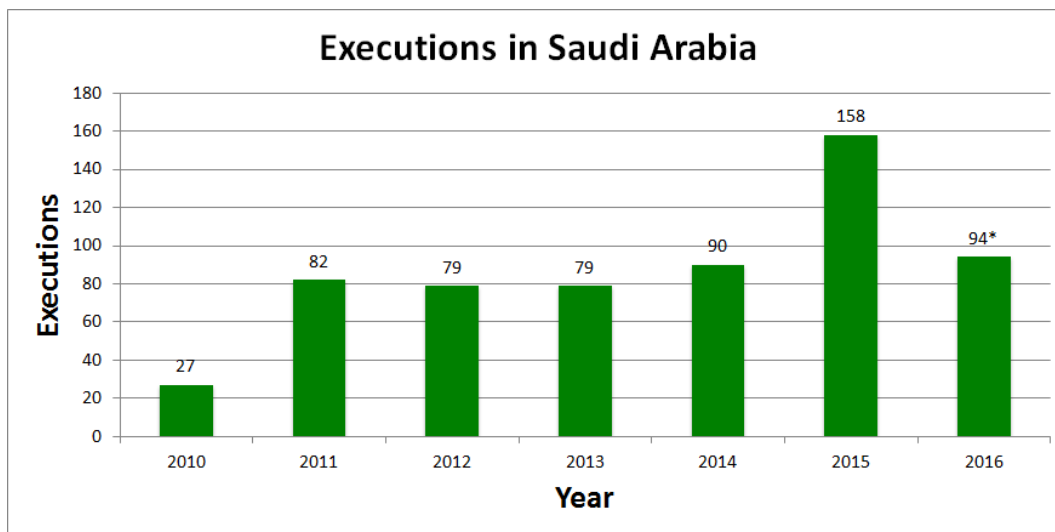
Not Implemented
No Perceived Progress

138.124 Establish a moratorium on the use of the death penalty with a view to abolition, and in the meantime, immediately stop imposing the death penalty on anyone under the age of 18; bring the law and judicial practices in line with international fair trial guarantees and reduce the number of crimes which carry the death penalty as sanction (Lithuania); and

138.125 Establish alternative punishments to the death penalty and suspend the application of the death penalty for less serious offences and for people who were minors at the time of their crimes, in the perspective of a moratorium on executions (France)

The Government of Saudi Arabia has carried out executions with increasing frequency in recent years. From a low of 27 in 2010,⁵¹² the government has conducted more than 75 executions each year for the past five years.⁵¹³ The government executed 90 people in 2014, giving Saudi Arabia the third-highest total of any country that year.⁵¹⁴ In 2015, the government carried out 158 executions.⁵¹⁵ Two days into 2016, the government conducted a mass execution of 47 people;⁵¹⁶ as of 24 May, Saudi Arabia has reportedly executed 94 people in 2016, putting it on pace to double its 2015 total.⁵¹⁷ Please refer to Table 2, below, for further details:

Table 2



* Figures from 2016 reference only the period from 1 January 2016 to 24 May 2016.

512 "Death Sentences and Executions in 2010," Amnesty International, 28 March 2011, <https://www.amnesty.org/en/documents/ACT50/001/2011/en/>.

513 "Saudi Arabia – Executions," Middle East Eye, <http://www.middleeasteye.net/multimedia/infographics/saudi-arabia-executions-863498548>.

514 "The death penalty in Saudi Arabia: Facts and Figures," Amnesty International, 25 August 2015, <https://www.amnesty.org/en/latest/news/2015/08/the-death-penalty-in-saudi-arabia-facts-and-figures/>.

515 "Saudi Arabia: Mass Execution Largest Since 1980," Human Rights Watch, 4 January 2016, <https://www.hrw.org/news/2016/01/04/saudi-arabia-mass-execution-largest-1980>.

516 Angus McDowall, "Shi'ite cleric among 47 executed in Saudi Arabia, stirring anger in the region," Reuters, 2 January 2016, <http://www.reuters.com/article/saudi-security-idUSKBN0UG03F20160103>.

517 "Saudi executed for murder," The Manila Times, 24 May 2016, <http://www.manilatimes.net/saudi-executed-for-murder/263870/>

The government continues to impose the death penalty for a variety of crimes, including nonviolent offenses. Nonviolent offenses that warrant the death penalty include adultery, apostasy, drug-related offenses, witchcraft, and sorcery.⁵¹⁸ In 2014, the government executed at least 31 persons for nonviolent crimes.⁵¹⁹ According to the UK NGO Reprieve, 72% of the individuals on death row in Saudi Arabia as of October 2015 had been sentenced for non-violent crimes, including drug-related offenses and attending political demonstrations.⁵²⁰

In November 2015, the government sentenced Palestinian poet Ashraf Fayadh to death after convicting him of apostasy based on the contents of his poetry.⁵²¹ On 2 February 2016, Fayadh's attorney announced that the government had reduced his sentence to 800 lashes, 8 years in prison, and a public apology.⁵²²

4. ABOLISH OR SUSPEND CAPITAL AND/OR CORPORAL PUNISHMENT

Not Accepted

138.118 Abolish the death penalty (Paraguay);

138.119 Declare a moratorium on the death penalty (Slovenia); introduce a moratorium on the death penalty (Sweden); observe a de facto moratorium on executions, in line with the international trend (Italy); adhere to the global trend against capital punishment by establishing a moratorium on its use (Poland);

138.120 Consider as a first step to establish a moratorium on the death penalty with a view to its abolition (Slovakia); adopt a moratorium on executions as a first step to the abolition of the death penalty (Spain);

138.121 Announce a moratorium on the death penalty with a view to its eventual abolition. Pending this take appropriate steps to reduce the application of the death penalty, observing due process of law in all judicial proceedings (Germany);

138.122 Declare a moratorium on the death penalty and accede to the Section Optional Protocol to the ICCPR (Austria); and

138.129 Abolish completely the penalty of corporal punishment (Switzerland); abolish corporal punishment such as lashes and amputations (Sweden)

The Government of Saudi Arabia has not taken any steps toward abolishing or suspending its use of the death penalty and it rejected all recommendations to do so. Additionally, Saudi courts continue to impose corporal punishments, most frequently in the form of floggings and amputations.⁵²³ In 2014, Saudi courts sentenced several individuals convicted of theft to amputation, and the government carried out at least one amputation during the year.⁵²⁴ In November 2015, a criminal

518 "The death penalty in Saudi Arabia: Facts and Figures," Amnesty International, 25 August 2015, <https://www.amnesty.org/en/latest/news/2015/08/the-death-penalty-in-saudi-arabia-facts-and-figures/>.

519 "World Report 2015: Saudi Arabia," Human Rights Watch, <https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia>.

520 Reprieve, "72% of Saudi death sentences handed down for non-violent crimes – report," 21 October 2015, <http://www.reprieve.org.uk/press/72-of-saudi-death-sentences-handed-down-for-non-violent-crimes-report/>

521 Ben Hubbard, "Artist's Death Sentence Follows a String of Harsh Punishments in Saudi Arabia," *The New York Times*, 22 November 2015, http://www.nytimes.com/2015/11/23/world/middleeast/saudi-artists-death-sentence-follows-a-string-of-harsh-punishments.html?_r=0.

522 Abdulrahman al-Lahim, Twitter post, 2 February 2016, <https://twitter.com/allahim/status/694497804471918593>.

523 "Saudi Arabia 2014 Human Rights Report," U.S. Department of State, <http://www.state.gov/documents/organization/236832.pdf>, pg. 4.

524 *Ibid.*, pg. 4.

court judge upheld a sentence of two years in prison and 200 lashes for Mikhlif al-Shammari, an activist convicted for his Twitter commentary and for attending gatherings with Shia.⁵²⁵ On 9 January 2015, Saudi authorities lashed blogger Raif Badawi 50 times as part of his sentence of 1,000 lashes and ten years in prison. A criminal court convicted Badawi of insulting Islam and violating Saudi Arabia's Anti-Cyber Crimes Law in May 2014 for setting up an online forum.⁵²⁶ In February 2016, the government reduced the death sentence of poet Ashraf Fayadh to 800 lashes, 8 years in prison, and a public apology after he was originally convicted of apostasy for the contents of his poetry.⁵²⁷

5. ABOLISH OR SUSPEND CAPITAL AND CORPORAL PUNISHMENTS FOR JUVENILES

Not Accepted

138.40 Promulgation of a penal code that clearly defines criminal offences and the establishment of a moratorium on executions of persons having committed crimes under the age of 18 (Brazil);

138.127 Refrain from imposing the death penalty, corporal punishment and life imprisonment for crimes committed by persons under the age of 18 (Czech Republic); and

138.128 Abolish juvenile death penalty and corporal punishment (Albania)

The Government of Saudi Arabia has abolished neither capital nor corporal punishments for juveniles. The government continues to impose the death sentence on minors. Similarly, the 1975 Juvenile Justice Act still allows for corporal punishment, including flogging and amputation, to be imposed on minors.⁵²⁸ The government reportedly raised the age of criminal responsibility from seven years old to twelve years old in recent years, but it remains unclear if criminal courts have actually implemented this new policy.⁵²⁹ A number of offenses mandate a sentence of flogging regardless of age, and presiding judges may use their discretion to issue sentences of corporal punishment in other cases.⁵³⁰

Conclusion

Since it received its second UPR recommendations, the Government of Saudi Arabia has dramatically increased the frequency with which it enacts capital punishments. 2015 marked the peak of a five-year upward trend in capital punishments in the kingdom; by mid-April 2016, the Saudi government had already executed 88 individuals, putting it on track to carry out even more executions this year. Saudi courts continue to issue death sentences to those convicted of committing nonviolent crimes, including drug trafficking and sorcery.

The Saudi government has also failed to abolish the death penalty for individuals convicted of crimes allegedly committed as minors. Currently, at least three individuals await execution for

525 "Urgent Action: Defender Sentenced to Prison and Flogging," Amnesty International, 25 November 2015, http://www.amnestyusa.org/sites/default/files/uaa16913_0.pdf.

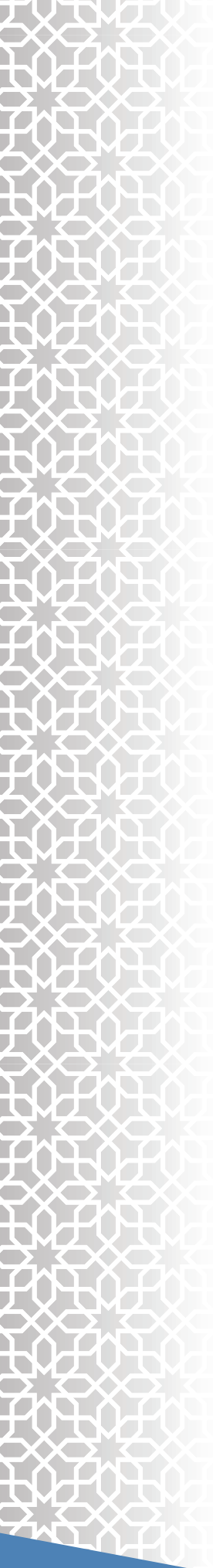
526 "Saudi Arabia: Free Blogger Publicly Flogged," Human Rights Watch, 10 January 2015, <https://www.hrw.org/news/2015/01/10/saudi-arabia-free-blogger-publicly-flogged>.

527 Abdulrahman al-Lahim, Twitter post, 2 February 2016, <https://twitter.com/allahim/status/694497804471918593>.

528 *The Pretense of Progress: A report on the implementation of Saudi Arabia's recommendations from the special rapporteur on the independence of judges and lawyers*, ADHRB, March 2015, http://www.adhrb.org/wp-content/uploads/2015/03/ADHRB_Pretense-of-Progress_v1_web.pdf, pg. 27.

529 "Inhuman Sentencing of Children in Saudi Arabia," Child Rights International Network, October 2015, <https://www.crin.org/sites/default/files/saudiarabiarcaltreport2015.pdf>, pg. 1.

530 "Corporal punishment of children in Saudi Arabia," Global Initiative to End All Corporal Punishment of Children, January 2016, <http://www.endcorporalpunishment.org/assets/pdfs/states-reports/SaudiArabia.pdf>.



engaging in protest activity at the ages of 17, 17, and 15 years, respectively. Furthermore, the Saudi government continues to administer corporal punishments, sentencing activists and artists like Raif Badawi and Ashraf Fayadh to hundreds of lashes. The government also continues to issue – and carry out, as recently as 2014 – sentences of amputation for the crime of theft. Ultimately, the Saudi government has not only failed to make progress toward implementing the recommendations concerning the death penalty and corporal punishment set forth at the beginning of its second UPR cycle, it has actively regressed. ADHRB therefore finds that it has failed to implement the HRC’s recommendations on capital and corporal punishment.

SECTION G

Combatting Discrimination and Domestic Violence

The Government of Saudi Arabia fully accepted recommendations **138.70**, **138.112**, **138.135**, **138.136**, **138.143**, **138.157**, and **138.138** concerning the implementation of protections against gendered and domestic violence, as well as discrimination against women in the workplace.

The government also fully accepted recommendations **138.94**, **138.198**, **138.190**, and **138.215** concerning the elimination of all forms of discrimination, specifically in the area of education.

In response to these recommendations, the government stated:

Labor regulations in the Kingdom do not require women to take permission from another person to work. It should be noted that employees who impede complaints of domestic violence are held accountable and punished under many regulations, particularly the regulations of protection from abuse [sic].⁵³¹

Brief Assessment

Since its second UPR cycle, the Saudi government took a notable technical step toward combatting domestic violence by promulgating the Regulation to Protect Against Abuse in 2013. The law, which was influenced by semi-governmental groups like the National Family Safety Program, provides a definition of domestic violence as well as a set of related penalties for the first time in the kingdom's history.

In spite of this legislative progress, however, the government has failed to address the root causes of violence against women and children in Saudi Arabia, such as the guardianship system. Moreover, it is unclear how the authorities will enforce the Regulation to Protect Against Abuse, whether or not it has been fully implemented, and if it actually limits undue judicial discretion in domestic violence cases. In practice, it is difficult to ascertain if the new law has had any effect beyond the technical level.

Additionally, the government has not taken adequate measures to curb formal and informal discrimination against women and other vulnerable groups, particularly in the area of education. Though women make up the majority of Saudi college graduates, they are disproportionately unemployed and face unequal education opportunities. Further, the government has continued to discriminate against the kingdom's Shia minority, preventing them from learning about their faith in public schools, failing to remove anti-Shia discourse from curricula, and censoring Shia religious education materials. It has also maintained the *kafala* sponsorship system, which contributes to discrimination against the Saudi Arabia's sizable migrant population.

1. PREVENT DOMESTIC VIOLENCE AND ENSURE WOMEN'S EQUAL ACCESS TO EMPLOYMENT

Technically Implemented
Some Perceived Progress

- 138.70** Ensure the victims of domestic abuse immediate access to mechanisms of protection and redress, inter alia, by providing the victims with shelters, by ensuring investigation of abuses, and by training law enforcement officials (Finland);
- 138.112** Prohibit Government employees from requesting guardians' permission to allow women to conduct official business, particularly in situations such as filing complaints for domestic violence (Ireland);

⁵³¹ A/HRC/25/3/Add.1, par. 17

- 138.135** Take further measures to fully and effectively implement the law that detail enforcement and redress mechanisms for women and children facing domestic violence (Lithuania);
- 138.136** Enforce legislation that criminalizes all forms of violence against women, including the Protection from Harm Act, and establish a system of regular data collection on such crimes (Republic of Moldova);
- 138.143** Take further steps to ensure the full implementation of the protection from abuse system law. This would call for a clear definition of abuses and harms under the law, so that it can provide an effective mechanism and guarantee for the protection of victims (Denmark);
- 138.157** Take all the necessary measures to effectively implement the law against domestic violence (Belgium); and
- 138.183** Ensure women's equal access to employment (Poland)

In 2013, the Government of Saudi Arabia legally defined domestic violence and abuse for the first time under the Regulation to Protect Against Abuse, also known as the Protection From Abuse Law. The new law describes domestic violence as “all forms of exploitation, or bodily, psychological, or sexual abuse, or threat of it, committed by one person against another, including if [that person] has authority, power, or responsibility, or [if there is a] a family, support, sponsorship, guardianship, or living dependency relationship between the two [individuals].”⁵³² The US Library of Congress states that this definition additionally “includes any failure to provide another person with legally required necessities.”⁵³³ Additionally, the government promulgated the the Child Protection Law in February 2014, which brings Saudi Arabia closer to international standards of the rights of children, as outlined in the CRC. The law specifically guarantees better protections for children from labor exploitation, the consumption of narcotics, and sexual exploitation.⁵³⁴ The National Family Safety Program (NFSP), a semi-governmental organization, works to gather data on these crimes, provides victims with shelter, counseling, and other services, and trains government employees to better address domestic violence. It has seen notable success since its creation in 2005.⁵³⁵

Nevertheless, as of 2015, the government had not fully implemented the Regulation to Protect Against Abuse, nor had it specified an enforcement mechanism.⁵³⁶ Moreover, the law still allows individual judges wide discretion to determine whether an individual act of domestic violence constitutes criminal domestic violence, undermining its efficacy as a means of combatting abuse. Though women can now file complaints without the permission of their guardians, they remain subjected to travel restrictions and structural inequalities within the legal system that challenge their ability to properly seek redress.⁵³⁷ Moreover, the government has failed to protect minors from corporal and capital punishment.⁵³⁸

532 “Saudi Arabia: New Law to Criminalize Domestic Abuse.” Human Rights Watch. September 3, 2013. Accessed March 31, 2015. <http://www.hrw.org/news/2013/09/03/saudi-arabia-new-law-criminalize-domestic-abuse>.

533 “Saudi Arabia: New Regulation on Protection Against Abuse.” Issam Saliba, Law Library of Congress. September 10, 2013. Accessed September 10, 2015.

534 <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

535 For more on the NFSP and domestic violence, see Section D.3.

536 *The Evasion of Equality: A Report on the Implementation of Saudi Arabia's Recommendations from the Special Rapporteur on Violence against Women and Its Causes*, ADHRB, 2015, <http://www.adhrb.org/2015/05/adhrb-publishes-new-report-on-womens-rights-in-saudi-arabia/>

537 For more on the guardianship system and the Saudi judiciary, see Sections D and B, respectively.

538 For more on corporal and capital punishment of minors in Saudi Arabia, see Sections B and F.

Saudi Arabia has seen more women gain employment since its second UPR cycle. It reported in 2013 that the number of women employed in the private sector had grown from 55,000 to 454,000 since 2010,⁵³⁹ and it has relaxed some constraints on the types of occupations available to women.⁵⁴⁰ In 2012, the government instituted a regulation allowing women to work in a wider variety of retail stores, and in 2015 it removed a ban on women's employment in purportedly "hazardous" jobs.⁵⁴¹

However, although the government noted in its acceptance of these recommendations that women are not formally required to obtain permission from their guardian to seek employment, the absence of a formal restriction has not guaranteed equal access to the job market. Informally, many employers will not hire women without the written permission of their guardian.⁵⁴² Moreover, certain government institutions tacitly refuse to incorporate women, such as the Saudi judiciary. Though a member of the Board of Senior Religious Scholars informed the UN Special Rapporteur on the independence of judges and lawyers that "in Islamic jurisprudence there is no definite opinion that states that women cannot become judges," and although there are no explicit prohibitions in Saudi state law, the dominant *Hanbali* interpretation of the Sharia precludes female judgeship.⁵⁴³ Currently, No female judges serve in the kingdom.⁵⁴⁴ The government also officially banned women from becoming lawyers until 2013, though by 2014 there were at least four female attorneys in Saudi Arabia.⁵⁴⁵ Limitations on freedom of movement additionally bar many women from working, as they must obtain both the permission of their guardian to travel to and from work and an appropriate means of transportation. Despite constituting 60 percent of Saudi college graduates, Saudi women form only 13 percent of the kingdom's workforce.⁵⁴⁶ Additionally, a large proportion of this 13 percent are employed at segregated workplaces.⁵⁴⁷ As a result, ADHRB finds that the government has failed to implement the spirit of the recommendations to end gender-based discrimination and ensure equal access to employment for both men and women.

Domestic violence and discrimination against women are discussed at length in Section D, while the Saudi judiciary and its use of corporal and capital punishment against minors are discussed in Sections B and E.

539 Louise Redvers, "Keys to The Kingdom: The slow rise of Saudi women," BBC, 9 April 2015, <http://www.bbc.com/capital/story/20150408-slow-gains-for-saudi-women>.

540 Holly Ellyatt, "Saudi Arabia opens up 'dangerous' jobs to women," CNBC, 23 November 2015, <http://www.cnbc.com/2015/11/23/saudi-arabia-opens-up-dangerous-jobs-to-women.html>.

541 Ibid.

542 Fatany, Samar. "Why Divorce in Saudi Arabia Is on the Rise." *Saudi Gazette*, March 23, 2013, Opinion sec.

543 United Nations Economic and Social Council. "Civil and Political Rights, Including the Questions Of: Independence of the Judiciary, Administration of Justice, Impunity." (UNESCO: 2003). Retrieved from: <http://www.refworld.org/pdfid/3e6c73b44.pdf>.

544 Barry Rubin. "The Middle East: A Guide to Politics, Economics, Society and Culture." (Routledge: 2015). Retrieved from: https://books.google.com/books?id=8vBnBwAAQBAJ&dq=no+female+judges+saudi&source=gbs_navlinks_s.

545 Al Arabiya. "First female lawyer's office opens in Saudi Arabia." (Al Arabiya: 2014). Retrieved from: <http://english.alarabiya.net/en/News/middle-east/2014/01/03/First-female-lawyer-s-office-opens-in-Saudi-Arabia.html>.

546 "Women constitute 13% of Saudi workforce: stats agency," Al Arabiya, 10 February 2015, <http://english.alarabiya.net/en/News/middle-east/2015/02/10/Women-constitute-13-of-Saudi-workforce-stats-agency.html>.

547 Rachel Martin, "For Women in Saudi Arabia, Gender Segregation More Like a 'Glass Wall,'" NPR, 13 December 2015, <http://www.npr.org/2015/12/13/459554523/for-women-in-saudi-arabia-gender-segregation-more-like-a-glass-wall>.

2. ELIMINATE ALL FORMS OF DISCRIMINATION, PARTICULARLY IN EDUCATION

Not Implemented
No Perceived Progress

- 138.94** Protect human rights of all individuals without any discrimination based on gender, origin, religion or customs (France);
- 138.189** Make progress in the implementation of legislative measures to ensure the prohibition of discrimination in education, in order to protect minority groups and promote gender equality (Chile);
- 138.190** Continue to take necessary measures to combat discrimination in the area of education (State of Palestine); and
- 138.215** Continue its priority and initiatives in the 9th National Development Plan, with more focus on equality, non-discrimination, rights to health, education, to just and favourable conditions of work for vulnerable groups of women, children, migrants, foreign workers, refugees and persons with difficulties (Vietnam);

The Government of Saudi Arabia has taken limited measures to provide greater protections for women and migrants, but the guardianship and *kafala* systems, respectively, continue to engender both formal and informal discrimination against these groups. Moreover, the government has taken no significant steps to curb its discrimination against the kingdom's minority Shia population, which is politically marginalized and disproportionately targeted by the Saudi security forces. For more on discrimination against women, see Section D; for migrants, see Sections B.4 and J; and for the Shia community, see Section H.

Women and Shia both face discrimination in the Saudi education system as well. Though more women have graduated from Saudi universities than men over the past several years,⁵⁴⁸ the guardianship system still requires that female students receive permission from their guardian before pursuing a higher education.⁵⁴⁹ These restrictions are particularly onerous for female students who wish to obtain a government scholarship to study abroad, as they must be accompanied by a guardian for the duration of their trip. Similarly, travel limitations make local commuting especially challenging for female students *vis a vis* their male counterparts.⁵⁵⁰

The Saudi government also continues to segregate schools by gender. In 2014, the government made a minor reform to this policy by beginning to offer physical education courses to girls in public schools, provided the students comply with Sharia rules on dress.⁵⁵¹ Still, this move has been controversial, as physical education courses and athletics were previously reserved only for men; the kingdom sent its first female athletes to the Olympic Games in 2012.⁵⁵² Furthermore, scholars report that female universities and professors often have poorer facilities and academic opportunities, respectively, when compared to their male equivalents.⁵⁵³

548 "Women constitute 13% of Saudi workforce: stats agency," Al Arabiya, 10 February 2015, <http://english.alarabiya.net/en/News/middle-east/2015/02/10/Women-constitute-13-of-Saudi-workforce-stats-agency.html>.

549 "Word Report 2015: Saudi Arabia," Human Rights Watch, <https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia>.

550 See Section D.1.

551 "Saudi Arabia moves to allow girls to play sports in school," Al Jazeera America, 9 April 2014, <http://america.aljazeera.com/articles/2014/4/9/saudi-arabia-movestoallowgirlstoplaysportsinschool.html>.

552 Deborah Amos, "Saudi Girls Can Now Take Gym Class, But Not Everyone Is Happy," NPR, 10 March 2015, <http://www.npr.org/sections/parallels/2015/03/10/391878690/saudi-girls-can-now-take-pe-classes-but-not-everyones-happy>

553 Elham Manea, "Women in Saudi Arabia are caught in a system of gender apartheid," DW, 30 December 2013, <http://www.dw.com/en/women-in-saudi-arabia-are-caught-in-a-system-of-gender-apartheid/a-17330976>

The government recently took a significant step away from securing gender equality in education when King Salman removed Norah al-Faiz from her position as deputy minister of education in April 2015.⁵⁵⁴ Al-Faiz was the highest-ranking woman in the Saudi government, and the king has yet to appoint another woman to a ministerial post.⁵⁵⁵ For more information on discrimination against women in education and in the public sphere, see Section D.

Additionally, as the kingdom's education system is officially based on the tenets of Sunni Islam, it often implicitly and explicitly discriminates against Shia students.⁵⁵⁶ Reports indicate the public school curriculum does not include any Shia teachings, and often describes the Shia as heretical.⁵⁵⁷ Though the government has allegedly worked to remove discriminatory language from its textbooks and curricula, the US State Department reported in 2014 that "intolerant material" remained, including "directives to kill 'sorcerers' and socially exclude infidels as well as accusations that Jews, Christians, Shia, and Sufis did not properly adhere to monotheism."⁵⁵⁸

Relatedly, the Shia community is often underrepresented in school faculty. According to the US State Department, only 5 percent of the professors at a "leading" university in al-Ahsa were members of the Shia community as of 2012, despite the fact that the region's population is roughly 50 percent Shia.⁵⁵⁹ Of the approximately 400 boys and girls schools in the same region, there are reportedly only 15 Shi'a principals.⁵⁶⁰

The government also prohibits Shia clerics and community leaders from disseminating religious teachings informally, and has officially banned the sale or importation of Shia religious literature.⁵⁶¹ In 2015, Saudi authorities arrested Zuhair Busaleh, a 47-year-old Shia resident of al-Khobar city, for hosting weekly prayer meetings in his home.⁵⁶² A court later sentenced Busaleh to two months in jail and 60 lashes.⁵⁶³ When *Agence France Presse* asked why he had hosted the gatherings, Busaleh replied, "There is no Shia mosque in Khobar."⁵⁶⁴ The government has reportedly jailed Busaleh for holding these prayer meetings at least three other times over the last seven years.⁵⁶⁵ According to him, government censorship of Shia teachings has forced many others to hold similar gatherings throughout al-Khobar and the predominantly-Shia Eastern Province.⁵⁶⁶

554 Ahmed Al Omran, "Saudi Minister's Removal Spurs Fears Among Women," *The Wall Street Journal*, 30 April 2015, <http://www.wsj.com/articles/saudi-ministers-removal-spurs-fears-among-women-1430430015>.

555 Ibid.

556 Orlando Crowcroft, "Saudi Arabia's Shia and Riyadh's other war - 'The language of hatred is getting worse,'" *International Business Times*, <http://www.ibtimes.co.uk/saudi-arabias-shia-riyadhs-other-war-language-hatred-getting-worse-1495364>

557 Ibid.

558 "International Religious Freedom Report 2014: Saudi Arabia," United States Department of State, Bureau of Democracy, Human Rights, and Labor, 2014, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

559 "International Religious Freedom Report 2012: Saudi Arabia," United States Department of State, Bureau of Democracy, Human Rights, and Labor, 2012, <http://www.state.gov/documents/organization/208622.pdf>

560 Anya Clarkson. "Saudi Arabia: Anti-Shi'a Discrimination in Employment and the Work Place," *The Center for Academic Shia Studies*, July 2014, <http://www.shiaresearch.com/Doc/Anti-ShiaDiscriminationintheWorkplace-SaudiArabia.pdf>

561 "International Religious Freedom Report 2012: Saudi Arabia," United States Department of State, Bureau of Democracy, Human Rights, and Labor, 2012, <http://www.state.gov/documents/organization/208622.pdf>

562 *The Daily Star*. "Saudi Shiite says prayer meeting earned him 60 lashes." (*The Daily Star*: 2015). Retrieved from: <http://www.dailystar.com.lb/News/Middle-East/2015/Jul-14/306667-saudi-shiite-says-prayer-meeting-earnedhim-60-lashes.ashx>.

563 Ibid.

564 Ibid.

565 Ibid.

566 Ibid.

Furthermore, residents of other Eastern Province cities report that there are no universities in the major Shia population centers. The US State Department stated in 2012 that the “government did not officially recognize several centers of Shia religious instruction located in the Eastern Province, provide financial support for them, recognize certificates of educational attainment for their graduates, or provide employment for their graduates, all of which it does for Sunni religious training institutions.”⁵⁶⁷ It affirmed this trend in its 2014 report.⁵⁶⁸ According to a resident of Qatif interviewed by the Institute of Gulf Affairs, “there are no universities in Qatif, while there are towns with less 1/5th of its size that have universities.”⁵⁶⁹ Government officials have reportedly refused to grant requests to establish universities there, suggesting instead that students commute to Dammam.⁵⁷⁰ As a result, many Shia students are forced to travel long distances to pursue higher education.⁵⁷¹

Conclusion

Although the Government of Saudi Arabia has instituted some positive technical reforms in the areas of combatting discrimination and violence against women, it has refused to take the necessary steps to enforce these measures or promote gender equality in practice. The persistence of the guardianship system and the structural inequalities of the Saudi judiciary undermine the progress represented by greater legal protections against domestic violence and discrimination in the workplace. The government has not demonstrated the will or capacity to enforce its improved domestic violence legislation, and it has taken few steps to guarantee equal access to employment for men and women.

Similarly, the government has not instituted significant measures to eliminate discrimination generally, and in its educational system, specifically. Women face undue restrictions on their access to and quality of education, and the kingdom’s Shia minority experience harassment, biased curricula, and underrepresentation in school faculty. Moreover, the government has failed to remove intolerant and anti-Shia discourse from school textbooks, while censoring or failing to recognize the Shia community’s attempts at informal education. Finally, the government has not abolished or significantly reformed the *kafala* labor sponsorship system, which contributes to discrimination against and exploitation of the kingdom’s migrant population.

Therefore, ADHRB finds that the government of Saudi Arabia has only technically implemented several recommendations in the areas of domestic violence and women’s employment, while it has entirely failed to implement its recommendations to combat all forms of discrimination, particularly in education.

567 “International Religious Freedom Report 2012: Saudi Arabia,” United States Department of State, Bureau of Democracy, Human Rights, and Labor, 2012, <http://www.state.gov/documents/organization/208622.pdf>

568 “International Religious Freedom Report 2014: Saudi Arabia,” United States Department of State, Bureau of Democracy, Human Rights, and Labor, 2014, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

569 Bayan Perazzo, “Policy Brief: On Being Shia in Saudi Arabia,” Institute for Gulf Affairs, 2013, <http://www.gulfinsstitute.org/wp-content/pdfs/shialifeinsaudi Arabia.pdf>

570 Ibid.

571 Ibid.

SECTION H

International Human Rights Cooperation

The Government of Saudi Arabia fully accepted recommendations **138.82** and **138.83**, concerning the provision of all outstanding reports to the treaty bodies to which it is party. The government did not comment on its acceptance of these recommendations.

The government fully accepted recommendations **138.76**, **138.77**, and **138.222**, concerning its engagement with the UPR process. The government did not comment on its acceptance of these recommendations.

Additionally, the government fully accepted recommendations **138.81** and **138.87**, and partially accepted recommendations **138.84**, **138.85**, and **138.88**, concerning expanding its cooperation with the special procedures of the Human Rights Council. In accepting these recommendations, the government stated:

The Kingdom demonstrates its ongoing positive cooperation with international human rights mechanisms, including the council's special procedures, by allowing special rapporteurs to visit, and providing constructive responses to their requests and their objective and guiding enquiries. It confirms that scheduling their visits, or who to be invited, is a matter decided by the concerned human rights bodies in the Kingdom. Also, it is interested in implementing the recommendations that were accepted, emphasizing that dialogues on human rights are conducted within the framework of the United Nations mechanisms in this area.⁵⁷²

Moreover, the government fully accepted recommendations **138.78**, **138.79**, **138.90**, and **138.91**, concerning its ongoing cooperation with the Human Rights Council and the OHCHR. The government did not comment on its acceptance of these recommendations.

The government partially accepted recommendation **138.223**, concerning its engagement in a structural human rights dialogue with the European Union. The government did not comment on its acceptance of these recommendations.

In addition, the government fully accepted recommendation **138.221**, requesting that it share its practice in ensuring housing to vulnerable groups.

Finally, the government fully accepted recommendation **138.224**, concerning the promotion of solidarity between Muslims based on the Declaration of the Islamic Summit.

The government rejected recommendations **138.86** and **138.89**, concerning the invitation of specific special procedures to Saudi Arabia. Furthermore, the government rejected recommendation **138.225**, which requested it commit to the principle of non-intervention in the internal affairs of other nations.

Brief Assessment

In recent years, the Government of Saudi Arabia has increased its technical involvement with international human rights mechanisms such as the HRC. Saudi Arabia currently sits on the HRC as a member state, with its first term expiring at the end of 2016.⁵⁷³ The Saudi government also

⁵⁷² A/25/3/Add.1, par. 18.

⁵⁷³ "Current Membership of the Human Rights Council, 1 January – 31 December 2016," OHCHR, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/CurrentMembers.aspx>.

recently held a seat on an HRC panel that helps determine the staff of the UN Special Procedures.⁵⁷⁴ In 2015, Saudi Arabia privately pursued a potential candidacy for leadership of the HRC,⁵⁷⁵ before withdrawing as a result of international criticism.⁵⁷⁶

Still, the Saudi government has not matched its enlarged role at the HRC with greater participation in the international human rights community more broadly. Saudi Arabia continues to engage only sporadically with the treaty bodies and special procedures on whose reporting the HRC relies, and its engagement with the European Union (EU) has been equally lacking. Additionally, the government has not fully responded to other recommendations it grouped within this section, including the encouragement to supply housing for vulnerable populations and to act upon principles put forth at a 2012 summit among Islamic states. This lack of engagement, however, should not obscure the Saudi government's real, if limited, progress in advancing technical cooperation with OHCHR.

1. ENGAGE WITH TREATY BODIES

Not Implemented
No Perceived Progress

138.82 Reduce the backlog of the submission of reports to treaty bodies (Chad); and

138.83 Provide all outstanding reports to the treaty bodies and respond to the long-standing requests for visits by special procedures (Sierra Leone)

The Government of Saudi Arabia is a state party to the following UN treaties and optional protocols: the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Form of Racial Discrimination (CERD); the Convention on the Rights of Persons with Disabilities (CRPD); the Convention on the Rights of the Child (CRC); the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. By ratifying each of these treaties, the government accepted the responsibility of maintaining engagement with their respective treaty bodies by reporting to them in a timely fashion.

On 23 September 1997, Saudi Arabia ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).⁵⁷⁷ In accordance with provisions of the treaty, each member country must submit a report to the UN Committee against Torture within one year of ratification.⁵⁷⁸ In addition to the initial report, all State Parties should submit follow

574 Christopher Ingraham, "Why one of the world's worst human rights offenders is leading a U.N. human rights panel," *The Washington Post*, 28 September 2015, <https://www.washingtonpost.com/news/wonk/wp/2015/09/28/why-one-of-the-worlds-worst-human-rights-offenders-is-leading-a-un-human-rights-panel/>.

575 Alain Jourdan, "L'Arabie saoudite convoite la présidence du Conseil des droits de l'homme," *Tribune de Geneve*, 11 May 2015, <http://www.tdg.ch/monde/moyen-orient/arabie-saoudite-convoite-presidence-conseil-droits-lhomme/story/24673745>.

576 Christopher Ingraham, "Why one of the world's worst human rights offenders is leading a U.N. human rights panel," *The Washington Post*, 28 September 2015, <https://www.washingtonpost.com/news/wonk/wp/2015/09/28/why-one-of-the-worlds-worst-human-rights-offenders-is-leading-a-un-human-rights-panel/>.

577 "Ratification Status for Saudi Arabia," OHCHR, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=152&Lang=EN.

578 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, CAT/C/4/Rev.3, 18 July 2005, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskbvtzw0K-JUT9BmOpSda%2fWjxFJZdHMMYkDODY1OxO9S1vUq7BZtMOt9U3mRxxOdv3psvdcDqWeleyGR3qLcZUCRErbLqPN6Xza%2bYvrL2v96>, pg. 1.

up reports “every four years unless the Committee requests other reports.”⁵⁷⁹ Saudi Arabia’s first report was due on 21 October 1998.⁵⁸⁰ The government did not submit its initial report until 27 February 2001.⁵⁸¹ Saudi Arabia was again due to submit a report on 30 September 2010.⁵⁸² The government made this submission five years later in January 2015.⁵⁸³

On 7 September 2000, Saudi Arabia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁵⁸⁴ In accordance with the provisions of the treaty, each member country must submit a report to the UN Committee on the Elimination of Discrimination against Women within one year of its ratification.⁵⁸⁵ In addition to the initial report, all State Parties must submit follow up reports “at least every four years and further whenever the Committee so requests.”⁵⁸⁶ Saudi Arabia’s first report was due on 7 October 2001.⁵⁸⁷ The government did not submit its initial report until 29 March 2007.⁵⁸⁸ Saudi Arabia was again due to submit a report in October 2013.⁵⁸⁹ To date, no report has been submitted.⁵⁹⁰

On 23 September 1997, Saudi Arabia ratified the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).⁵⁹¹ In accordance with the provisions of the treaty, each member country must submit an initial report to the Committee on the Elimination of Racial Discrimination within one year of its ratification.⁵⁹² In addition to the initial report, all State Parties must submit follow up reports “every two years and whenever the Committee requests.”⁵⁹³ Saudi

579 Ibid.

580 “Report of the Committee against Torture: Twenty-third Session (8-19 November 1999), Twenty-fourth Session (1-19 May 2000),” UN General Assembly Official Records, Fifty-fifth Session, Supplement No. 44(A/55/44), 2000, <http://www.un.org/documents/ga/docs/55/a5544.pdf>

581 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

582 Ibid.

583 United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Consideration of reports submitted by States parties under article 19 of the Convention*, 7 January 2010, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SAU/CAT_C_SAU_2_294_E.pdf

584 “Ratification Status for Saudi Arabia,” OHCHR, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=152&Lang=EN.

585 United Nations, *International Human Rights Instruments: Compilation of Guidelines on the Form and Content of Reports to be submitted by States Parties to the International Human Rights Treaties*. 3 June 2009. Pg. 66: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=FhOD6sgqgzAhFXD9F%2feKalSumUaYuEFrBwahXRi3RQs03XEP7vSvGCAYNchM3nT4wdgcfyBkkcGBY%2fSKppB0id8PMi%2fUZAfBflaxsUCd8Sduy%2btDngxS%2buedlHTdguG>

586 Ibid.

587 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

588 United Nations, *Consideration on the Elimination of All Forms of Discrimination against Women: Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhskcAJS%2fU4wb%2bdIVicvG05RxlhErwotp5aP%2b3VFcYeh%2f8MBDCJPNY5XTZVPLuOngj%2f4TIS6fXNljXz4CK%2bhIENdhB111tc7JYWTluKZpImivO>

589 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

590 Ibid.

591 OHCHR, Ratification Status for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=152&Lang=EN

592 United Nations, *International Convention on the Elimination of all Forms of Racial Discrimination: Guidelines for the CERD-Specific Document to be submitted by the States Parties under Article 9, Paragraph 1, of the Convention*. 13 June 2008. Pg. 1: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsvLbczjUlkvG%2byIk4oRpyISgTMQCqLRZ%2bTLVmw6jrLoMoNq8T0cuxk%2bZqDh4YRndUPQa6Foaf8%2bo7Qi%2fRjQJTrnxFSqFSyu%2fq%2bFbDpbP3FO>

593 Ibid.

Arabia's first report was due on 23 October 1998.⁵⁹⁴ The government did not submit its initial report until 20 August 2001.⁵⁹⁵ Saudi Arabia was again due to submit a report in October 2002. The government's second report came on 14 February 2003.⁵⁹⁶ Saudi Arabia was due to submit a third report in October 2006.⁵⁹⁷ To date, the government has not submitted this report; it is over nine years late.⁵⁹⁸

On 26 January 1996, Saudi Arabia ratified the Convention on the Rights of the Child (CRC).⁵⁹⁹ In accordance with the provisions of the treaty, each member country must submit an initial report to the Committee on the Rights of the Child within two years of its ratification.⁶⁰⁰ In addition to the initial report, all State Parties must submit follow up reports "thereafter every five years."⁶⁰¹ Saudi Arabia's first report was due on 24 February 1998.⁶⁰² The government submitted its initial report on time, on 15 October 1998.⁶⁰³ Saudi Arabia was again due to submit a follow up report on 24 February 2003.⁶⁰⁴ The government submitted this second report on 12 November 2003.⁶⁰⁵ Saudi Arabia was again due to submit a follow up report on 24 August 2011.⁶⁰⁶ The government's third report came on 20 February 2014.⁶⁰⁷ The Committee has not submitted commentary on Saudi Arabia's third report and there is no information available on a fourth report due date.⁶⁰⁸

On 24 June 2008, Saudi Arabia ratified the Convention on the Rights of Persons with Disabilities (CRPD).⁶⁰⁹ In accordance with the provisions of the treaty, each member country should submit an initial report to the Committee on the Rights of the Persons with Disabilities within two years

594 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

595 United Nations, *International Convention on the Elimination of all Forms of Racial Discrimination: Reports Submitted by States Parties under Article 9 of the Convention*. 20 September 2001: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrZbSVEypk4IILQeV2YpJqXZHR%2bk1oWGXPNPfm5CUdcE3g%2fqEKY10GsiC10tlkyuKfO4FIWzU8SKIM54J0A93t1pseMIx8tkGMPqQht7X%2f>

596 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

597 Ibid.

598 Ibid.

599 OHCHR, Ratification Status for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=152&Lang=EN

600 United Nations, *Convention on the Rights of the Child: General Guidelines Regarding the Form and Content of Initial Reports to be submitted by States Parties under Article 44, Paragraph 1 (a), of the Convention*. 30 October 1991. Pg. 2: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsq1yiNXhg%2bQryaRVff0up8Hfu1h91F0m4YSzDMLAJokbqw3l%2bdx65WYtJMPPtxSNgkezEErb8acLhL8f%2fLJUJc%3d>

601 Ibid.

602 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

603 Ibid.

604 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

605 Ibid.

606 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

607 United Nations: *Convention on the Rights of the Child: Consideration of reports submitted by States parties under article 44 of the Convention*. 20 February 2014: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/072/96/PDF/G1507296.pdf?OpenElement>

608 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

609 OHCHR, Ratification Status for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=152&Lang=EN

of its ratification.⁶¹⁰ In addition to the initial report, all member states should submit follow up reports “thereafter at least every four years and whenever the Committee so requests.”⁶¹¹ Saudi Arabia’s first report was due on 24 July 2010.⁶¹² The government did not submit its initial report until 1 July 2015.⁶¹³ The report was almost 5 years late. To date, the Committee has yet to submit commentary.⁶¹⁴

On 10 June 2011, Saudi Arabia ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.⁶¹⁵ In accordance with the provisions of the treaty, each member country should submit an initial report to the Committee on the Rights of the Child within two years of its ratification.⁶¹⁶ In addition to the initial report, all member states should submit follow up reports “thereafter every five years.”⁶¹⁷ Saudi Arabia’s first report was due on 10 July 2013.⁶¹⁸ To date, the government has not submitted this report; it is two years late.⁶¹⁹

On 18 August 2010, Saudi Arabia ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children and child prostitution.⁶²⁰ In accordance with the provisions of the treaty, each member country should submit an initial report to the Committee on the Rights of the Child within two years of its ratification.⁶²¹ In addition to the initial report, all member states should submit follow up reports “thereafter every five years.”⁶²² Saudi Arabia’s first report was due on 18 September 2012.⁶²³ To date, the government has not submitted this report; it is three years late.⁶²⁴

2. ENGAGE WITH THE UPR PROCESS

Technically Implemented
No Perceived Progress

138.76 Continue to put into practice the recommendations accepted in the Universal Periodic Review of 2009 (Spain)

138.77 Put in place mechanisms to follow up on UPR recommendations and that make it possible to verify the implementation and impact of norms and measures adopted to promote equality of rights (Colombia)

610 United Nations, *Convention on the Rights of Persons with Disabilities: Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, on the Convention on the Rights of Persons with Disabilities*. 18 November 2009. Pg. 1: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsg0Ky-Q6aN4VGlz%2f0mUzn0zTQflY04wr4dvV6nynERjemanGwe9s6pQzmc8l8KEnR5F0uoasLH3th9AJmrffbZw%3d>

611 Ibid.

612 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

613 United Nations, 1, الاعاقة, July 2015: http://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/SAU/CRPD_C_SAU_1_7012_A.doc

614 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

615 OHCHR, Ratification Status for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=152&Lang=EN

616 United Nations, *Convention on the Rights of the Child: Rules of procedure*. 18 March 2015. Pg. 20: http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/1_Global/CRC_C_4_Rev-4_7655_E.doc

617 Ibid.

618 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

619 Ibid.

620 OHCHR, Ratification Status for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=152&Lang=EN

621 United Nations, *Convention on the Rights of the Child: Rules of procedure*. 18 March 2015. Pg. 20: http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/1_Global/CRC_C_4_Rev-4_7655_E.doc

622 Ibid.

623 OHCHR: Ratification, Reporting & Documentation for Saudi Arabia: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx

624 Ibid.

138.222 Share the methodology used in the elaboration of the national report as a good practice of the UPR (Venezuela)

In March 2009, at the 11th session of the HRC, Saudi Arabia began the first cycle of its Universal Periodic Review (UPR).⁶²⁵ The international community put forward over 110 recommendations for the Government of Saudi Arabia to improve its human rights record.⁶²⁶ The Saudi government accepted over 90 of these recommendations, grouping them into 53 different categories.⁶²⁷ It rejected 17 recommendations.⁶²⁸

While this report will not review Saudi Arabia's adherence to its first UPR cycle in depth, several related issues will be discussed in brief. The Saudi government has taken limited steps implementing some of the recommendations that it accepted in March 2009. In the past six years, the government has passed, and is working to implement, laws combating human trafficking and child abuse,⁶²⁹ per recommendations offered to strengthen protections for child's rights and prohibit trafficking in persons.⁶³⁰ The government has also technically implemented a recommendation to combat violence against women⁶³¹ by passing 2013's law criminalizing domestic abuse.⁶³² It has additionally made strides in facilitating women's access to work, in both law and practice,⁶³³ per another recommendation.⁶³⁴

The government failed, however, to adhere to the majority of these accepted recommendations, many of which were recycled by the international community at the beginning of Saudi Arabia's second cycle UPR and are addressed in this report. The Saudi government has failed to accede to either the ICCPR or the ICESCR,⁶³⁵ as requested by five states in 2009.⁶³⁶ It has failed to abolish the system of male guardianship over women.⁶³⁷ It has failed to codify its discretionary criminal penalties.⁶³⁸ It has failed to revisit or reduce its application of capital or corporal punishments.⁶³⁹ It has failed to enforce protections for freedom of opinion and expression.⁶⁴⁰ And, although it recently promulgated a civil society law,⁶⁴¹ it neither permits civil society organizations to operate independently nor offers protections for organizations that explicitly work for the promotion of human rights.⁶⁴²

On 5 August 2013, the Saudi government submitted its national report in advance of the second UPR cycle.⁶⁴³ Paragraphs two through six of the report outline the government's approach in preparing it. Officials stated that they drafted the report based on objective fact-finding from

625 A/HRC/11/23.

626 A/HRC/11/23, par. 87.

627 Ibid.

628 Ibid., par. 88.

629 Refer to sections D and I, respectively, for further discussion of these laws.

630 A/HRC/11/23, par. 87.16.

631 Ibid., par. 87.17.

632 Refer to section G for further discussion of this law.

633 Refer to section D for further discussion.

634 A/HRC/11/23, par. 87.36.

635 Refer to Section A for further discussion.

636 A/HRC/11/23, par. 87.1-2.

637 Ibid., par. 87.20; Refer to Section D.1 for further discussion.

638 A/HRC/11/23, par. 87.27; Refer to Section B for further discussion.

639 A/HRC/11/23, par. 87.22-23; Refer to Sections B and L for further discussion.

640 A/HRC/11/23, par. 87.5; Refer to Section C for further discussion.

641 A/HRC/11/23, par. 87.35

642 Refer to Section C.1 for further discussion.

643 A/HRC/WG.6/17/SAU/1

relevant sources, coupled with consultations with other government bodies and members of civil society.⁶⁴⁴ As part of these consultations, the Saudi Human Rights Commission convened 24 meetings in nine different cities with members of civil society and others interested in human rights.⁶⁴⁵ The drafters tailored their responses to fit the guidelines of the UPR, and they included relevant information that fell outside these guidelines in a series of annexes.⁶⁴⁶ There is no publicly-available information as to whether or not the Saudi government has endeavored to share this methodology with other states undergoing the UPR process.

3. ENGAGE WITH THE UN SPECIAL PROCEDURES

Not Implemented
No Perceived Progress

- 138.81** Continue its mutually beneficial cooperation with the United Nations human rights mechanism (China);
- 138.84** Extend the standing invitation to all thematic special procedures (Bosnia and Herzegovina);
- 138.85** Respond positively to the special procedures requesting a visit to the country (Czech Republic);
- 138.87** Enhance cooperation with the human rights special procedures (Albania); and
- 138.88** Continue to strengthen its cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests and eventually consider extending a standing invitation to all the special procedures mandate holders (Latvia)

The Saudi government permitted the Special Rapporteur on the independence of judges and lawyers to visit the kingdom from 20-27 October 2002.⁶⁴⁷ The Special Rapporteur was undertaking a fact-finding mission to assess “the compliance of the judiciary, the prosecution and the legal profession with international standards and criminal procedure in terms of the right to a fair trial.”⁶⁴⁸ In his follow-up, the Special Rapporteur published 24 recommendations to the Government of Saudi Arabia for the purpose of reforming the legal system.⁶⁴⁹ In *The Pretense of Progress: A Report on the Implementation of Saudi Arabia’s Recommendations from the Special Rapporteur on the Independence of Judges and Lawyers*, ADHRB found that the Government of Saudi Arabia made little progress in adhering to the Special Rapporteur’s recommendations, which sought to end systemic human rights violations within the Saudi system of criminal justice.⁶⁵⁰ The judiciary still remains under the direct influence of the king; “prosecutorial, investigatory, and policing bodies are maintained under the same ministry”; there are still no women judges in Saudi Arabia; and judges still enjoy excessive discretionary power when deciding cases.⁶⁵¹ For further commentary on these matters, refer to section B of this report.

644 Ibid., par. 2, 3, 5.

645 Ibid., par. 6.

646 Ibid., par. 3.

647 UN Economic and Social Council, *Civil and Political Rights, Including the Questions of: Independence of the Judiciary, Administration of Justice, Impunity*. 2003. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/102/64/PDF/G0310264.pdf?OpenElement>

648 Ibid.

649 Ibid.

650 ADHRB, *The Pretense of Progress*. March, 2015. pg. 2.

651 Ibid. pg. 32.

From 4–13 February 2008, the Saudi government granted access to the Special Rapporteur on violence against women.⁶⁵² The Special Rapporteur visited the kingdom to evaluate humanitarian issues pertaining to the political and economic status of women in the country.⁶⁵³ In her report, the Special Rapporteur published 36 recommendations to the Government of Saudi Arabia for the purpose of improving the economic, political and social status of women in the country. The Saudi government has made little progress towards implementing these recommendations in reforming systematic human rights abuses within Saudi society that put women at a severe political, economic, and social disadvantage.⁶⁵⁴ Despite passing a law that criminalizes domestic violence, the government's implementation and enforcement of this law is lacking.⁶⁵⁵ Further, the kingdom's sponsorship system severely restricts female autonomy, and the authorities generally prevent women from working in a number of professional fields and from rising to any positions of power within the government.⁶⁵⁶ For further commentary on these matters, refer to Section D of this report.

Saudi Arabia has agreed to upcoming visits from two other UN Special Procedures. On 23 February 2015, the government of Saudi Arabia accepted a request from the Special Rapporteur on human rights defenders. The agreed-upon date for the visit is "2015/2016."⁶⁵⁷ Officials have not finalized a set date for the visit. The Saudi government also agreed to a visit from the Special Rapporteur on contemporary forms of slavery, though it is unclear when this will take place.

Additionally, Saudi Arabia has yet to accept a number of requested visits by the remaining UN Special Procedures. In 2006, 2007, and 2010, the Special Rapporteur on torture requested a visit, but Saudi Arabia declined to accept in each instance.⁶⁵⁸ In 2005, the Special Rapporteur on trafficking in persons requested a visit, but Saudi Arabia never accepted the request.⁶⁵⁹ In 2005, the Special Rapporteur on extrajudicial, summary or arbitrary executions requested a visit, and despite a reminder in 2008 from the rapporteur, Saudi Arabia never accepted the request.⁶⁶⁰ In 2006, the Special Rapporteur on freedom of religion requested a visit, and despite reminders in 2008 and 2009 from the Special Rapporteur, Saudi Arabia never accepted the request.⁶⁶¹ In 2004, the Special Rapporteur on freedom of expression and opinion requested a visit, and despite reminders in 2008 and 2009, Saudi Arabia never accepted the request.⁶⁶² In 2008, the Working Group on arbitrary detention requested a visit, and despite a reminder in 2011, Saudi Arabia never accepted the request.⁶⁶³ In 2013, the Special Rapporteur on freedom of peaceful assembly and of association requested a visit, and Saudi Arabia never accepted the request.⁶⁶⁴ And finally, in 2015, the Special Rapporteur on extreme poverty and human rights requested a visit, and Saudi Arabia never accepted the request.⁶⁶⁵

652 OHCHR, Country and other visits by Special Procedures Mandate Holders since 1998 N-Z: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsN-Z.aspx>

653 UN Human Rights Council, *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*. 14 April 2003, pg. 4. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/128/22/PDF/G0912822.pdf?OpenElement>

654 ADHRB, *The Evasion of Equality*. March, 2015. pg. 1.

655 Ibid. pg. 28.

656 Ibid. pg. 29.

657 OHCHR, Country and other visits by Special Procedures Mandate Holders since 1998 N-Z: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsN-Z.aspx>

658 Ibid.

659 Ibid.

660 Ibid.

661 Ibid.

662 Ibid.

663 Ibid.

664 Ibid.

665 Ibid.

Moreover, of the 193 United Nations member states, 112 member states have demonstrated their engagement with the UN Special Procedures by extending a standing invitation to all UN thematic special procedures.⁶⁶⁶ Saudi Arabia is in the minority of member states that have not extended a standing invitation to these procedures.⁶⁶⁷

4. ENGAGE WITH THE HUMAN RIGHTS COUNCIL AND OHCHR

Perceived Progress

- 138.78** Continue the cooperation with the United Nations and its mechanisms in areas of technical training related to human rights (Kuwait);
- 138.79** Inform the Council on the relevant mechanisms on the kingdom's progress in the field of the dissemination of human rights culture and human rights education (Romania);
- 138.90** Continue constructive cooperation with the Office of the United Nations High Commissioner for Human Rights to build national capacities in order to protect and promote human rights within the framework of the Memorandum of Understanding signed between them in 2012 (Qatar); and
- 138.91** Continue the cooperation with the OHCHR in order to improve the capacity of the national institutions of human rights (Romania)

On 27 June 2012, the Saudi Human Rights Commission, on behalf of the Government of Saudi Arabia signed a memorandum of understanding (MOU) on technical cooperation with the OHCHR.⁶⁶⁸ Neither party has made extensive information available regarding the contents of the MOU. In its address to the HRC at the beginning of its second UPR cycle, Saudi Arabia stated that the MOU would “enhance the capacities of the Kingdom’s officials in this field.”⁶⁶⁹ The OHCHR offers more background, stating that the MOU created a framework in which OHCHR could develop a three-year plan for programs and capacity building for human rights promotion and protection in Saudi Arabia.⁶⁷⁰ These programs were to be developed with input from the Saudi Human Rights Commission and Saudi civil society.⁶⁷¹

Through this MOU, the Saudi government has, in partnership with the OHCHR, taken steps to meet several of the recommendations listed above. In particular, the Saudi government has worked with the OHCHR to build its capacity in promoting and protecting human rights. In its annual report for 2014, the OHCHR detailed a five-day training program it held for 140 government employees (100 men, 40 women) in February of that year.⁶⁷² The workshop trained the participants in interacting with the UN human rights mechanisms.⁶⁷³ In October 2015, the OHCHR and Human Rights Commission organized a similar forum on Saudi Arabia’s compliance with the

666 OHCHR, List of Member States that have extended Standing Invitations: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx

667 OHCHR, Country and other visits by Special Procedures Mandate Holders since 1998 N-Z: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsN-Z.aspx>

668 “Technical Cooperation in Saudi Arabia,” OHCHR, <http://www.ohchr.org/EN/Countries/MENARegion/Pages/TechnicalCooperationSaudiaArabia.aspx>.

669 A/HRC/23, par. 24.

670 “Technical Cooperation in Saudi Arabia,” OHCHR, <http://www.ohchr.org/EN/Countries/MENARegion/Pages/TechnicalCooperationSaudiaArabia.aspx>.

671 Ibid.

672 “OHCHR in the field: Middle East and North Africa,” OHCHR, http://www2.ohchr.org/english/OHCHRReport2014/WEB_version/allegati/14_Middle_East_and_North_Africa_2014.pdf, pg. 256.

673 Ibid.

Optional Protocols to the Convention on the Rights of the Child.⁶⁷⁴ On 6-7 January 2016, the OHCHR and the Saudi Human Rights Commission convened a symposium in Riyadh on better compliance with the CAT.⁶⁷⁵ The symposium covered seven topics related to torture—including its definition, mechanisms for its prevention, and mechanisms for investigation. A member of the Committee against Torture and two regionally-based OHCHR officials oversaw the symposium, and 120 participants, including 50 women, attended.⁶⁷⁶

Saudi Arabia and the OHCHR have not limited their technical cooperation to occasional symposia. Since February 14, the OHCHR has organized a series of trainings for the Saudi judiciary and officials within the Saudi Ministry of Justice (MoJ).⁶⁷⁷ The trainings focus on judges considered to be more junior in rank and experience. Though ADHRB has not been able to obtain information relating to the current status of the program, the OHCHR had planned to hold between 6 and 10 training periods, each period lasting 14 days, through the end of 2016. The OHCHR has also been able to secure the limited participation of Saudi civil society members, who have had the opportunity to dialogue with the judges and MoJ officials on human rights concerns. Currently, it is unknown whether the Saudi government and OHCHR will renegotiate the terms of the trainings when they end in late 2016.

Additionally, Saudi Arabia has periodically updated the UN Human Rights Council on its efforts to disseminate a culture of human rights and improve human rights education. During the Item 9 General Debate at the 28th Session of the HRC, held in March 2015, the Saudi representative to the Council informed the delegates that the Saudi government had established the King Abdullah International Center for Inter-Religious Dialogue in Vienna in 2008 to combat growing religious intolerance.⁶⁷⁸ At the 30th Session of the HRC, the Saudi representative endorsed the UPR process as crucial for running a community-based dialogue that ensures and promotes the enjoyment of human rights.⁶⁷⁹ For further discussion of Saudi Arabia's promotion of human rights culture and education, refer to Section E.

5. ENGAGE WITH THE EUROPEAN UNION

Not Implemented
No Perceived Progress

138.223 Engage in a structural human rights dialogue with the European Union at the political and technical level (Netherlands)

On 18 February 2014, the European Parliament released the annual "Report on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa."⁶⁸⁰ The European Parliament

674 Abdul Hannan Tago, "KSA follows principles of Islam to protect rights," Arab News, 27 October 2015, <http://www.arabnews.com/saudi-arabia/news/826376>.

675 "OHCHR and Saudi Human Rights Commission cooperate to raise awareness on the UN Convention against Torture," United Nations Development Programme, 10 January 2016, http://www.sa.undp.org/content/saudi_arabia/en/home/presscenter/articles/2016/01/10/ohchr-and-saudi-human-rights-commission-cooperate-to-raise-awareness-on-the-un-convention-against-torture.html.

676 Ibid.

677 Information in this paragraph was learned from a source with knowledge of the program.

678 "Item: 9 General Debate – 47th Meeting 28th Regular Session of Human Rights Council," UN Web TV, 23 March 2015, <http://webtv.un.org/meetings-events/human-rights-council/regular-sessions/28th-session/watch/item9-general-debate-47th-meeting-28th-regular-session-of-human-rights-council/4130353281001>.

679 "Item: 6 General Debate – 28th Meeting, 30th Regular Session Human Rights Council," UN Web TV, 25 September 2015, <http://webtv.un.org/meetings-events/human-rights-council/regular-sessions/30th-session/watch/item6-general-debate-28th-meeting-30th-regular-session-human-rights-council/4511898762001#full-text>.

680 European Parliament, *Report on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa*. 18 February 2014. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0125+0+DOC+XML+V0//EN>

noted its concern regarding the Government of Saudi Arabia's failure to adhere to its international commitments, resulting in human rights violations "such as arbitrary arrests and detention, torture, travel bans, judicial harassment, and unfair trials."⁶⁸¹ The report, on several instances, called on the kingdom to consider widespread systematic issues and begin the process of implementing reforms. Of particular importance, the European Parliament called on the kingdom to open a dialogue on human rights with the EU,⁶⁸² indicating that the state of engagement between the two bodies is lacking. Further, the European Parliament called on the Saudi government to adopt measures for the implementation of EU Member States' recommendations cited in the UPR that the kingdom submitted to the UN HRC in 2009.⁶⁸³ The report called on the kingdom to ratify core human rights treaties, particularly the ICCPR, ICESCR, and the ICRMW;⁶⁸⁴ Saudi Arabia has yet to ratify these treaties.⁶⁸⁵ The report also called on the Saudi government to fully cooperate with the UN Special Rapporteurs and allow access to the country for the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;⁶⁸⁶ the kingdom has yet to allow a visit from the Special Rapporteur and continues to impede the access of other special procedures into the country.⁶⁸⁷

In 2014, the European External Action Service (EEAS) released an "Annual Report on Human Rights and Democracy in the World."⁶⁸⁸ According to the report, the EEAS engaged with Saudi Arabia on human rights in three areas.⁶⁸⁹ The EEAS conducted formal and informal outreach initiatives towards the Saudi government in human rights-related judiciary cases "in close coordination with EU Member States."⁶⁹⁰ Additionally the report noted that since 2013, the EU Delegation has obtained permission for its diplomats to attend public trials.⁶⁹¹ However, the report failed to provide examples of the cases with which the EEAS engaged or the trials it was allowed to attend. Finally, the report stated that the EU had "regular contacts" with civil society organizations and human rights defenders.⁶⁹² Again, however, the report cited no specific cases regarding this statement. Attempts by ADHRB to contact the Saudi Delegation to the European Parliament have gone unanswered.

On 6 October 2015, the European Parliament released a Motion for a Resolution on the case of Ali Mohammed Baqir al-Nimr.⁶⁹³ The statement condemned al-Nimr's death sentence and called on the king to pardon him. The statement also reminded the kingdom that it is a state party to the CRC, a treaty that prohibits the use of the death penalty for crimes committed by anyone under the age of 18. The EU called on the Saudi government to ensure that al-Nimr has regular access

681 Ibid.

682 Ibid.

683 Ibid.

684 Ibid.

685 Refer to Section A for further discussion of Saudi Arabia's accession to international human rights treaties.

686 European Parliament, *Report on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa*. 18 February 2014. Line 11. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0125+0+DOC+XML+V0//EN>

687 OHCHR, Country and other visits by Special Procedures Mandate Holders since 1998 N-Z: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsN-Z.aspx>

688 European External Action Service, *Annual Report: Human Rights and Democracy in the World in 2014*. 2014. Pg. 223. http://eeas.europa.eu/human_rights/docs/2014-hr-annual-report_en.pdf

689 Ibid.

690 Ibid.

691 Ibid.

692 Ibid.

693 European Parliament, *Motion for a Resolution*. 6 October 2015. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+B8-2015-1026+0+DOC+XML+V0//EN&language=en>

to his family and lawyers, and that he is provided with any medical attention he may require. Additionally, the statement urged the kingdom to abolish the SCC and investigate alleged acts of torture. It distinctly noted that the arrest of al-Nimr occurred in the Shia-majority Eastern Province and called on the kingdom to address the systematic discrimination of the country's Shia population.

The Saudi government has not issued a response to the EU's statement. Saudi authorities continue to hold al-Nimr, and he remains at risk of imminent execution.⁶⁹⁴ Furthermore, they have transferred al-Nimr to solitary confinement and continue to prevent his family from consistently communicating with him.⁶⁹⁵ The Saudi government only recently allowed the family to visit al-Nimr in November 2015.⁶⁹⁶ Lastly, the SCC remains in operation.⁶⁹⁷

6. ENSURE DIGNIFIED HOUSING FOR VULNERABLE POPULATIONS

Not Implemented
No Perceived Progress

138.221 Share its good practice in ensuring dignified housing to the most vulnerable groups (Venezuela)

In July 2015, the Government of Saudi Arabia signed a five-year agreement to recruit more than one million domestic workers from countries including India, Uganda, Sri Lanka, and Bangladesh.⁶⁹⁸ In its agreement with Uganda, Saudi authorities assented to provisions requiring employers to provide migrant workers with “decent accommodation.”⁶⁹⁹ However, according to reports, the agreement does not specifically detail any criteria by which to determine an accommodation is “decent.”⁷⁰⁰ Migrant domestic workers in Saudi Arabia are among the most vulnerable groups in the kingdom, and many employers continue to force migrant domestic workers live in substandard conditions.⁷⁰¹

Migrant construction workers also experience significant housing challenges and poor living conditions.

To complete the variety of major construction projects currently overseen by the Saudi government, firms rely heavily on migrant labor.⁷⁰² As the magnitude of these projects has increased – and with it the size of the necessary workforce – Saudi experts have urged construction firms to provide

694 Human Rights Watch, *Saudi Arabia: Alleged Child Offender at Risk of Execution*. 15 September 2015. <https://www.hrw.org/news/2015/09/15/saudi-arabia-alleged-child-offender-risk-execution>

695 Khan, Shehab. *Ali Mohammed al-Nimr: Family say Saudi juvenile offender could be beheaded imminently after he is moved by jail*, Independent. 17 October 2015. <http://www.independent.co.uk/news/world/middle-east/ali-mohammed-al-nimr-family-say-saudi-juvenile-offender-could-be-beheaded-imminently-after-he-is-a6697901.html>

696 Mohammed al-Nimr, @mbanalnemer, 8 November 2015: <https://twitter.com/mbanalnemer/status/663449235942150144>

697 Human Rights Watch, *Saudi Arabia: Long Prison Terms for Activists*. 27 October 2015. <https://www.hrw.org/news/2015/10/27/saudi-arabia-long-prison-terms-activists>

698 Abdullah al-Qahtani, “Saudi Approves plans to hire 1.2 mln workers,” *Al-Arabiya*, 9 July 2015, <http://english.alarabiya.net/en/News/middle-east/2015/07/09/Go-ahead-given-for-hiring-1-2-million-workers-for-Saudi-Arabia.html>

699 A Million Ugandans for Saudi Houses: What Can We Expect?” *Migrant Rights*. 22 August 2015. <http://www.migrant-rights.org/2015/08/a-million-ugandans-for-saudi-houses-what-can-we-expect/>

700 Ibid.

701 “Isolation Renders Housemaids More Vulnerable to Abuse.” *Migrant Rights*. 21 October 2015. <http://www.migrant-rights.org/2015/10/isolation-renders-housemaids-more-vulnerable-to-abuse/>

702 “Saudi firms urged to set up ‘workers villages.’” *Trade Arabia*. 8 November 2015. http://www.tradearabia.com/news/CONS_294125.html

higher standards of living for their workers by creating dedicated “worker villages.”⁷⁰³ Housing costs have risen so steeply in Saudi Arabia in the past five years that many migrant workers are unable to afford existing accommodations on the market.⁷⁰⁴ As a result, these workers are often forced to find informal housing in one of the increasing number of slums that have emerged around the kingdom’s cities.⁷⁰⁵

Unplanned housing comprises roughly one-third of Jeddah’s developed area, and the living conditions in these informal neighborhoods are poor.⁷⁰⁶ In one of these slums, roughly two-thirds of the 2,000 occupants are migrants, many of whom are undocumented.⁷⁰⁷ Other reports indicate that migrants account for about one third of Saudi Arabia’s total slum population.⁷⁰⁸ Though the government announced in 2014 that it plans to replace the majority of Jeddah’s slums with subsidized housing, these new accommodations are only for Saudi citizens.⁷⁰⁹ According to the state-owned Al Arabiya news network, the “plan does not, however, address the needs of foreign migrant workers.”⁷¹⁰ If the plan is deemed successful in Jeddah, the government intends to extend it to the remainder of the kingdom, further displacing the country’s migrant population.⁷¹¹

Female teachers have also recently called for improvements to their housing conditions. Due to the driving ban, it is common for female teachers to search for accommodations near the school in which they work; unfortunately, many women have experienced significant difficulty finding available, appropriate housing.⁷¹² High rental prices and a dearth of transportation options have led some female teachers to live in substandard or informal housing so that they can effectively commute to and from work.⁷¹³

7. PROMOTE ISLAMIC SOLIDARITY

Not Implemented
No Perceived Progress

138.224 Activate the items listed in the Declaration of the Islamic Summit to promote Islamic solidarity and make it a reality where there is peace and coexistence (Sudan)

In August 2012, at the Fourth Extraordinary Session of the Islamic Summit Conference held in Mecca, Saudi Arabia, the 57-member Organisation of Islamic Cooperation adopted the “Mecca Pact on the Promotion of Islamic Solidarity.”⁷¹⁴ Several of the principles set forth in the pact, particularly ones concerning the question of Palestine and a joint response to the Government of

703 “Saudi Arabia: As megaprojects push ahead, pressure mounts to improve living conditions for workers.” *Albawaba*. 9 November 2015. <http://www.albawaba.com/business/saudi-arabia-megaprojects-push-ahead-pressure-mounts-improve-living-conditions-workers-7656>

704 Sloan, Alastair. “Saudi Arabia’s housing predicament.” *Middle East Monitor*. 28 February 2015. <https://www.middleeastmonitor.com/articles/middle-east/10030-saudi-arabias-housing-predicament>

705 Ibid.

706 “Poor Saudi slums highlight wider housing problems,” *Al-Arabiya*, 11 January 2014, <http://english.alarabiya.net/en/business/property/2014/01/11/Poor-Saudi-slums-highlight-wider-housing-problems.html>.

707 Ibid.

708 Ibid.

709 Ibid.

710 Ibid.

711 Ibid.

712 “Who’s driving this thing? Saudi Arabia can’t figure out how to get female teachers to work.” *Albawaba*. 9 September 2015. <http://www.albawaba.com/editorchoice/whos-driving-thing-saudi-arabia-cant-figure-out-how-get-female-teachers-work-740994>

713 “World Teachers’ Day sees renewed demands in Kingdom.” *Arab News*. 6 October 2015. <http://www.arabnews.com/saudi-arabia/news/816296>

714 “Makkah-Mukarramah Pact on the Promotion of Islamic Solidarity,” Organisation of Islamic Cooperation, 14-15 August 2012, http://www.oic-oci.org/english/conf/is/ex-4/is_ex4_pact_en.pdf.

Myanmar's repression of Rohingya Muslims, fall outside the scope of this report.⁷¹⁵ Several others, however, are directly pertinent.

The first principle delineates the signatories' "heavy responsibility" to avert strife and promote full cooperation and mutual aid among Muslims.⁷¹⁶ Since March 2015, however, Saudi Arabia has led a multi-nation military intervention into Yemen's civil war in order to reinstate the exiled President Abd Rabbuh Mansur Hadi.⁷¹⁷ The coalition has engaged in a sustained aerial bombing campaign that has targeted both residential areas and critical infrastructure. It has launched air strikes that have destroyed a warehouse full of humanitarian supplies,⁷¹⁸ struck a hospital administered by *Médecins Sans Frontières* (and may have inflicted damage on two others),⁷¹⁹ and targeted multiple wedding parties,⁷²⁰ killing dozens of civilians.⁷²¹ On 5 January 2016, the UN reported that the conflict in Yemen had killed 2,795 civilians and wounded 5,324 others since the coalition intervened in March 2015.⁷²² According to a July 2015 report from the UN Office for the Coordination of Humanitarian Affairs (OCHA) concerning coalition operations, Saudi-led air strikes had contributed to 60% of civilian deaths and injuries.⁷²³

Moreover, the Saudi-led intervention has exacerbated an already severe humanitarian crisis. In November 2015, the UN reported that 21.2 million Yemenis, or 82% of the population, were in need of humanitarian assistance.⁷²⁴ OCHA also reported that the intervention has caused a major increase in Yemen's internal refugee population. At the beginning of the intervention, 546,000 Yemeni civilians were internally displaced;⁷²⁵ by October 2015 that number had grown to as many as 2.3 million.⁷²⁶ Though the Saudi government has pledged 244 million USD in humanitarian aid for Yemen,⁷²⁷ the coalition's ongoing blockade has prevented medical and humanitarian supplies from reaching civilians in need.⁷²⁸ Additionally, as Yemen imported 90 percent of its foodstuffs

715 Ibid., 5-6.

716 Ibid., 3.

717 "Saudi Arabia launches air strikes in Yemen," BBC News, 26 March 2015, <http://www.bbc.com/news/world-us-canada-32061632>.

718 "Aid agency Oxfam condemns Saudi air strike in Yemen," Reuters, 20 April 2015, <http://www.reuters.com/article/us-yemen-security-humanitarian-idUSKBN0NB0DX20150420>.

719 "Yemen: MSF Hospital Destroyed by Airstrikes," Medecins Sans Frontieres, 27 October 2015, <http://www.doctorswithoutborders.org/article/yemen-msf-hospital-destroyed-airstrikes>; "Doctors Without Borders hospital hit by rocket in Yemen," Al Jazeera, 11 January 2016, <http://www.aljazeera.com/news/2016/01/doctors-borders-hospital-hit-rocket-yemen-160110125006083.html>.

720 Ahmed al-Haj, "Saudi-led air strikes kill 15 civilians at Yemen wedding," The Independent, 8 October 2015, <http://www.independent.co.uk/news/world/middle-east/saudi-led-air-strikes-kill-15-civilians-at-yemen-wedding-a6685586.html>.

721 Shuaib Almosawa and Kareem Fahim, "Airstrikes in Yemen Hit Wedding party, Killing Dozens," The New York Times, 28 September 2015, http://www.nytimes.com/2015/09/29/world/middleeast/airstrikes-in-yemen-hit-wedding-party-killing-dozens.html?_r=0.

722 "Yemen: civilian casualties top 8,100 as airstrikes and shelling continue, UN reports," UN News Centre, 5 January 2016, <http://www.un.org/apps/news/story.asp?NewsID=52938#.VqbdTyorLIU>.

723 "State of Crisis: Explosive Weapons in Yemen," UN Office for the Coordination of Humanitarian Affairs, <https://docs.unocha.org/sites/dms/Documents/Yemen%20EWIPA%20report.pdf>.

724 "UN: more than 21 million people in Yemen need basic humanitarian aid," UN News Centre, 24 November 2015, http://www.un.org/apps/news/story.asp?NewsID=52638#.VmEu_ldXVc.

725 "Yemen – Key Figures," UN Office for the Coordination of Humanitarian Affairs, <http://www.unocha.org/yemen>.

726 Ibid.

727 "Yemen crisis: How bad is the humanitarian situation?" BBC News, 15 December 2015, <http://www.bbc.com/news/world-middle-east-34011187>.

728 Emma Gatten, "Saudi blockade starves Yemen of vital supplies, as bombing raids continue," The Independent, 19 September 2015, <http://www.independent.co.uk/news/world/middle-east/saudi-blockade-starves-yemen-of-vital-supplies-as-bombing-raids-continue-10509460.html>.

even prior to the conflict, the Saudi-led blockade has contributed to the severe malnutrition of as many as 537,000 Yemeni children.⁷²⁹

The third principle of the Mecca Pact urges the members of the OIC to develop the capacities of its civil society institutions. Since the beginning of its second UPR cycle, however, the Saudi government has restricted the space in which civil society can independently operate. Law enforcement officials have arrested and prosecuted Saudi Arabia's most publicly-visible human rights defenders and political activists, in addition to closing several independent human rights organizations. While the kingdom's new civil society law – which was passed in November 2015 and is now in the early stages of implementation – will formalize the existence of a wide-variety of civic organizations, the law places severe restrictions on the manner in which these organizations can operate, in addition to subjecting them to extensive government oversight.⁷³⁰

Finally, the pact's fourth principle urges OIC members to safeguard Muslims from terrorism and extremist ideology. The Saudi government, however, continues to promote a strict Wahhabi interpretation of Islam that is intolerant of non-Muslims and minority-Muslim populations. The Saudi government has financed the spread of this ideology throughout the world, and it continues to welcome and support clerics who adopt a similarly intolerant worldview.⁷³¹

8. OUTREACH TO PARTICULAR SPECIAL PROCEDURES

Not Accepted

138.86 Invite the Special Rapporteur on the human rights of migrants and the Special Rapporteur on contemporary forms of slavery to assess the situation of domestic migrant workers (Chile)

138.89 Extend an invitation to visit the Working Group on the issue of discrimination against women in law and in practice to visit (Mexico)

The Government of Saudi Arabia has agreed to a visit from the Special Rapporteur on contemporary forms of slavery, though it is unclear when this will take place.⁷³² According to the OHCHR website, there are no plans for a visit from the Working Group on the issue of discrimination against women in law and in practice.⁷³³

9. NON-INTERFERENCE IN INTERNAL AFFAIRS

Not Accepted

138.225 Commit to the principle of non-intervention in the internal affairs of other States as it is related to the achievement of social, economic, cultural and political development of all States (Syrian Arab Republic)

The Saudi government has interfered in Yemen's civil war in such a way that hinders its social, economic, cultural, and political development. For details, please refer to section H.7.

729 Stephanie Nebehay, "Half a million Yemen children face severe malnutrition: U.N.," Reuters, 16 October 2015, <http://www.independent.co.uk/news/world/middle-east/saudi-blockade-starves-yemen-of-vital-supplies-as-bombing-raids-continue-10509460.html>.

730 For a more detailed discussion of civil society space in Saudi Arabia, refer to Section C.

731 Ibid.

732 OHCHR, Country and other visits by Special Procedures Mandate Holders since 1998 N-Z: <http://www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsN-Z.aspx>

733 Ibid.

Conclusion

In terms of enhancing cooperation with international human rights mechanisms, the Saudi government has made progress in its technical cooperation with the OHCHR. Specifically, an MOU signed in 2012 has yielded a period of substantive programmatic work between the country and the OHCHR, highlighted by a human rights training program for judges and capacity building projects jointly undertaken with the Saudi Human Rights Commission, a national human rights body.

Nonetheless, this is the only area in which the Saudi government has cooperated with international human rights bodies beyond a technical level. Though it participates in the UPR's self-reporting process and has accepted the majority of recommendations offered by other countries at the start of both its first and second UPR cycles, it has made only nominal progress towards implementing the recommendations of either cycle. Specifically, it has neglected to adhere to several accepted recommendations, such as an end to corporal punishment and the abolition of the system of male guardianship, which would require the government to enact and implement comprehensive reforms. The persistence of these human rights concerns cannot be resolved by way of limited participation within the HRC's debates and reviews, and must be dealt with systemically for the international community to judge that any progress has been made.

Furthermore, the Saudi government did not adhere to the majority of specific recommendations accepted under this section. Its reporting to the treaty bodies remains irregular and infrequent. It has not fully engaged with any UN rapporteur or working group within the last two years, it has interacted only minimally with the EU regarding human rights concerns, and it has not participated in a human rights dialogue at the political or technical level. It has additionally failed to adequately address notable housing concerns among its most vulnerable populations. Finally, its military intervention in Yemen has exacerbated a humanitarian crisis, destroyed already-fragile infrastructure, and contributed to a mounting civilian death toll, violating its obligations under the OIC's recent Mecca Pact to promote solidarity between Muslim nations and prevent strife.

With the exception of the Saudi government's cooperation with the OHCHR, it has not implemented any of this section's recommendations beyond a technical level.

SECTION I

Combating Trafficking in Persons

The Government of Saudi Arabia fully accepted all recommendations classified under this subheading. It accepted **138.72**, concerning furthering the work of a national anti-corruption and national anti-trafficking body; **138.80**, concerning training and raising awareness among workers on combating human trafficking; **138.131**, expressing that it will continue to implement its anti-human trafficking law promulgated in 2009; and **138.132** and **138.133**, concerning protecting children from trafficking.

Additionally, the government decided to include recommendations **138.159** and **138.160**, concerning reducing corruption, in this section.

In accepting the recommendations, the government stated:

In the context of implementing combating trafficking in persons laws and upholding the international obligations of the kingdom, and based on Islamic law, which prohibits all forms of human trafficking, the specialized authorities in the kingdom, such as the Committee to Combat Human Trafficking Crimes and other specialized governmental parties, continue to monitor any crimes of trafficking in persons and to punish the perpetrators, while providing the necessary care and assistance to victims, in addition to providing various social, psychological, legal, educational, and training services to them.⁷³⁴

Brief Assessment

Although the Government of Saudi Arabia has taken several legislative steps designed to combat human trafficking and corruption, these efforts have had only limited effects on these longstanding, interrelated problems. Saudi Arabia remains a major destination for men, women, and children trafficked from Asia, Africa, and the Middle East and subjected to forced labor. Victims of human trafficking in Saudi Arabia suffer from physical and sexual abuse, non-payment or delayed payment of wages, the withholding of travel documents, restrictions on their freedom of movement, and arbitrary contract alterations. Corruption persists as a problem in Saudi Arabia despite efforts by the Saudi government and the National Anti-Corruption Commission.

1. TRAIN WORKERS ON COMBATING TRAFFICKING

Not Implemented
No Perceived Progress

138.80 Set up programs and plans to enhance training and raise awareness among the workers in the area of combating human trafficking (Qatar)

ADHRB could not locate evidence that the Saudi government has implemented programs to enhance the training of migrant workers in the area of combating human trafficking, but the kingdom has implemented a human trafficking-related training program for relevant government employees, administered by a subcommittee of the Human Rights Commission.⁷³⁵ Additionally, in November 2015 the Saudi Ministry of Labor (MoL) announced the creation of a special department within its Agency of Inspection and Development of Work Environments to bring the agency further in line with the 2009 Suppression of the Trafficking in Persons Act.⁷³⁶ The Agency of Inspection and Development of Work Environments reportedly trains inspectors on

⁷³⁴ A/HRC/25/3/Add.1, par. 19.

⁷³⁵ See Section I.4 below for further discussion.

⁷³⁶ “العمل السعودية” تنشئ إدارة مختصة بمكافحة الاتجار بالبشر، Argaam, 21 November 2015, <http://www.argaam.com/ar/article/articledetail/id/396875>.

recognizing and handling cases of human trafficking as one of its primary goals.⁷³⁷ However, there is no evidence that the government has extended such trainings to workers themselves.

The government has recently taken limited steps to raise public awareness around human trafficking. In 2015, the MoL publicized an infographic explaining the legal penalties⁷³⁸ for individuals that commit human trafficking.⁷³⁹ This infographic, however, appears to have been for the general public, and was not specifically used to educate workers. Also in 2015, the MoL publicized a website, “Musaned,” which explains the rights of employed domestic workers and the obligations of employers of domestic labor.⁷⁴⁰ While this material specifically targets workers, it does not mention human trafficking; it also presumes that domestic workers, who live in tightly monitored conditions, will have the ability to access the information freely online and will be able to read Arabic or English.

2. CONTINUE IMPLEMENTATION OF THE HUMAN TRAFFICKING LAW

Perceived Progress

138.131 Continue its measures in combating human trafficking through the effective implementation of its Trafficking in Persons (Offences) Act (Cambodia)

Saudi Arabia’s Council of Ministers ratified the Suppression of the Trafficking in Persons Act, which prohibits human trafficking, on 13 July 2009.⁷⁴¹ The 2009 law defines trafficking in persons as the “use, recruitment, transportation, harboring or receipt of a person for the purpose of exploitation.”⁷⁴² Article 3 of the law stipulates a maximum sentence of 15 years in prison, and/or a fine of up to SR one million for individuals convicted of trafficking persons.⁷⁴³ The law mandates significant penalties in cases where the victims are women, minors, persons with special needs, or when the crime is transnational.⁷⁴⁴

Six years after the law’s promulgation, the US State Department’s 2015 Trafficking in Persons (TIP) Report listed Saudi Arabia as a Tier 2 Watch List country, stating, “the Saudi government does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.”⁷⁴⁵ According to the State Department, Saudi authorities investigated 725 trafficking suspects, prosecuted 52 cases, and convicted 68 offenders under the anti-trafficking law in 2014.⁷⁴⁶ Saudi Arabia improved on the number of prosecutions and convictions from 2013, when the kingdom reportedly prosecuted 38 suspected trafficking cases and convicted 43 offenders.⁷⁴⁷

737 Ibid.

738 For further discussion, see Section I.2 below.

739 انفورجرافيك.. تعرف على بعض صور الاتجار بالأشخاص التي حددتها العمل, Akhbaar 24, 10 December 2015, <http://akhbaar24.argaam.com/article/detail/251530/%D8%A7%D9%86%D9%81%D9%88%D8%AC%D8%B1%D8%A7%D9%81%D9%8A%D9%83-%D8%AA%D8%B9%D8%B1%D9%81-%D8%B9%D9%84%D9%89-%D8%A8%D8%B9%D8%B6-%D8%B5%D9%88%D8%B1-%D8%A7%D9%84%D8%A7%D8%AA%D8%AC%D8%A7%D8%B1-%D8%A8%D8%A7%D9%84%D8%A3%D8%B4%D8%AE%D8%A7%D8%B5-%D8%A7%D9%84%D8%AA%D9%8A-%D8%AD%D8%AF%D8%AF%D8%AA%D9%87%D8%A7-%D8%A7%D9%84%D8%B9%D9%85%D9%84>.

740 “Domestic Labor Rights,” Musaned, Ministry of Labor, <http://www.musaned.gov.sa/en/domesticworkers>.

741 “Saudi Arabia Announces Increased Penalties for Human Traffickers,” Royal Embassy of Saudi Arabia, Washington DC, 14 July 2009, <http://www.saudiembassy.net/press-releases/press07140901.aspx>.

742 Anti-Trafficking in Persons Law, Royal Decree No. (M/40), Kingdom of Saudi Arabia, 14 July 2009. https://www.boe.gov.sa/ViewSystemDetails.aspx?lang=en&SystemID=275&VersionID=255trafficking/1.2%20Anti-Trafficking%20in%20Persons%20Law_EN.pdf, Article 1.

743 Ibid.

744 Ibid.

745 “2015 Trafficking in Persons Report: Saudi Arabia,” U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm>.

746 Ibid.

747 Ibid.

The Saudi government has also taken preliminary steps to enhance training and awareness among police forces and border guards to combat human trafficking. In January 2014, the MoL conducted a workshop for government officials on the implementation of new labor laws and how these laws will assist the government in combating human trafficking.⁷⁴⁸ In early 2015, the Saudi government held anti-trafficking trainings for 11 police officials and hosted an anti-trafficking conference for 30 officials from multiple Arab-majority states.⁷⁴⁹ Saudi police also reportedly worked with the Indonesian Embassy to rescue 39 Indonesian victims of human trafficking in the Qatif region of the Eastern Province in October 2015.⁷⁵⁰

Even with these positive efforts, migrant domestic workers remain vulnerable to human trafficking in Saudi Arabia. According to Migrant Rights, an international NGO advocating for greater protections for migrant workers around the world, Saudi employers frequently use illegitimate recruitment agencies that falsify the terms of employment in order to convince workers to travel to the kingdom.⁷⁵¹ Once in Saudi Arabia, employers will often subject trafficked domestic workers to abusive living and working conditions. In 2015, the Filipino migrants' rights group Migrante-Middle East reported that recruitment of underage overseas foreign workers occurs regularly.⁷⁵² Local activists in Mauritania reported in 2015 that Saudi employers have trafficked more than 900 Mauritanian domestic workers through deceptive employment terms, frequently exposing women to physical abuse and sexual harassment.⁷⁵³

In December 2013, Minister of Labor 'Adil Faqih announced that companies who hire foreign workers but do not provide them with a job will face prosecution and be classified as "human traffickers."⁷⁵⁴ However, as of May 2015, Human Rights Watch reported that it was unaware of any prosecutions for visa fraud that the authorities have brought against Saudis posing as employers.⁷⁵⁵ According to the Saudi Human Rights Commission, Saudi families frequently engage in this illegal trading of domestic workers, despite the anti-trafficking law's significant sanctions.⁷⁵⁶ The Saudi government does operate 15 welfare centers for female domestic workers through the Ministry of Social Affairs.⁷⁵⁷ However, the State Department notes that government officials frequently arrest, deport, and even prosecute trafficking victims, particularly illegal foreign workers and domestic workers who fled their employers, rather than taking action against the employer.⁷⁵⁸ For more on worker's rights, see Section J.

748 "2014 Trafficking in Persons Report: Saudi Arabia," U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226806.htm>.

749 "2015 Trafficking in Persons Report: Saudi Arabia," U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm>.

750 "39 victims of human trafficking rescued," The Jakarta Post, 26 October 2015, <http://www.thejakartapost.com/news/2015/10/26/national-scene-39-victims-human-trafficking-rescued.html>.

751 "Recruiting Racket in Saudi Arabia," Migrant Rights, 23 November 2010, <http://www.migrant-rights.org/2010/11/recruiting-racket-in-saudi-arabia/>.

752 Abdul Hannan Tago, "Comatose Filipino maid a victim of human trafficking," Arab News, 3 October 2015, <http://www.arabnews.com/news/814786>.

753 Rori Donaghy and Linah Alsaafin, "Hundreds of Mauritanian women trafficked to Saudi Arabia trapped in 'slavery,'" Middle East Eye, 30 September 2015, <http://www.middleeasteye.net/news/hundreds-mauritanian-women-subject-slave-conditions-saudi-arabia-121500465>.

754 "Detained, Beaten, Deported: Saudi Abuses against Migrants during Mass Expulsions," Human Rights Watch, 10 May 2015, <https://www.hrw.org/report/2015/05/10/detained-beaten-deported/saudi-abuses-against-migrants-during-mass-expulsions>.

755 Ibid.

756 "Trading in housemaids thrives despite threats by rights body," Arab News, 21 June 2015, <http://www.arabnews.com/news/765231>.

757 "2015 Trafficking in Persons Report: Saudi Arabia," U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm>.

758 Ibid.

3. INCREASE PROTECTIONS FOR TRAFFICKED CHILDREN

Technically Implemented
No Perceived Progress

138.132 Ensure protection of victims of trafficking in human beings, in particular children, by providing assistance and social reintegration services, and by advancing cooperation with countries of origin and transit (Republic of Moldova)

138.133 Look into the issue of trafficking in children who are exploited and used for the purpose of begging, in cooperation with countries of origin (United Arab Emirates)

Saudi Arabia signed the UN Convention on the Rights of the Child in 1996, which stipulates, “States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”⁷⁵⁹ In November 2014, the Council of Ministers passed the Child Protection Law, which banned the exploitation of children.⁷⁶⁰ Article 3 of the law specifically prohibits physical and sexual exploitation of children, including forced labor.⁷⁶¹ Article 9, furthermore, explicitly bans the trafficking of children for the purpose of begging.⁷⁶² It does not prescribe a set penalty for offenders, however, fully ceding the determination of sentencing to the judiciary.⁷⁶³

The exploitation of children through forced begging has proven particularly acute in Saudi Arabia. Saudi and Yemeni criminal gangs traffic children across the Saudi-Yemeni border and use them for forced labor as beggars and street vendors.⁷⁶⁴ In 2008, Saudi officials estimated that 24,000 children trafficked from 18 countries were involved in street vending and begging in the kingdom.⁷⁶⁵ In 2007, the BBC reported that destitute families, mainly from Yemen and the Horn of Africa, will sometimes sell their children into Saudi Arabia as a means for a better life for the children, or after being threatened by criminal gangs.⁷⁶⁶ In early 2011, Saudi authorities arrested an estimated 3,500 smuggled Yemeni children that worked or begged every month.⁷⁶⁷

This problem has continued into the period defining Saudi Arabia’s second cycle UPR. The U.S. State Department reported that Saudi authorities deported 8,000 beggars in 2014, 70% of whom were foreign.⁷⁶⁸ These deportations frequently include large numbers of child beggars.⁷⁶⁹ UNICEF reported that, in 2014 alone, Saudi authorities deported 647 Yemeni children to the northern

759 Convention on the Rights of the Child, United Nations Office of the High Commissioner for Human Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>, Article 35

760 “Saudi Arabia declares war on child abuse,” Arab News, 18 November 2014, <http://www.arabnews.com/featured/news/661746>.

761 نظام حماية الطفل, Royal Decree No. (M/14), Kingdom of Saudi Arabia, November 2014, <https://www.boe.gov.sa/ViewSystemDetails.aspx?lang=ar&SystemID=356&VersionID=333>.

762 Ibid.

763 Ibid., Article 23.

764 “2015 Trafficking in Persons Report: Saudi Arabia,” U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm>.

765 “Adults Before Their Time: Children in Saudi Arabia’s Criminal Justice System,” Human Rights Watch, 24 March 2008, <https://www.hrw.org/report/2008/03/24/adults-their-time/children-saudi-arabias-criminal-justice-system>.

766 “The child slaves of Saudi Arabia,” BBC News, 27 March 2007, http://news.bbc.co.uk/2/hi/programmes/this_world/6431957.stm.

767 MD Rasooldeen, “Riyadh police round up 109 in clampdown on beggary,” 21 January 2011, <http://www.arabnews.com/node/366083>.

768 “2015 Trafficking in Persons Report: Saudi Arabia,” U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm>.

769 Abdul Hannan Tago, “Crackdown on beggars continues,” Arab News, 7 January 2015, <http://www.arabnews.com/saudi-arabia/news/685706>.

Yemeni city of Sa'dah.⁷⁷⁰ Undercover police typically raid the living quarters of child beggars at night after tracking their movements during the day.⁷⁷¹ Police search for beggars at traffic lights, construction sites, abandoned buildings, market places, and malls.⁷⁷² According to a study conducted in 2015 by Musaed Al-Hadeethi, a professor at King Saud University, the number of undocumented migrants engaging in begging and similar illegal activities is on the rise.⁷⁷³ Though it is acknowledged that “there are a large number of people who traffic women and children into the Kingdom and run elaborate begging syndicates,” government and religious officials like Saudi Arabia’s Grand Mufti, Sheikh Abdulaziz Al-Asheikh, continue to support law enforcement initiatives aimed at punishing undocumented beggars, rather than targeting the wider criminal organizations.⁷⁷⁴

Authorities do, however, offer rehabilitation and integration programs for Saudi children that have experienced human trafficking and/or been forced to beg. In August 2014, Ministry of Social Affairs (MoSA) spokesperson Khalid al-Thebaiti stated that Saudi citizens under 18 years of age comprised 10 percent of child beggars in the kingdom and that the MoSA provides them shelter and care in juvenile observation homes.⁷⁷⁵ He also stated that the MoSA coordinates with private charitable groups to secure care for the children.⁷⁷⁶

Non-Saudi children are passed to the Ministry of Interior (MoI), which deports them;⁷⁷⁷ the extent to which Saudi authorities coordinate with the officials of the child’s country of origin is unclear. According to domestic Saudi media, UNICEF trains Saudi border guards on how to recognize and take care of trafficked children, including treatment of children during their arrest and how to safely deport them home, although little additional public information about this program could be located.⁷⁷⁸

770 “Yemen Situation Report: February 2015,” UNICEF, http://www.unicef.org/mena/MENA-UNICEF_Yemen_SitRep_February_2015.pdf.

771 Habib Toumi, “Thousands of beggars arrested in Saudi capital Riyadh,” Gulf News, 6 January 2015, <http://gulfnews.com/gulf/saudi-arabia/thousands-of-beggars-arrested-in-saudi-capital-riyadh-1.1437083>.

772 MD Rasooldeen, “Overstayers, child beggars arrested,” Arab News, 14 October 2014, <http://www.arabnews.com/news/644021>.

773 “Begging may turn into a phenomenon,” Arab News, 31 October 2015, <http://www.arabnews.com/saudi-arabia/news/828321>.

774 “Beggars ‘invade Saudi streets’ during Ramadan,” Al Arabiya, 4 July 2015, <http://english.alarabiya.net/en/News/middle-east/2015/07/04/Beggars-invade-Saudi-streets-during-Ramadan.html>.

775 “‘Ten percent’ of child beggars in Saudi Arabia are nationals,” Al-Arabiya, 11 August 2014, <http://english.alarabiya.net/en/News/middle-east/2014/08/11/10-of-child-beggars-are-Saudi-Ministry.html>; see also “الشؤون الاجتماعية للحياة: 10 في المئة من أطفال الشوارع” سعوديون Al-Hayat, 10 August 2014, <http://www.alhayat.com/Articles/4049564/-%D8%A7%D9%84%D8%B4%D8%A4%D9%88%D9%86-%D8%A7%D9%84%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9%D9%8A%D8%A9--%D9%84%D9%80--%D8%A7%D9%84%D8%AD%D9%8A%D8%A7%D8%A9---10-%D9%81%D9%8A-%D8%A7%D9%84%D9%85%D8%A6%D8%A9-%D9%85%D9%86--%D8%A3%D8%B7%D9%81%D8%A7%D9%84-%D8%A7%D9%84%D8%B4%D9%88%D8%A7%D8%B1%D8%B9--%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D9%88%D9%86>.

776 Ibid.

777 “الشؤون الاجتماعية للحياة: 10 في المئة من أطفال الشوارع” سعوديون Al-Hayat, 10 August 2014, <http://www.alhayat.com/Articles/4049564/-%D8%A7%D9%84%D8%B4%D8%A4%D9%88%D9%86-%D8%A7%D9%84%D8%A7%D8%AC%D8%AA%D9%85%D8%A7%D8%B9%D9%8A%D8%A9--%D9%84%D9%80--%D8%A7%D9%84%D8%AD%D9%8A%D8%A7%D8%A9---10-%D9%81%D9%8A-%D8%A7%D9%84%D9%85%D8%A6%D8%A9-%D9%85%D9%86--%D8%A3%D8%B7%D9%81%D8%A7%D9%84-%D8%A7%D9%84%D8%B4%D9%88%D8%A7%D8%B1%D8%B9--%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D9%88%D9%86>; see also MD Rasooldeen, “Overstayers, child beggars arrested,” Arab News, 14 October 2014, <http://www.arabnews.com/news/644021>.

778 Mohammed Rasooldeen, “343 beggars arrested in two-day swoop,” Arab News, 4 July 2015, http://www.arabnews.com/saudi-arabia/news/771471?quicktabs_stat2=1.

Since the beginning of Saudi Arabia's second UPR cycle, reports have repeatedly surfaced of Saudi men engaging in the trafficking and sexual exploitation of girls via early marriage. In particular, a series of Saudi men have traveled to Jordanian refugee camps to marry Syrian girls as young as 13, frequently paying the girl's family in order to do so.⁷⁷⁹ Saudi authorities have not taken steps to deter this practice. Refer to Section D for a further discussion of child marriage in Saudi Arabia.

4. STRENGTHEN ANTI-CORRUPTION GOVERNMENT BODIES

Technically Implemented
No Perceived Progress

138.72 Further its endeavors with regard to the smooth and productive activities of the National Anti-Corruption Commission and the Standing Committee on Trafficking in Persons (Azerbaijan)

In 2011, the Saudi government established the National Anti-Corruption Commission (Nazaha), with the aim to “uphold integrity, promote the principle of transparency, and fight against financial and administrative corruption in all its forms and manifestations.”⁷⁸⁰ However, in 2012, Freedom House stated that Nazaha had not yet reported to the public in detail about its activities.⁷⁸¹ Similarly, in 2014, the Bertelsmann Foundation noted that Nazaha focuses on midlevel corruption allegations and issues of bureaucratic efficiencies, rather than targeting high-level official corruption directly.⁷⁸²

Nazaha's 2011-2014 performance summary report stated the commission received a total of 6,905 reports that fell under its jurisdiction during this three year timeframe, of which the majority related to stalled or poorly-implemented government projects.⁷⁸³ The report also outlined a number of investigative powers for Nazaha, but no executive authorities.⁷⁸⁴ According to Nazaha's president, Muhammad al-Sharif, government departments often do not respond to Nazaha inquiries in a timely manner.⁷⁸⁵

The Saudi government has also failed to strengthen Nazaha's powers of oversight. In June 2015, the Shura Council withdrew proposed legislation that would have allowed Nazaha to monitor the bank accounts of government officials⁷⁸⁶ and those of individuals suspected of corruption.⁷⁸⁷ A 2015 online survey conducted by Nazaha revealed that, out of 427 Saudi respondents, 44.5 percent said they were unhappy with Nazaha's procedures, citing “poor communication efforts and excessive red-tape.”⁷⁸⁸

779 “Syrian conflict: Untold misery of child brides,” BBC News, 20 August 2014, <http://www.bbc.com/news/world-middle-east-28250471>.

780 “Cabinet approves creation of National Anti-Corruption Commission,” Royal Embassy of Saudi Arabia, Washington DC, 8 May 2011, http://www.saudiembassy.net/latest_news/news05081101.aspx.

781 “Countries at the Crossroads 2012 Report: Saudi Arabia,” Freedom House, <https://freedomhouse.org/report/countries-crossroads/2012/saudi-arabia>.

782 “2014 Transformations Index: Saudi Arabia Country Report,” The Bertelsmann Foundation, http://www.bti-project.org/uploads/tx_itao_download/BTI_2014_Saudi_Arabia.pdf, pg. 10.

783 “Performance Summary Report Of The National Anti-Corruption Commission 2011-2014,” Nazaha, <http://www.nazaha.gov.sa/en/About/Pages/ReportsEN.aspx>.

784 Ibid.

785 “Nazaha's actions are ‘based on evidence,’” Arab News, 8 March 2013, <http://www.arabnews.com/saudi-arabia/nazaha%E2%80%99s-actions-are-%E2%80%98based-evidence%E2%80%99>.

786 “No Nazaha access to govt officials’ bank accounts,” Arab News, 10 June 2015, <http://www.arabnews.com/saudi-arabia/news/759696>.

787 “Shoura ‘no’ to Nazaha monitoring accounts,” Arab News, 5 November 2015, <http://www.arabnews.com/saudi-arabia/news/830766>.

788 Sultan al Sughair, “Nazaha ‘out of bounds for most citizens,’” Arab News, 1 April 2015, <http://www.arabnews.com/news/726186>.

In 2009, the Saudi government established the Standing Committee on Combating Trafficking in Persons within the Human Rights Commission. Representatives of the MoI, MoSA, MoL, MoFA, and MoJ comprise the Standing Committee.⁷⁸⁹ The government charges the Standing Committee with a number of tasks, including closely monitoring human trafficking cases so as to collect statistical data on their occurrence; working with relevant government agencies to install training programs on, and preventive measures for, human trafficking; and raising awareness on crimes of human trafficking through media campaigns and public events.⁷⁹⁰ In its 2014 annual report, the Human Rights Commission provided general details on the activities of the Standing Committee during that year, stating that its members conducted numerous site visits to deportation centers, centers for combating begging, and social service centers in Riyadh, Mecca, the Eastern Province, Aseer, and Jazan in order to study the cases of those trafficked and train relevant officials on recognizing and preventing trafficking.⁷⁹¹

Beyond this self-reporting, local Saudi media has also periodically reported on the Standing Committee's activities within the last two years. In December 2014, the Saudi newspaper *Al-Riyadh* stated that the Standing Committee had convened a meeting before the Human Rights Commission and several other government agencies to discuss problems in recruiting.⁷⁹² In April 2015, Badr bin Salem Bajabar, Secretary-General of the Standing Committee, informed the newspaper *Al-Watan* that Saudi courts had adjudicated 68 cases of trafficking during the previous year, further informing the paper that most involved the exploitation of women and children.⁷⁹³

5. CONTINUE EFFORTS TO COMBAT CORRUPTION

Not Implemented
No Perceived Progress

138.159 Continue with its efforts to combat corruption (Singapore); and

138.160 Intensify efforts to promote the principle of transparency in their endeavour to combat corruption (Malaysia)

Saudi Arabia frequently scores average to below average in measures of transparency and corruption. Transparency International ranked Saudi Arabia 48th out of 175 countries in its 2015 Corruption Perception Index with a score of 52 (higher rankings indicate higher levels of corruption, while higher scores indicate lower levels of corruption).⁷⁹⁴ This represents a slight improvement from 2014, when Saudi Arabia ranked 52nd,⁷⁹⁵ although its measure of budget transparency has remained constant since 2010 at a score of 1, meaning the level of “budget openness” in the kingdom is “scant or none.”⁷⁹⁶ Similarly, the World Bank placed Saudi Arabia in the 59th percentile among countries in its 2014 Control of Corruption data set.⁷⁹⁷ In 2016, Freedom House gave Saudi Arabia a score of

789 (التقرير السنوي: 1435 هـ 2014م) Human Rights Commission, [http://www.hrc.gov.sa/ar-sa/Reports/HCRreports/Documents/%D8%A7%D9%84%D8%AA%D9%82%D8%B1%D9%8A%D8%B1%20%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%201435%20%D9%87%D9%80%20\(2014\).pdf](http://www.hrc.gov.sa/ar-sa/Reports/HCRreports/Documents/%D8%A7%D9%84%D8%AA%D9%82%D8%B1%D9%8A%D8%B1%20%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%201435%20%D9%87%D9%80%20(2014).pdf), pg. 46.

790 Ibid.

791 Ibid., 77.

792 لجنة <مكافحة جرائم الاتجار بالأشخاص> تناقش واقع الاستقدام, Al-Riyadh, 23 December 2014, <http://www.alriyadh.com/1006173>.

793 بـاجـابـر: متورطو جرائم الاتجار بالبشر.. أجنبي, Al-Watan, 12 April 2015, http://www.alwatan.com.sa/Nation/News_Detail.aspx?ArticleID=220398&CategoryID=3.

794 “Corruption by Country/Territory: Saudi Arabia,” Transparency International, <https://www.transparency.org/country/#SAU>

795 “Corruption Perceptions Index 2014,” Transparency International, <https://www.transparency.org/cpi2014/results>.

796 “Corruption by Country/Territory: Saudi Arabia,” Transparency International, <https://www.transparency.org/country/#SAU>

797 “World Governance Indicator: Country Data Report for Saudi Arabia, 1996-2014,” World Bank, <http://info.worldbank.org/governance/wgi/pdf/c190.pdf>.

1 out of 12 in the Functioning of Government section of its Freedom in the World Report for the second year in a row, describing the Saudi government's financial practices as non-transparent.⁷⁹⁸ The International Budget Partnership (IBP) gave Saudi Arabia a score of 0 out of 100 in its 2015 Open Budget Index, the lowest among 102 countries, based on transparency of accounts, citizen participation, and the strength of independent oversight institutions.⁷⁹⁹ The U.S. Department of State's 2015 Fiscal Transparency Report said that the limited data available to the Saudi public does not provide ministry-specific accounting of government expenditures, and that the Saudi government's own budgetary reports do not include funds allocated to the Council of Ministers and the royal family.⁸⁰⁰

Over the past several years, the Saudi government has prosecuted a number of government officials for acts of corruption that contributed to property damage, injury, and even death. In 2014, a Saudi court sentenced 45 people, including Jeddah municipal officials, to prison terms and fines totaling USD 14 million on corruption charges after flooding in Jeddah killed over 123 people and left thousands homeless in 2009.⁸⁰¹ The convictions included bribery, forgery, misuse of public money, engaging in illegal business, and money laundering.⁸⁰² The government initially brought charges against 138 individuals and, in 2015, the Supreme Administrative Appeals Court in Riyadh stated its intention to retry many of the acquitted officials in the Jeddah flood case.⁸⁰³ This example, however, did not lead to better practices in Jeddah, as another rainstorm in November 2015 resulted in widespread flooding and at least 12 deaths.⁸⁰⁴ The governor of Mecca province, where Jeddah is located, informed local media that "a lack of adequate rainwater drainage systems at these sites" caused the flooding.⁸⁰⁵ The Saudi Gazette reported that Jeddah's municipal government had completed only 30% of the drainage network project for the city's main roads prior to the 2015 flood.⁸⁰⁶

In other cases involving loss of life and property damage, the Saudi government has neither swiftly prosecuted government officials nor made their investigations transparent. In September 2015, a construction crane collapsed into Mecca's Grand Mosque, killing more than 100 individuals.⁸⁰⁷ King Salman ordered an inquiry into the deadly crane collapse, promising to make the findings public. In February 2016, Saudi news sources reported that "30 top officials, directors and technicians in the construction company executing the expansion project of the Grand Mosque

798 "Freedom in the World 2016 Saudi Arabia," Freedom House, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>

799 "Open Budget Index 2015 Saudi Arabia," International Budget Partnership, <http://internationalbudget.org/opening-budgets/open-budget-initiative/open-budget-survey/country-info/?country=sa>.

800 "2015 Fiscal Transparency Report," US Department of State, <http://www.state.gov/e/eb/ifa/oma/fiscaltransparency/243692.htm>.

801 "Saudi 'jails 45 over deadly 2009 floods.'" The Daily Mail, 1 December 2014. <http://www.dailymail.co.uk/wires/afp/article-2856168/Saudi-jails-45-deadly-2009-floods.html>.

802 "45 jailed over Saudi Arabia's deadly 2009 floods," Gulf News, 1 December 2014, <http://gulfnnews.com/news/gulf/saudi-arabia/45-jailed-over-saudi-arabia-s-deadly-2009-floods-1.1420742>.

803 Adnan Al-Shabrawi, "Riyadh court to retry those acquitted in Jeddah floods case," Saudi Gazette, 25 October 2015, <http://saudigazette.com.sa/saudi-arabia/riyadh-court-to-retry-those-acquitted-in-jeddah-floods-case/>.

804 Rob McElwee, "Twelve killed as flash floods hit Saudi Arabia," Al Jazeera, 18 November 2015, <http://www.aljazeera.com/news/2015/11/killed-flash-floods-hit-saudi-arabia-151118104345013.html>.

805 "Jeddah flood drainage 'inadequate,'" Arab News, 20 November 2015, <http://www.arabnews.com/featured/news/838371>.

806 Hussein Hazzazi, "Come rain, Jeddah's going to be flooded again," Saudi Gazette, 2 December 2015, <http://saudigazette.com.sa/saudi-arabia/come-rain-jeddahs-going-to-be-flooded-again/>.

807 "Mecca crane collapse: 107 dead at Saudi Arabia's Grand Mosque," BBC News, 11 September 2015, <http://www.bbc.com/news/world-middle-east-34226003>.

(Saudi Binladen Group) and 10 from other government departments” will stand trial before three different courts in Jeddah for undisclosed charges regarding their alleged involvement in the crane collapse, but it is still unclear if the Saudi government will release the full results of the inquiry.⁸⁰⁸

Later that same month, in September 2015, a stampede in Mina, Mecca led to the deaths of thousands of individuals – the “deadliest incident in the history of the pilgrimage,” according to the Associated Press.⁸⁰⁹ A lack of government transparency, however, has obscured the total number of casualties. In December 2015, the Associated Press reported that the death toll was an estimated 2,411 individuals,⁸¹⁰ but the Saudi government maintains that only 769 people were killed in the stampede.⁸¹¹ Although the government convened a committee to investigate the developments that contributed to the stampede, the government has not offered an update⁸¹² on the committee’s work since 19 October 2015.⁸¹³ According to a Ghanaian news agency, as of 7 April 2016, no compensation had been promised for any victim of the stampede.⁸¹⁴ For more details on these events, refer to Section M.2.

Conclusion

Comparatively, the Government of Saudi Arabia has made more progress on adhering to the UPR recommendations concerning human trafficking and corruption than it has in other areas. While human trafficking in Saudi Arabia remains extensive, the government has increased the rate at which it arrests and prosecutes suspected human traffickers, demonstrating a commitment to more thoroughly implementing its 2009 anti-human trafficking law. The Standing Committee on Trafficking in Persons remains active and is able to promote human-trafficking awareness through Saudi media. Furthermore, the Saudi government does offer social reintegration care to trafficked children of Saudi origin, even as its treatment of non-Saudi trafficked children remains ambiguous.

Stalled advancement in these same areas, however, counterbalances these achievements. The exploitative traffic of migrant workers, particularly domestic laborers, persists despite government measures to end it. New reports of the early marriages of Syrian refugee girls to Saudi men should raise concern with Saudi authorities, but there is no evidence that any action has been taken. Additionally, the Saudi government declined the opportunity to reform the National Anti-Corruption Commission in a manner that would have transformed it from a watchdog group to an oversight body with executive powers.

Finally, the government failed outright to adhere to several accepted recommendations. While various government agencies, including the Standing Committee and the MoL have trained government employees from various ministries and agencies on combating trafficking, no publicly-available information suggests that they have extended these efforts to migrant workers within

808 “Accused to stand trial over Makkah crane collapse,” *Al Arabiya*, 2 February 2016, <http://english.alarabiya.net/en/News/middle-east/2016/02/02/Defendants-to-stand-trial-for-Makkah-crane-collapse.html>

809 “Saudi Arabia reviews hajj security plans after deadly crush,” *Associated Press*, 24 March 2016, <http://bigstory.ap.org/article/ce838305330d43d58fc72806c4da2d81/saudi-arabia-reviews-hajj-security-plans-after-deadly-crush>

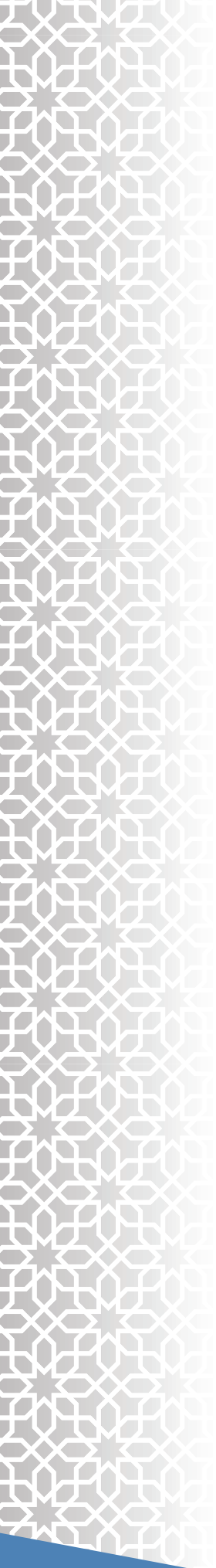
810 “Hajj stampede killed three times Saudi Arabia’s official number, says report,” *The Telegraph*, 10 December 2015, <http://www.telegraph.co.uk/news/worldnews/middleeast/saudiarabia/12044550/Hajj-stampede-killed-three-times-Saudi-Arabias-official-number.html>

811 *Ibid.*

812 “Mina stampede probe progresses,” *Arab News*, 19 October 2015, <http://www.arabnews.com/featured/news/822621>

813 “Saudi Arabia reviews hajj security plans after deadly crush,” *Associated Press*, 24 March 2016, <http://bigstory.ap.org/article/ce838305330d43d58fc72806c4da2d81/saudi-arabia-reviews-hajj-security-plans-after-deadly-crush>

814 “Nigerian Pilgrims Getting Their 2015 Travel Refund,” *News Ghana*, 16 April 2016, <http://www.newsghana.com.gh/nigerian-pilgrims-getting-their-2015-travel-refund/>



the country. Moreover, the government's investigation and prosecution of cases that involve (or likely involve) some level of official malfeasance have proven uneven. Government prosecutions of officials responsible for infrastructural failures that led to deadly flooding in Jeddah in 2009 did not spur authorities to make changes necessary to avoid a similar tragedy in 2015. Moreover, the government has not only remained unforthcoming about investigations into the 2015 Hajj accidents; it has in some cases actively obscured these inquiries from the public. The lack of transparency in these extraordinary circumstances reflects the Saudi government's more general failure to hold itself accountable to the public.

SECTION J

Workers' Rights

The Government of Saudi Arabia fully accepted recommendations **138.116**, **138.182**, **138.197**, **138.198**, **138.199**, **138.200**, **138.201**, **138.202**, **138.203**, **138.204**, **138.205**, **138.207**, and **138.213**, concerning expanding protections for migrant workers. The government partially accepted recommendation **138.196** concerning this same matter. In accepting these recommendations, the government stated:

*The kingdom's laws protect the rights of workers, whether they are citizens or residents, noting that there are not migrant workers in the kingdom, since all foreigners are on fixed-term contracts and they return to their countries once they've fulfilled their contract terms.*⁸¹⁵

The government also fully accepted recommendations **138.206**, **138.208**, **138.209**, **138.211**, and **138.212**, concerning establishing mechanisms of redress for migrant workers who have suffered abuse. Additionally, the government fully accepted recommendations **138.73**, **138.210**, and **138.214**, concerning implementing existing labor protections. Moreover, the government fully accepted recommendation **138.158**, concerning the provision of a fair judicial process for female domestic workers tried for crimes under Saudi law. In accepting these recommendations, the government stated:

*The labor law, regulations, and decisions issued to implement it consist of an accurate explanation of all rights and duties of the worker and the employer. The articles of the law are subjected to constant review according to changes that occur in the labor market, and in a way that guarantees the rights and duties of both parties.*⁸¹⁶

Finally, the government fully accepted recommendation **138.194**, concerning its review of the *kafala* system of migrant worker sponsorship.

*Note that the term "sponsor" is wrong and is not applicable to the kingdom's laws, which use the term "employer."*⁸¹⁷

The government rejected outright recommendation **138.195**, concerning expanding the scope of its labor law to cover all migrant workers.

Brief Assessment

The IMF estimates that foreign workers make up 56 percent of Saudi Arabia's total employment, and 85 percent of the country's low-skilled labor force.⁸¹⁸ Migrant workers in Saudi Arabia primarily originate from South Asia, East Africa, and the Middle East. Additionally, there are approximately 1.2 million domestic workers in Saudi Arabia, making it the largest employer of domestic workers in the GCC.⁸¹⁹ Domestic workers from poverty-stricken countries are attracted by the prospect of working for wealthy Saudi families and sending remittance income home to their families.

815 A/HRC/25/3/Add.1, par. 20.

816 Ibid.

817 Ibid.

818 Rory Jones and Ahmed Al Omran, "Saudi Arabia Puts Squeeze on Foreign Workers," *The Wall Street Journal*, 6 March 2015, <http://www.wsj.com/articles/saudi-arabia-puts-squeeze-on-foreign-workers-1425683630>.

819 "Facilitating Exploitation: A Review of Labour Laws for Migrant Domestic Workers in Gulf Cooperation Countries," International Trade Union Confederation, November 2014, http://www.ituc-csi.org/IMG/pdf/gcc_legal_and_policy_brief_domestic_workers_final_text_clean_282_29.pdf.

In recent years, Saudi Arabia has undertaken several legislative and social initiatives to improve living and working conditions for the kingdom's migrant population, such as wage protection policies and bilateral agreements with sending-states. Ultimately, however, these measures have failed to prevent significant workers' rights violations, as Saudi employers continue to frequently exploit and deceive their foreign employees. Among the major issues facing migrant workers in Saudi Arabia are wage-withholding, passport confiscation, abuse during deportations, social isolation, lack of access to redress, unfair trials and penalties, a restrictive sponsorship system, and dishonest recruitment practices. ADHRB finds that the Government of Saudi Arabia has failed to address the majority of these core issues at anything but a technical level, and it has refused to significantly reform the systemic factors driving workers' rights violations, such as the *kafala* sponsorship system.

1. STRENGTHEN PROTECTIONS FOR MIGRANT WORKERS

Technically Implemented
Some Perceived Progress

- 138.116** Adopt appropriate and concrete measures to address the issue of discrimination and exploitation of migrant workers (Uganda);
- 138.182** Take additional measures that aim at implementing labour laws that the Kingdom has ratified, especially those regarding ending all sorts of discrimination at work and equal remuneration (Egypt);
- 138.196** Continue the efforts in ensuring the rights of the migrant workers, including in terms of access to all social and health services (Republic of Moldova);
- 138.197** Continue to take measures for the increased protection of the rights of migrant workers (Nigeria);
- 138.198** Step up efforts to protect the rights of migrant workers (Sierra Leone);
- 138.199** Continue policies for protecting the rights of migrants (Tajikistan);
- 138.200** Continue the efforts in favour of migrant workers (Senegal);
- 138.201** Strengthen efforts to ensure the rights of migrants (Somalia);
- 138.202** Strengthen measures with a view to ensuring the rights of migrant domestic workers (Sri Lanka);
- 138.203** Reform the status of migrant workers in order to ensure the protection of their rights against all forms of discrimination (France);
- 138.204** Intensify the ongoing awareness-raising measures with the aim of protecting and promoting the rights of migrant workers (Indonesia);
- 138.205** Further the work on various ministerial decisions and the implementation of monitoring mechanisms on protection of migrant workers from human rights violation (Ethiopia);
- 138.207** Take every possible measure to protect the legal and financial rights of expatriate workers in the Kingdom (Ethiopia); and
- 138.213** Continue efforts to enhance the welfare of migrant workers, including the domestic workers, and further strengthen the mechanism to prevent their possible exploitation (Nepal)

Although Saudi Arabia officially outlawed slavery in 1964,⁸²⁰ migrant workers in the kingdom often work in conditions that severely constrain their liberty, and migrant workers suffer from overwork, poor working and living conditions, wage theft, physical abuse, and even food and water deprivation while on the job site.⁸²¹ Allegations of physical, psychological, and sexual abuse often go uninvestigated or unreported because of the power imbalance between Saudi employers and migrant workers under the *kafala* system, which binds migrant workers to their employers by requiring employer approval for changing jobs and leaving the kingdom.⁸²²

The Saudi government has taken some positive steps to prevent wage withholding and passport confiscation. The Ministry of Labor (MoL) initiated the Wages Protection System (WPS) in June 2013, requiring all companies with over 3000 employees to electronically submit wage information to the MoL website to ensure that wages are paid according to contracts.⁸²³ Since then, the government has expanded the program through nine consecutive “stages,” in which the system is applied to companies with fewer and fewer employees.⁸²⁴ The WPS reached its ninth stage in November 2015, for which it currently applies to all companies with more than 100 employees.⁸²⁵ The MoL fines companies that withhold or delay their workers’ salaries 3,000 Saudi riyals for each unpaid employee, and the WPS covers 3,595 companies employing 405,590 workers as of November 2015.⁸²⁶ As part of the WPS, employees who have had their salary withheld for more than three months may leave the company for another without the agreement of the current employer.⁸²⁷ According to Arab News, through October 2015 the MoL had shut down 1,441 companies during the prior year for failing to comply with the WPS.⁸²⁸

Furthermore, in October 2015 the MoL enacted new regulations to penalize companies that withhold their employees’ passports.⁸²⁹ Under these rules, the MoL can fine companies 2,000 riyals for keeping workers’ passports, 15,000 riyals for forcing workers to perform duties not specified in their contracts, and 50,000 riyals for selling visas to expatriates.⁸³⁰

In recent years, the MoL has directly intervened in the cases of migrant workers abused by their employers. In September 2014, the MoL reported that it had levied 10 million riyals in fines since the beginning of the year; during this period, MoL inspectors reportedly conducted some 200,000 raids, uncovering almost 10,000 cases of individuals working for employers who were not their

820 Graham Peebles, “The abuse of migrant workers in Saudi Arabia,” Redress Information & Analysis, 8 December 2013, <http://www.redressonline.com/2013/12/the-abuse-of-migrant-workers-in-saudi-arabia/>.

821 “Saudi Arabia: Protect Migrant Workers’ Rights,” Human Rights Watch, 1 July 2013, <https://www.hrw.org/news/2013/07/01/saudi-arabia-protect-migrant-workers-rights>.

822 “Gulf Countries: Increase Migrant Worker Protection,” Human Rights Watch, 23 November 2014, <https://www.hrw.org/news/2014/11/23/gulf-countries-increase-migrant-worker-protection>.

823 P.K. Abdul Ghafour, “1,195 more firms come under wage protection system,” Arab News, 6 February 2015, <http://www.arabnews.com/news/700351>.

824 “Wage Delay: SR3,000 Fine per Employee,” Saudi Gazette, 25 October 2015, <http://saudigazette.com.sa/saudi-arabia/wage-delay-sr3000-fine-per-employee/>.

825 Ibid.

826 Ibid.

827 “Not paid for over 3 months? Feel ‘free’ to join another firm,” Arab News, 2 November 2015, <http://www.arabnews.com/featured/news/829386>.

828 Abdul Hannan Tago, “1,441 firms shut for not complying with salary protection program,” Arab News, 26 October 2015, <http://www.arabnews.com/saudi-arabia/news/825921>.

829 Fatima Muhammad. “SR2,000 fine for keeping workers’ passports: Ministry,” Saudi Gazette, 22 October 2015, <http://saudigazette.com.sa/saudi-arabia/sr2000-fine-for-keeping-workers-passports-ministry/>.

830 Ibid.

sponsors.⁸³¹ In November 2015, authorities in the southwestern city of Baha investigated several stalled construction projects after photos of workers living in destitute conditions had circulated on social media.⁸³² MoL officials discovered 11 workers living in shacks on site and ordered their outstanding wages be paid and that they be provided with lodging.⁸³³

The Saudi government has initiated a campaign of mass deportations to reduce the number of undocumented migrant workers.⁸³⁴ In April 2013, King Abdullah issued a declaration requiring all irregular migrants to regularize their residency or face detention and deportation by November 2013. An estimated one million migrant workers reportedly left the country during this period.⁸³⁵ Starting on 4 November 2013, Saudi police began raiding homes and businesses with large numbers of migrant workers and established checkpoints to verify workers' documents throughout the country.⁸³⁶ By April 2014, the Ministry of Interior (MoI) reported that the government had deported roughly 427,000 undocumented foreigners during the previous six months.⁸³⁷ In March 2015, Saudi authorities announced that they had deported 300,000 people over the previous five months, at a rate of about 2,000 per day.⁸³⁸ Some of the government's raids have been accompanied by riots and attacks on foreign workers; an Ethiopian migrant told Human Rights Watch that a group young Saudi men joined with the police officers and beat several workers in the street during a raid in 2013.⁸³⁹ Reports indicate that at least three Ethiopian workers were killed in these attacks.⁸⁴⁰

Saudi authorities have also subjected many detained migrants to dangerous deportation proceedings. In March 2014, a riot at the al-Shumaisi detention center in Jeddah led to the death of one detainee and the injury of nine others.⁸⁴¹ Saudi police did not indicate why the detainees rioted, but Yemeni forums and news-outlets reported that the incident began when detainees demanded expedited repatriation.⁸⁴² As reported by the NGO Migrant Rights, Yemeni workers are usually held for several days before authorities drive them by bus across the Saudi-Yemeni border, leaving them with no provisions.⁸⁴³ Saudi authorities hold other migrants for extended

831 "Labor law violation: 18,773 companies face action," Arab News, 1 September 2014, <http://www.arabnews.com/featured/news/623486>.

832 "Authorities probe workers living on shacks in Baha," Arab News, 2 November 2015, <http://www.arabnews.com/saudi-arabia/news/829326>.

833 Ibid.

834 "Detained, Beaten, Deported: Saudi Abuses against Migrants during Mass Expulsions," Human Rights Watch, 10 May 2015, <https://www.hrw.org/report/2015/05/10/detained-beaten-deported/saudi-abuses-against-migrants-during-mass-expulsions>.

835 "Saudi Arabia to Crack down on Illegal Workers," Al Jazeera, 17 April 2013, <http://www.aljazeera.com/video/middleeast/2013/04/201341714211888365.html>.

836 "Saudi Arabia: Labor Crackdown Violence," Human Rights Watch, 30 November 2013, <https://www.hrw.org/news/2013/11/30/saudi-arabia-labor-crackdown-violence>.

837 "Detained, Beaten, Deported: Saudi Abuses against Migrants during Mass Expulsions," Human Rights Watch, 10 May 2015, <https://www.hrw.org/report/2015/05/10/detained-beaten-deported/saudi-abuses-against-migrants-during-mass-expulsions>.

838 Ibid.

839 Ibid.

840 Ibid.

841 "Migrant dies in Saudi detention centre riot," Al Jazeera, 3 March 2014, <http://www.aljazeera.com/news/middleeast/2014/03/migrant-dies-saudi-detention-centre-riot-201433135930166393.html>.

842 Contention Over Migrant's Death in Saudi Detention Center, Migrant Rights, 11 March 2014, <http://www.migrant-rights.org/2014/03/contention-over-migrants-death-in-saudi-detention-center/>.

843 "Dehumanizing Ethiopian Domestic Workers," Migrant Rights, 19 October 2013, <http://www.migrant-rights.org/2013/10/dehumanizing-ethiopian-domestic-workers/>.

periods of time as they wait for exit visas.⁸⁴⁴ Reports of abusive treatment by guards are common, and include allegations of beating, torture, and forced starvation.⁸⁴⁵ Footage from one detention center in Riyadh showed nearly 400 Indian detainees sharing a single windowless room.⁸⁴⁶ The Indian detainees told Middle East Monitor that many had been held for a year without access to a lawyer or medical care.⁸⁴⁷ At the Buraiman Prison in Jeddah, one detained Yemeni worker reported instances of inmates fighting for food and guards beating them with belts during his 15-day stay.⁸⁴⁸

Additionally, migrants commonly experience unsanitary living conditions while staying in the centers. One deported Somali informed Human Rights Watch that his detention center in Jeddah had no air-conditioning and only five toilets for 790 people.⁸⁴⁹ Another Somali woman reported that Saudi authorities forced her to stay for nine days in a room of 150 other women and children, even though her young son was vomiting.⁸⁵⁰

Many deportees must seek medical treatment in their home countries for illnesses and injuries they sustained while in Saudi detention facilities. In 2014, the International Organization for Migration in Mogadishu said that it treats many Somali returnees for psychological and physical trauma as a result of prolonged detention in substandard conditions.⁸⁵¹ Also, Saudi Arabia has not signed the 1951 UN Convention and Protocol Relating to the Status of Refugees, and thus has no mechanisms to allow migrants who flee conflict-torn countries to seek refugee or asylum status.⁸⁵² For example, the kingdom deported over 38,000 Somalis to Mogadishu between December and March 2014 without allowing any to make refugee claims.⁸⁵³

2. ENSURE LEGAL REDRESS FOR MIGRANT WORKERS

Not Implemented
No Perceived Progress

- 138.206** Establish an accessible complaint mechanism, such as a free phone service, to which migrant workers can confidentially report instances of abuse and exploitation, as well as seek assistance (New Zealand);
- 138.208** Take all possible measures to protect the rights of expatriate workers, particularly the means for legal redresses (Pakistan);
- 138.209** Take all necessary measures to protect rights of migrant workers, especially those regarding means of remedies (Egypt) ;

844 Harriet Salem, "Dogs Are Better Than You': Saudi Arabia Accused of Mass Abuses During Migrant Worker Crackdown," VICE News, 15 March 2015, <https://news.vice.com/article/dogs-are-better-than-you-saudi-arabia-accused-of-mass-abuses-during-migrant-worker-crackdown>.

845 Ibid.

846 Alastair Sloan, "A cry for help from inside a Saudi detention centre," Middle East Monitor, 15 June 2015, <https://www.middleeastmonitor.com/articles/middle-east/19243-a-cry-for-help-from-inside-a-saudi-detention-centre>.

847 Ibid.

848 "Detained, Beaten, Deported: Saudi Abuses against Migrants during Mass Expulsions," Human Rights Watch, 10 May 2015, <https://www.hrw.org/report/2015/05/10/detained-beaten-deported/saudi-abuses-against-migrants-during-mass-expulsions>.

849 Ibid.

850 Ibid.

851 "Saudi Arabia: 12,000 Somalis Expelled," Human Rights Watch, 18 February 2014, <https://www.hrw.org/news/2014/02/18/saudi-arabia-12000-somalis-expelled>.

852 United Nations High Commissioner for Refugees. States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol <http://www.unhcr.org/3b73b0d63.html>.

853 "World Report 2015: Saudi Arabia," Human Rights Watch, 29 January 2015, <https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia>.

138.211 Protect all workers from abuse by prosecuting perpetrators of labour abuses, adopting laws to protect victims, and better apprising foreign workers of their legal rights and remedies (United States of America); and

138.212 Take all necessary measures to protect the rights of all migrant workers especially the means for redress (Bahrain)

Migrant workers in Saudi Arabia still have difficulty accessing legal redress for labor and human rights violations. Worker self-organization remains illegal, as national laws prevent the formation of independent labor unions, collective bargaining for wages, or holding strikes.⁸⁵⁴ Saudi Arabia has not ratified the International Labour Organizations Convention No. 87 (1948) on Freedom of Association and Protection of the Right to Organize, or Convention No. 98 (1949) on the Right to Organize and Collective Bargaining.⁸⁵⁵ As such, migrant workers face possible fines, imprisonment, or deportation for participating in labor unions or similar activity.⁸⁵⁶ Since 2002, the MoL has allowed for labor committees at private businesses with over 100 employees.⁸⁵⁷ However, membership in such committees is limited to Saudi citizens only, even though most workers in the private sector are foreign.⁸⁵⁸

The Saudi government has taken proactive steps to maintain basic phone services for foreign workers to report abuse. According to the US State Department's 2015 Trafficking in Persons (TIP) report, the MoL established a hotline to receive labor disputes staffed by operators who speak a variety of languages.⁸⁵⁹ Under the new domestic labor program, the MoL can fine employers who violate the rights of foreign workers, and temporarily ban them from further foreign recruitment.⁸⁶⁰ Additionally, the MoL created an online portal designed to educate workers about their legal rights in the kingdom – with versions in Arabic and English⁸⁶¹ – and set up call centers in several cities to provide additional channels for workers to communicate with the authorities regarding labor disputes.⁸⁶² However, the extent to which migrant workers actually use these services remains unknown.

The process by which foreign workers can formally submit complaints in court is complicated and financially burdensome. The Saudi criminal justice system does little to accommodate the needs of foreign workers. Access to legal counsel, an interpreter, and the relevant consulate(s) can be severely limited, often leaving foreign workers with no choice but to accept unfavorable financial settlements.⁸⁶³

854 "Saudi Arabia moves to protect rights of Indonesian maids," BBC News, 19 February 2014, <http://www.bbc.com/news/world-middle-east-26259326>.

855 "Ratifications of C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)." International Labour Organization. Accessed October 30, 2015. http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312232.

856 "Saudi Arabia:Country Reports on Human Rights Practices, 2003," U.S. Department of State, 25 February 2004, <http://www.state.gov/j/drl/rls/hrrpt/2003/27937.htm>.

857 Ibid.

858 Ibid.

859 "Saudi Arabia 2015 Trafficking in Persons Report," U.S. Department of State, <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243521.htm>.

860 "Ministry launches complaint center for domestic workers," Arab News, 22 April 2014, <http://www.arabnews.com/news/559401>.

861 Irfan Mohammed, "Labor Ministry launches portal for expatriates," Arab News, 17 September 2014, <http://www.arabnews.com/saudi-arabia/news/631411>.

862 "Ministry sets up call centers to help resolve labor disputes," Arab News, 26 January 2015, <http://www.arabnews.com/saudi-arabia/news/694936>.

863 Human Rights Watch. "As if I'm not Human": Abuses Against Asian domestic Worker in Saudi Arabia." July 2008.

Saudi court proceedings have been consistently slow in cases of migrant worker abuse. In October 2015, more than 1,000 migrant workers at the King Fahd Quran Printing Complex in the city of Medina stopped working after not receiving wages for four months.⁸⁶⁴ The MoL referred a complaint of 1,086 of these workers to the preliminary labor commission,⁸⁶⁵ a non-Sharia court that handles small-claims cases.⁸⁶⁶ The mediation process, however, appeared to stall; on 5 November 2015, local Saudi media reported that workers at the printing complex had again stopped their work on 3 November over nonpayment of salaries.⁸⁶⁷ This time, however, maintenance workers from Medina's Prince Mohammed bin Abdulaziz International Airport, who had also not received wages for several months, stopped their work as well.⁸⁶⁸ ADHRB was unable to obtain information regarding the extent to which the government has made progress in mediating these cases. Indian workers in the Eastern Province lodged a complaint with the local labor office after not receiving their salaries for months in November 2015.⁸⁶⁹ However, the employer's failure to present himself at the court hearings caused significant delays in the legal proceedings as well as additional financial burdens for the workers.⁸⁷⁰

3. STRENGTHEN PROTECTIONS FOR DOMESTIC WORKERS

Technically Implemented
Some Perceived Progress

- 138.73** Educate domestic workers on regulations regarding domestic workers by making it available in all languages and take all necessary measures to implement the regulations in practice (Bahrain);
- 138.210** Implement effectively the regulation on domestic workers and persons with similar status and provide the migrant workers with adequate protection from abuse in the part of employers (Kyrgyzstan); and
- 138.214** Build on the positive measures in protecting the rights of the household service workers and continue to step up efforts to protect the rights of migrant workers and their families (Philippines)

The Saudi government has made some general improvements to the working standards of foreign domestic workers. In July 2013, the Council of Ministers promulgated Decision 310, a set of regulations to establish the rights of domestic workers and normalize the relationship between employer and employee.⁸⁷¹ The 2013 law affords domestic workers nine hours of free time daily, a weekly day off, one month paid vacation after every two years, and free medical leave.⁸⁷² In turn,

864 Johnlee Varghese, "Saudi Arabia's largest Quran printing press in Madinah shut as employees strike over delay in salary," *International Business Times*, 15 October 2015, <http://www.ibtimes.co.in/saudi-arabias-largest-quran-printing-press-madinah-shut-employees-strike-over-delay-salary-650684>.

865 Abdulaziz Al-Musairfi, "Over 1,000 workers stop work in Madinah," *Saudi Gazette*, 5 November 2015, <http://saudigazette.com.sa/saudi-arabia/over-1000-workers-stop-work-in-madinah/>.

866 "How labor disputes are resolved in Saudi Arabia?" *Life in Saudi Arabia*, December 2014, <http://life-in-saudi-arabia.blogspot.com/2014/12/how-labor-disputes-are-resolved-in.html#.Vq-xefkrIfI>.

867 Ibid.

868 Ibid.

869 Fatima Muhammad, "3 stranded workers struggling to obtain exit visas," *Arab News*, 2 November 2015, <http://saudigazette.com.sa/saudi-arabia/3-stranded-workers-struggling-to-obtain-exit-visas/>.

870 Ibid.

871 لائحة عمال الخدمة المنزلية ومن في حكمهم، Council of Ministers Decision 310, Kingdom of Saudi Arabia, 7 Ramadan 1435 AH (15 July 2013), <http://portal.mol.gov.sa/ar/MolLists/Documents/%D9%84%D8%A7%D8%A6%D8%AD%D8%A9%20%D8%A7%D9%84%D8%B9%D9%85%D8%A7%D9%84%D8%A9%20%D8%A7%D9%84%D9%85%D9%86%D8%B2%D9%84%D9%8A%D8%A9.pdf>.

872 Abdul Ghafour, "New law to protect domestic workers," *Arab News*, 17 July 2013. <http://www.arabnews.com/news/458281>.

domestic workers are expected to “respect the teachings of Islam” and adhere to Saudi regulations, along with the typical requirements of performing household duties and preserving property.⁸⁷³

The Saudi government has made efforts to educate domestic workers on their rights. In July 2014, the MoL established Musaned, a website that fully lists the rights and responsibilities of both employers and domestic laborers in both Arabic and English.⁸⁷⁴ ADHRB could not locate, however, non-Arabic translations of the 2013 Council of Ministers decision, and information on Musaned is not available in any of the languages predominantly spoken by South Asian domestic laborers.⁸⁷⁵

While the 2013 regulations provide a basic legal framework for the prevention of domestic worker abuse, enforcement remains inconsistent. For example, Amnesty International reported in July 2014 that Indian domestic workers frequently worked 15 to 18 hours a day, without a day off, and without being compensated for overtime.⁸⁷⁶ In September 2015, Kenyan domestic workers reported instances of sexual assault, beatings, sleep deprivation, and forced starvation while in Saudi Arabia.⁸⁷⁷ According to a recent study by the Committee on Filipinos Overseas, 70% of Filipino domestic workers in Saudi Arabia reported physical and psychological abuse.⁸⁷⁸

Recent cases of domestic worker abuse by Saudi employers have made international headlines. One Saudi employer, a retired police officer, forced his Filipino domestic worker, Nargelene Mendez, to sleep in a small laundry room.⁸⁷⁹ She was rescued by the Philippines Embassy after she posted a video of her living conditions to Facebook in 2014.⁸⁸⁰ Another Saudi employer allegedly chopped off the arm of an Indian domestic worker after she complained about her abysmal living conditions.⁸⁸¹

Many domestic workers attempt to flee abusive living conditions. Over 5,000 domestic workers fled their employers between November 2013 and April 2014, according to the Eastern Province Passport Department.⁸⁸² The government operates shelters in major cities for domestic workers who flee their employers.⁸⁸³ However, domestic workers require police permission to be hosted in these shelters, and some wait up to four months with restricted mobility before they are able to return to their home country.⁸⁸⁴ One domestic worker committed suicide by hanging herself inside a shelter in the city of Dammam in 2014 after her sponsor refused to allow her to

873 Ibid.

874 “Musaned: Domestic Labor Program,” Ministry of Labor, <https://musaned.gov.sa/en>.

875 Ibid.

876 “India: Migrant workers exploited and abused in Saudi Arabia,” Amnesty International, 4 July 2014, <http://www.amnesty.org.uk/press-releases/india-migrant-workers-exploited-and-abused-saudi-arabia>.

877 “Kenyan domestic workers ‘abused in Saudi Arabia,’” BBC News, 1 September 2015, <http://www.bbc.com/news/world-africa-34121412>.

878 Bayan Perazzo, “Nightmare in Saudi Arabia: The Plight of Foreign Migrant Workers,” The Daily Beast, 14 January 2013, <http://www.thedailybeast.com/articles/2013/01/14/nightmare-in-saudi-arabia-the-plight-of-foreign-migrant-workers.html>.

879 “Filipina maid rescued after video plea,” BBC News, 29 November 2014, <http://www.bbc.com/news/blogs-trending-30251590>.

880 Ibid.

881 “India protests after maid’s arm cut off in Saudi Arabia,” Al Jazeera, 9 October 2015, <http://www.aljazeera.com/news/2015/10/india-protests-maid-arm-cut-saudi-arabia-151009142232220.html>.

882 Beatrice Thomas, “5,000 maids run away in Saudi in 6 mths,” Arabian Business, 3 June 2014, <http://www.arabianbusiness.com/5-000-maids-run-away-in-saudi-in-6-mths-552603.html>.

883 “Domestic Worker Commits Suicide in Saudi Shelter,” Migrant Rights, 19 July 2014, <http://www.migrant-rights.org/2014/07/domestic-worker-commits-suicide-in-saudi-shelter/>.

884 «المواطن يدفع الثمن! خادمت هاربات» Al-Riyadh, 8 April 2013, <http://www.alriyadh.com/824329>.

return home.⁸⁸⁵ Other escapees seek refuge in shelters provided by the embassies of their home countries. However, embassy shelters are often overcrowded and the living conditions are poor.⁸⁸⁶ For example, the Philippines Embassy shelter in Riyadh is believed to house some 200 runaway domestic workers as well as eight children.⁸⁸⁷

Several labor-sending countries have imposed temporary bans on migration to Saudi Arabia until the kingdom adopts stronger protections for migrant worker rights. In May 2015, Indonesia prohibited its citizens from working in Saudi Arabia after the authorities executed two Indonesian maids that April.⁸⁸⁸ Kenya⁸⁸⁹ and Nepal⁸⁹⁰ enacted similar bans in 2012. Prominent rights groups like Human Rights Watch have found that these bans do not improve the living conditions of migrant workers, however, as they drive the trade underground and put migrants at even greater risk for abuse.⁸⁹¹

Saudi Arabia has also negotiated several bilateral agreements with source countries to establish better protections for migrant workers. In 2014, Saudi Arabia and Indonesia came to an agreement that guaranteed every worker access to cell phones, health insurance, and the ability to reach a 24-hour call center if they required assistance.⁸⁹² That same year, Saudi Arabia and India reached an agreement that required Saudi employers to deposit a “bank guarantee” of 2,500 USD with the Indian embassy to ensure that each employer meets their contractual obligations, although the arrangement only applies to employers of female domestic workers.⁸⁹³ Saudi Arabia and Sri Lanka also established a labor deal requiring Saudi employers to open bank accounts for employees into which they must deposit their paychecks every month, in addition to standardizing the workday and providing guaranteed time-off.⁸⁹⁴ In 2015, Saudi Arabia and Uganda signed a five-year agreement to employ 1 million Ugandan domestic workers in Saudi Arabia, including a set minimum monthly wage.⁸⁹⁵ Saudi Arabia started issuing visas to Bangladeshi domestic workers beginning in April 2015,⁸⁹⁶ and also signed a labor pact with Djibouti to allow 4,000 domestic

885 انتاحار خادمة إفريقية داخل مركز الإيواء بالشرقية، Hasa Today, 7 July 2014, <http://www.hasatoday.com/59224>.

886 “Prevent Abuses Against Migrant Domestic Workers,” Human Rights Watch, 23 November 2010, <https://www.hrw.org/news/2010/11/23/prevent-abuses-against-migrant-domestic-workers>.

887 Rebecca Falconer, “My employer hit me in the face and pushed me down the stairs,” *The Guardian*, 17 March 2015, <http://www.theguardian.com/global-development/2015/mar/17/my-employer-hit-face-pushed-down-stairs-philipina-migrant-maids>.

888 Refer to Section J.5, below, for further discussion of this issue.

889 Jacey Fortin, “Kenya Prohibits Citizens From Seeking Work In Middle East, Citing Abuses,” *International Business Times*, 26 June 2012, <http://www.ibtimes.com/kenya-prohibits-citizens-seeking-work-middle-east-citing-abuses-704332>.

890 “Nepal women banned from Middle East over exploitation,” *BBC News*, 9 August 2012, <http://www.bbc.com/news/world-asia-19196245>.

891 Human Rights Watch, “Nepal: Protect, Don’t Ban Young Women Migrating to Gulf,” 14 August 2012, <https://www.hrw.org/news/2012/08/14/nepal-protect-dont-ban-young-women-migrating-gulf>.

892 Palash Ghosh, “Helping The Help: Saudi Arabia Moves To Improve Rights And Protection Of Indonesian Domestic Workers,” *International Business Times*, 20 February 2014, <http://www.ibtimes.com/helping-help-saudi-arabia-moves-improve-rights-protection-indonesian-domestic-workers-1557009>.

893 “New Agreement For Indian Domestic Workers In Saudi Arabia,” *Migrant Rights*, 17 December 2014, <http://www.migrant-rights.org/2014/12/new-agreement-for-indian-domestic-workers-in-saudi-arabia/>.

894 Palash Ghosh, “Sri Lanka And Saudi Arabia Ink Migrant Labor Rights Deal, More Than One Year After Execution Of Female Domestic Worker,” *International Business Times*, 7 March 2014, <http://www.ibtimes.com/sri-lanka-saudi-arabia-ink-migrant-labor-rights-deal-more-one-year-after-execution-female-domestic>.

895 “A Million Ugandans for Saudi Houses: What Can We Expect?” *Migrant Rights*, 22 August 2015, <http://www.migrant-rights.org/2015/08/a-million-ugandans-for-saudi-houses-what-can-we-expect/>.

896 Mohammed Rasooldeen, “Work visas for Bangladeshis from April 20,” *Arab News*, 14 April 2015, <http://www.arabnews.com/featured/news/732356>.

workers to migrate to the kingdom.⁸⁹⁷ Saudi Arabia is also set to start receiving Chadian domestic workers,⁸⁹⁸ and the MoL recently negotiated a deal to recruit domestic workers from Somalia.⁸⁹⁹

4. ENSURE FAIR JUDICIAL PROCEEDINGS FOR FEMALE DOMESTIC WORKERS

Not Implemented
No Perceived Progress

138.158 Provide a fair judicial process for female domestic workers who commit crimes punishable under the Saudi law (Pakistan)

There is little evidence to suggest that Saudi Arabia ensures a fair judicial process for female domestic workers accused of committing crimes. Saudi authorities frequently apprehend and sentence domestic workers based solely on the accusations of their employer. In May 2013, Saudi courts sentenced two Asian maids to 10 years in jail and 1,000 lashes each for practicing sorcery on their host families.⁹⁰⁰ In both instances, the Commission for the Promotion of Virtue and Prevention of Vice (CPVPV) found “talismans” and “magic items” in the maids’ bedrooms, although it remains unclear what actually constitutes one of these items.⁹⁰¹ Domestic workers who practice unfamiliar religious or folk customs in Saudi Arabia are commonly assumed by Saudi authorities to be engaging in witchcraft and sorcery.⁹⁰²

According to Amnesty International, the Saudi judicial system frequently fails to provide accused domestic workers with legal counsel.⁹⁰³ The judiciary also does not consistently provide translator services to domestic workers, rendering the accused unable to understand the court proceedings if they do not speak Arabic.⁹⁰⁴

These systemic failures have led to severe due process violations in capital cases against migrant domestic workers, as represented by the widely-reported 2013 execution of Sri Lankan maid Rizana Nafeek.⁹⁰⁵ In 2005, Nafeek’s Saudi host family accused her of murdering their four-month-old son.⁹⁰⁶ Before her execution, Nafeek alleged that authorities did not permit her access to a lawyer, and that they also coerced her into signing a confession that she could not read.⁹⁰⁷ Her execution in January 2013 drew condemnation from the Sri Lankan government and the international community.⁹⁰⁸

The execution of Rizana Nafeek is not an isolated case. In 2014, the Indonesian Ambassador to Saudi Arabia, Abdurrahman Mohammed Fachir, told local Saudi media that there are 33 Indonesians

897 “4,000 Djibouti workers to arrive in KSA,” Arab News, 3 July 2015, <http://www.arabnews.com/news/770911>.

898 Mohammed Rasooldeen, “KSA to hire Chadian workers,” Arab News, 3 November 2015, <http://www.arabnews.com/featured/news/829871>.

899 “MoL opens door to recruit Somali domestic workers,” Arab News, 25 October 2015, <http://www.arabnews.com/saudi-arabia/news/825401>.

900 “Two maids get 10 years, 1,000 lashes for sorcery,” Emirates 24/7, 20 May 2013, <http://www.emirates247.com/crime/region/two-maids-get-10-years-1-000-lashes-for-sorcery-2013-05-20-1.507147>.

901 Ibid.

902 Ryan Jacobs, “Saudi Arabia’s War on Witchcraft,” The Atlantic, 19 August 2013, <http://www.theatlantic.com/international/archive/2013/08/saudi-arabias-war-on-witchcraft/278701/>.

903 “Saudi Arabia: Rampant Executions Fueled By Justice System ‘Riddled with Holes,’” Amnesty International, 25 August 2015, <https://www.amnesty.org/en/press-releases/2015/08/saudi-arabia-rampant-executions-fuelled-by-justice-system-riddled-with-holes/>.

904 Ibid.

905 “Sri Lankan maid Rizana Nafeek beheaded in Saudi Arabia,” BBC News, 9 January 2013, <http://www.bbc.com/news/world-asia-20959228>.

906 Ibid.

907 Ibid.

908 “UN voices ‘deep dismay’ over execution of Sri Lankan woman in Saudi Arabia,” UN News Centre, 11 January 2013, <http://www.un.org/apps/news/story.asp?NewsID=43904#.VjO6dberTIU>.

on death row in the kingdom, most of whom are domestic workers.⁹⁰⁹ Saudi Arabia executed two Indonesian maids in April 2015: Karni Bt. Medi Tarsim and Siti Zaenab Bt. Duhri Rupa.⁹¹⁰ Karni Tarsim's host family accused her of murdering their infant child in 2013,⁹¹¹ and a Saudi court convicted Siti Zaenab of killing her employer's wife in 1999.⁹¹² Rights groups have stated that in both cases the defendants' confessions had been coerced and that they lacked legal representation during their respective court proceedings.⁹¹³ Also, in both cases, Saudi Arabia did not provide the Indonesian government advance notice regarding the time and place of the executions.⁹¹⁴

5. REFORM THE WORKER SPONSORSHIP SYSTEM

Not Implemented
No Perceived Progress

138.194 Give due attention to the issue of the practice of sponsorship for foreigners, considering that this practice can give rise to serious human rights violations of foreign workers (Republic of Korea)

The *kafala* system stipulates that foreign workers in Saudi Arabia must have an in-country sponsor before they are able to legally work and reside in the kingdom.⁹¹⁵ The Saudi sponsor (*kafeel*) is responsible for the visa and legal status of the foreign employee.⁹¹⁶ Under the *kafala* system, an employer assumes responsibility for a migrant worker and controls whether the worker can enter Saudi Arabia, if and when they transfer employment, and if and when they can leave the country.⁹¹⁷

The MoL has instituted certain regulations to mitigate the abuses that frequently occur under the *kafala* system. For example, the MoL allows workers to leave their employer without that employer's consent if they have not received their salary for three months.⁹¹⁸ By 2016, the Wage Protection System will require all Saudi companies to pay their employees electronically through bank accounts.⁹¹⁹ Under the *nitaqat* ('quota') system designed to encourage greater Saudi participation in the workforce, workers can transfer their sponsorship without the permission of their existing sponsor if fewer than 7% of a company's employees are Saudi citizens.⁹²⁰ Additionally, the MoL has reaffirmed that the withholding of workers' passports violates labor laws.⁹²¹

Despite these recent regulations, however, the *kafala* system has continued to negatively impact many migrant workers in the kingdom. Saudi Arabia and Qatar are the only GCC countries that

909 Ghazanfar Ali Khan, "33 Indonesians currently on death row," Arab News, 20 July 2014, <http://www.arabnews.com/news/604776>.

910 "Second Indonesian woman is executed in Saudi Arabia," BBC News, 17 April 2015, <http://www.bbc.com/news/world-asia-32332320>.

911 Ibid.

912 Kathy Quiano and Hilary Whiteman, "Saudi Arabia executes second Indonesian maid in one week," CNN, 17 April 2015, <http://www.cnn.com/2015/04/17/asia/indonesia-saudi-arabia-executions/>.

913 Ibid.

914 "Saudi Arabia executes Indonesian woman with suspected mental illness," Amnesty International, 14 April 2015, <https://www.amnesty.org/en/latest/news/2015/04/saudi-arabia-executes-indonesian-woman-with-suspected-mental-illness/>.

915 "Saudi Arabia: Protect Migrants Workers' Rights," Human Rights Watch, 1 July 2013, <https://www.hrw.org/news/2013/07/01/saudi-arabia-protect-migrant-workers-rights>.

916 Ibid.

917 "As If I Am Not Human: Abuses against Asian Domestic Workers in Saudi Arabia," Human Rights Watch, July 2008, https://www.hrw.org/sites/default/files/reports/saudiArabia0708_1.pdf.

918 Rasheed Abou-alsamh, "Labor rights: Better late than never," Arab News, 16 February 2014, <http://www.arabnews.com/news/526421>.

919 Refer to Section J.1 for further discussion of the WPS.

920 Abdul Hannan Tago, "Ministry eases sponsorship transfer rules," Arab News, 10 September 2014, <http://www.arabnews.com/featured/news/628081>.

921 Ibrahim Naffee, "Expats have right to keep their passports," Arab News, 6 March 2015, <http://www.arabnews.com/featured/news/714281>.

still require migrant workers to have official, sponsor-approved “exit permits” before they leave the country.⁹²² Sponsors frequently deny workers the right to return to their home countries, and can register workers as *huroob* (“runaway”) for attempting to change jobs or even for lodging complaints against them.⁹²³ According to MoL statistics, 525,301 expatriate workers were labelled *huroob* in 2013.⁹²⁴ Workers with the *huroob* status are unable to legally work elsewhere, and many become stranded in Saudi Arabia as a result. In 2013, the Ministry of Foreign Affairs (MoFA) delivered approximately 15,000 passports belonging to stranded Indian workers to the Indian embassy.⁹²⁵ Most of the passports belonged to Indian workers facing *huroob* charges or facing violations of Saudi residency laws.⁹²⁶

The MoL does penalize companies that file false *huroob* reports against employees with a cessation of services for one year for first time offenders, three years for second time offenders, and five years for third time offenders, but is unclear how often these penalties are enforced, or exactly what legal avenues are available to *huroob* workers to contest the charges.⁹²⁷ According to Amnesty International, sponsors regularly use *huroob* as a means to “expel migrant workers from their sponsorship, curb complaints, demand money, and threaten migrant workers into accepting exploitative conditions of work.”⁹²⁸

Additionally, Saudi employers often use poorly-regulated private recruitment agencies to hire migrant workers.⁹²⁹ These recruitment agencies commonly deceive potential migrant workers about their future workplaces and fail to protect them from abuse.⁹³⁰ In 2013, the company MAPA Construction and Trade deceived some 700 Pakistani workers, leaving them stranded in Saudi Arabia.⁹³¹ Recruiters in Indonesia⁹³² and the Philippines⁹³³ have also deliberately misled domestic workers into accepting abusive working and living conditions in Saudi Arabia.

922 Priyanka Motaparthi, “Understanding Kafala: An Archaic Law at Cross Purposes with Modern Development,” *Migrant-Rights*, 11 March 2015, <http://www.migrant-rights.org/2015/03/understanding-kafala-an-archaic-law-at-cross-purposes-with-modern-development/>.

923 Fatima Mohammed, “33 workers demand exit,” *Saudi Gazette*, 10 October 2015, <http://saudigazette.com.sa/saudi-arabia/33-workers-demand-exit/>.

924 “In Saudi Arabia, half a million expats escaped jobs in 2013,” *Al Arabiya*, 1 March 2014, <http://english.alarabiya.net/en/business/economy/2014/03/11/In-Saudi-Arabia-half-a-million-expats-escaped-jobs-in-2013.html>.

925 Ghazanfar Ali Khan, “Indian Embassy given 15,000 runaways’ passports,” *Arab News*, 13 May 2013. <http://www.arabnews.com/news/451456>.

926 Ibid.

927 “Employers warned against filing false *huroob* reports,” *Arab News*, 27 July 2015, <http://www.arabnews.com/featured/news/782231>.

928 “Exploited Dreams: Dispatches from Indian Migrant Workers in Saudi Arabia,” Amnesty International, 2 February 2014, <http://www.amnesty.ca/sites/amnesty/files/indiareport4july14.pdf>.

929 “Gulf Countries: Increase Migrant Worker Protection,” Human Rights Watch, 23 November 2014, <https://www.hrw.org/news/2014/11/23/gulf-countries-increase-migrant-worker-protection>.

930 Ibid.

931 “700 Pakistani Migrants Still Stranded in Saudi Arabia,” *Migrant Rights*, 13 March 2013, <http://www.migrant-rights.org/2013/03/700-pakistani-migrants-still-stranded-in-saudi/>.

932 Vani Saraswathi, “[Stories of Origin] Recruited Under Duress, Untrained and Unprepared for Migration,” *Migrant Rights*, 3 August 2015, <http://www.migrant-rights.org/2015/08/stories-of-origin-recruited-under-duress-untrained-and-unprepared-for-migration/>.

933 Rodolfo Estimo Jr., “Manila blacklists Saudi recruitment agency,” *Arab News*, 26 February 2014, <http://www.arabnews.com/news/531451>.

138.195 Expand the scope of the Labour Code to include all migrant workers (New Zealand)

According to the International Trade Union Confederation (ITUC), Saudi Arabia still excludes migrant workers from the 2005 Labor Law (Royal Decree No. M/51).⁹³⁴ Article 7 of the 2005 Labor Law specifically states that “domestic helpers and the like” are “exempted from the implementation of the provisions (of the Law).”⁹³⁵ On 18 October 2015, the MoL implemented a new labor law with 38 amendment articles.⁹³⁶ However, these new amendments still exclude domestic workers from the enforcements mechanisms of the labor law.⁹³⁷

Conclusion

The Government of Saudi Arabia has taken some technical steps to address the abuse and exploitation of migrant workers. Among the MoL’s most notable initiatives are the continued expansion of the Wages Protection System, the establishment of a hotline to report abuse, the creation of websites such as Musaned to provide information on filing complaints against employers, and the empowerment of workers to leave employers that withhold wages for more than three months. The 2013 law to regulate the hours of domestic workers also represents technical progress toward the formal standardization of the relationship between employers and their domestic workers. Similarly, Saudi Arabia has signed numerous bilateral agreements with labor-sending countries that are meant to strengthen protections for migrant worker rights.

Nevertheless, it is unclear if the Saudi government has enforced these measures, or if they have improved the actual living and working conditions of the kingdom’s migrant population. Employers continue to frequently confiscate passports and withhold wages from their employees, despite laws and policies explicitly designed to prevent these practices. The Saudi government has enacted piecemeal reforms of the *kafala* system, but has stopped short of abolishing its most restrictive aspects, such as the requirement for an in-country sponsor. Female domestic workers remain outside the purview of most national labor laws. While the 2013 law standardizes hours for domestic workers, the isolation and lack of access to redress continues to leave many vulnerable to abuse. According to activists and experts, the Saudi legal system does not adequately provide domestic workers accused of committing crimes with a fair judicial process, and the authorities frequently execute domestic workers based on coerced confessions. Additionally, though bilateral agreements with labor-sending countries are positive steps, they do not effectively substitute for change in, and enforcement of, existing Saudi labor law. For these reasons, ADHRB finds that the Saudi government has implemented several recommendations concerning migrant workers’ rights at a merely technical level, while it has failed to implement many of the most crucial recommendations – such as significantly reforming the *kafala* sponsorship system or the labor code – entirely.

934 International Trade Union Confederation, “Facilitating Exploitation: A Review of Labour Laws for Migrant Domestic Workers in Gulf Cooperation Countries.” November 2014.

935 Royal Decree No. M/51, 23 Sha’ban 1426/ 27 September 2005. Translation: http://www.sagya.gov.sa/Documents/Laws/labor_law_en.pdf.

936 “New Saudi labor law from Oct. 18,” Saudi Gazette, 10 October 2015, <http://saudigazette.com.sa/saudi-arabia/new-saudi-labor-law-from-oct-18/>.

937 “Saudi Arabia: Steps Toward Migrant Workers’ Rights,” Human Rights Watch, 15 November 2015, <https://www.hrw.org/news/2015/11/15/saudi-arabia-steps-toward-migrant-workers-rights>.

SECTION K

Economic, Social, and Cultural Rights

The Government of Saudi Arabia fully accepted recommendations **138.185** and **138.186**, concerning the promotion of social and cultural rights. The government also accepted recommendation **138.187** and **138.88**, concerning its efforts to promote the health of its citizens. In accepting these recommendations, the government stated:

*All recommendations under this section were accepted.*⁹³⁸

Brief Assessment

The Government of Saudi Arabia has widely failed to enact the reforms necessary to guarantee economic, social, and cultural rights in the kingdom. Saudi security forces continue to violently suppress the kingdom's minority Shia citizens who call for less discrimination and greater civil liberties. Ongoing construction projects in the holy cities of Mecca and Medina remain controversial, as the Ministry of Islamic Affairs (MoIA) oversees the destruction of sites of religious and historical significance. Furthermore, recent economic and development policies have not adequately addressed poverty, a lack of adequate housing, and long-term unemployment. The government has only been successful in the public health sector, where it has largely sustained a decades-long trend of expanding coverage and reducing both maternal and child mortality, although it still maintains undue restrictions on care for women and migrant workers.

1. PROMOTE SOCIAL AND CULTURAL RIGHTS

Not Implemented
No Perceived Progress

138.185 Continue taking measures to promote social and cultural rights (Uzbekistan); and

138.186 Continue promoting its social programmes for the greater good of its people (Venezuela)

The Government of Saudi Arabia has made little progress toward promoting socioeconomic and cultural rights in the kingdom. Saudi Arabia's minority Shia community continues to report systemic discrimination.⁹³⁹ Between 2012 and 2014, the government arrested more than 1,000 Saudi Shia in connection with protests calling for equal rights in the kingdom's predominantly Shia Eastern Province.⁹⁴⁰ Local groups reported that by the end of 2014, more than 230 Shia remained in detention in Eastern Province prisons.⁹⁴¹ Of that 230, the government had convicted only 37 of any crime.⁹⁴²

Additionally, on 12 December 2014, over 100 Saudi security personnel, accompanied by tanks and helicopters, entered the Shia-majority town of Awamiyya to apprehend four criminal suspects.⁹⁴³ In the process, security forces fired their weapons indiscriminately, killing 17-year-old Thamer Hasan al-Rabea and damaging 41 residential buildings, 21 shop fronts, and 76 cars.⁹⁴⁴

⁹³⁸ A/HRC/25/3/Add.1, par. 21.

⁹³⁹ Human Rights Watch, *World Report 2015: Saudi Arabia*, <https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia>.

⁹⁴⁰ "Saudi Arabia 2014 International Religious Freedom Report," U.S. Department of State, <http://www.state.gov/documents/organization/238688.pdf>, pg. 8

⁹⁴¹ Ibid.

⁹⁴² Ibid.

⁹⁴³ "The Saudi Government Extrajudicial Executed 5 Citizens Based on Unproven Allegations," European-Saudi Organisation for Human Rights, 6 January 2015, <http://www.esohr.org/en/?p=289>.

⁹⁴⁴ Ibid.

Saudi security forces have continued to arrest and harass high profile activists who advocate for the protection of minority rights. In August 2014, the kingdom's national security tribunal, the SCC, sentenced Shia cleric Tawfiq al-Aamer to an eight-year prison term, a ten-year travel ban upon release, and a ban on delivering speeches for offenses related to his demands for constitutional reform.⁹⁴⁵ Furthermore, in November 2014 a criminal court in al-Khobar issued a sentence of two years in prison and 200 lashes to Saudi activist Mikhliif al-Shammari for “stirring public opinion by sitting with the Shia.”⁹⁴⁶ His prosecution came partially in response to an article he had written in 2010 that criticized the Sunni religious community's treatment of Shia citizens.⁹⁴⁷ In November 2015, an appeals court upheld this sentence.⁹⁴⁸

Millions of Saudi residents are otherwise socioeconomically disadvantaged. In 2014, unemployment among 15-24 year olds in Saudi Arabia stood at 28.3 percent.⁹⁴⁹ This trend is likely to continue, as a full 37 percent of the population was 14 years old or younger in 2011; 1.9 million people are expected to enter the workforce in the next ten years.⁹⁵⁰ The government does not regularly publicize statistics mapping poverty in the country, but estimates suggest it is generally high. The Borgen Project draws the poverty line in Saudi Arabia at 17 dollars per day and states that several million Saudis live under or near this level of income.⁹⁵¹ Other outlets report that as much as 20 percent of Saudi residents live in “crippling”⁹⁵² or “severe”⁹⁵³ poverty.

In addition to this high poverty rate, Saudi Arabia is experiencing a long-term housing crisis. As many as a third of young Saudis entering the workforce cannot afford to purchase housing in urban areas (in 2014, a two-bedroom apartment in the city of Jeddah cost at or above 130,000 USD).⁹⁵⁴ Other estimates state that as many as 60 percent of Saudi families do not own their homes.⁹⁵⁵ Additionally, “unplanned settlements,” frequently described as slums,⁹⁵⁶ form significant portions of major urban areas. For example, unplanned settlements constitute one-third of Jeddah's total built-up area.⁹⁵⁷ As of 2012, slums constituted 25 percent of Mecca.⁹⁵⁸ Furthermore, migrants frequently populate unplanned settlement areas that develop around major Saudi cities, and the government has made little progress in alleviating their housing concerns.⁹⁵⁹

945 Ibid., 17.

946 “Urgent Action: Defender Sentenced to Prison and Flogging,” Amnesty International, 25 November 2015, http://www.amnestyusa.org/sites/default/files/uaa16913_0.pdf.

947 Ibid.

948 Ibid.

949 Leeda Jewayni, “Poverty in Riyadh, Saudi Arabia,” The Borgen Project, 24 September 2014, <http://borgenproject.org/poverty-riyadh-saudi-arabia/>.

950 Julia Glum, “Saudi Arabia's Youth Unemployment Problem Among King Salman's Many New Challenges After Abdullah's Death,” International Business Times, 23 January 2015, <http://www.ibtimes.com/saudi-arabias-youth-unemployment-problem-among-king-salmans-many-new-challenges-after-1793346>.

951 Leeda Jewayni, “Poverty in Riyadh, Saudi Arabia,” The Borgen Project, 24 September 2014, <http://borgenproject.org/poverty-riyadh-saudi-arabia/>.

952 Aryn Baker, “Rich Nation, Poor People,” TIME Magazine, 23 May 2013, <http://time.com/3679537/rich-nation-poor-people-saudi-arabia/>.

953 Danielle Koontz, “Malnutrition in Saudi Arabia,” The Borgen Project, 31 May 2015, <http://borgenproject.org/malnutrition-in-saudi-arabia/>.

954 Aya Batrawy, “Poor Saudi slums highlight wider housing problems,” Associated Press, 11 January 2014, <http://news.yahoo.com/poor-saudi-slums-highlight-wider-housing-problems-065941990.html>.

955 “Saudi Arabia launches new housing scheme to ease shortage,” Al Arabiya, 13 March 2014, <http://english.alarabiya.net/en/business/property/2014/03/13/Saudi-Arabia-launches-new-housing-scheme-to-ease-shortage.html>.

956 Ibid.

957 Ibid.

958 “Makkah slum dwellers fear eviction,” Arab News, 13 November 2012, <http://www.arabnews.com/makkah-slum-dwellers-fear-eviction>.

959 See Section H for further discussion of migrant housing in Saudi Arabia.

The government has taken some steps to relieve unemployment and the lack of adequate housing. In January 2014, the government promulgated a state-run insurance program for unemployed individuals. Under the program, workers who lose their jobs for reasons beyond their control, and who are under 59 years of age, are eligible for 12-months of unemployment compensation capped at 9,000 Riyals for three months and 7,500 Riyals for the remaining nine.⁹⁶⁰ The program does add needed social security for Saudi workers facing unemployment. It does not, however, support Saudi Arabia's sizable migrant worker community,⁹⁶¹ nor does it target the increasing number of Saudis attempting to enter a tight job market.

In 2011, King Abdullah bin Abdulaziz Al Saudi announced that the government had earmarked 67 billion USD to construct 500,000 homes in order to meet the society's growing housing needs.⁹⁶² Officials named the program "Eskan" (the Arabic term for "housing").⁹⁶³ The Ministry of Housing (MoH) has had trouble fulfilling its construction projects, due to bureaucratic slowdowns (including troubled coordination between the MOMRA, which controls land grants, and the MoH),⁹⁶⁴ problems in securing adequate land, and difficulties in apportioning aid to citizens.⁹⁶⁵ In 2015, the MoH stated that the kingdom would have to construct 3 million new housing units by 2025 to keep up with increased population growth.⁹⁶⁶ As of December 2015, however, the ministry was in the process of developing 187 projects consisting of only 233,651 housing units.⁹⁶⁷ Ninety-five percent of these projects were still being designed.⁹⁶⁸

Furthermore, the Saudi government has violated the cultural rights of Saudi residents and the global Muslim community through the systematic erasure of religious heritage sites. In recent years, the Ministry of Islamic Affairs (MoIA) has overseen the destruction of mosques and residences dating back to the time of the Prophet Muhammad in order to expand the Grand Mosque in Mecca as well as prominent sites in Medina.⁹⁶⁹ Public toilets now stand in the spot inhabited by the home of Khadijah, the prophet's first wife.⁹⁷⁰ A Hilton hotel has been constructed over the destroyed house of Abu Bakr, the first Islamic caliph.⁹⁷¹ In Medina, officials are in the process of demolishing 126 mosques in order to expand the Prophet's Mosque.⁹⁷² Medina had previously seen the closure of six mosques at which the Prophet Muhammad is believed to have prayed, and the seventh,

960 P.K. Abdul Ghafour, "Job security for 1.5 million Saudis," Arab News, 7 January 2014, <http://www.arabnews.com/news/505026>.

961 Refer to Sections I and J for further discussion of migrant workers in Saudi Arabia.

962 Marwa Rashad, "Saudi Arabia launches new housing scheme to ease shortage," Reuters, 13 March 2014, <http://www.reuters.com/article/saudi-housing-idUSL6N0MA17I20140313>.

963 Ibid.

964 Rodolfo C. Estimo Jr., "500,000 housing units in Kingdom soon to ease residential woes," Arab News, 25 November 2013, <http://www.arabnews.com/news/482761>.

965 Marwa Rashad, "Saudi Arabia launches new housing scheme to ease shortage," Reuters, 13 March 2014, <http://www.reuters.com/article/saudi-housing-idUSL6N0MA17I20140313>.

966 Ibrahim Shihab, "Saudis need 3 million new homes by 2025, says ministry," Saudi Gazette, 13 December 2015, <http://saudigazette.com.sa/saudi-arabia/saudis-need-3-million-new-homes-by-2025-says-ministry/>.

967 Ibid.

968 Ibid.

969 P.K. Abdul Ghafour, "Haram expansion gains momentum," Arab News, 15 January 2015, <http://www.arabnews.com/featured/news/689746>.

970 Ziauddin Sardar, "The Destruction of Mecca," The New York Times, 30 September 2014, http://www.nytimes.com/2014/10/01/opinion/the-destruction-of-mecca.html?_r=0.

971 Oliver Wainwright, "Mecca's mega architecture casts shadow over hajj," The Guardian, 23 October 2012, <http://www.theguardian.com/artanddesign/2012/oct/23/mecca-architecture-hajj1>.

972 Sami al-Maghamsi, "126 mosques to be razed in Saudi Arabia for Madinah mosque expansion," Al Arabiya, 13 October 2014, <http://english.alarabiya.net/en/News/middle-east/2014/10/13/126-mosques-to-be-razed-in-Saudi-Arabia-for-Madinah-mosque-expansion.html>.

which was associated with Abu Bakr, was razed and subsequently replaced with an ATM.⁹⁷³ The government has also destroyed a number of non-Islamic historical sites and structures, such as the Ottoman-era al-Ajyad/al-Ecyad Fortress.⁹⁷⁴

2. PROMOTE PUBLIC HEALTH

Perceived Progress

138.187 Continue promoting the right to health of its citizens, particularly maternal and child health services (Brunei Darussalam); and

138.188 Continue efforts in providing full access to health services for the general population (Turkey)

Though statistics on overall health are limited, as a general trend, the Government of Saudi Arabia has improved health services for women and children. According to UNICEF, the under-five mortality has noticeably decreased in recent decades, from 45 deaths per 1,000 children in 1990 to 18 per 1,000 in 2011.⁹⁷⁵ The World Bank estimates that the maternal mortality rate in Saudi Arabia has fallen from 21 per 100,000 in 2001 to 12 per 100,000 in 2015.⁹⁷⁶ Additionally, as reported by the World Bank, the immunization of children against the common ailments of diphtheria, pertussis, and tetanus remains high, estimated at 98 percent from 2011 to 2015.⁹⁷⁷

Certain barriers, however, prevent Saudi women from receiving adequate medical care. An article published in the *Journal of Hospital Administration* in March 2014 noted the regular failure of Saudi women to attend primary care appointments, attributing it to several structural problems.⁹⁷⁸ Of 250 prenatal and postnatal Riyadh residents that had recently missed primary health care appointments, 71.5 percent stated that their nearest primary health center lacked needed maternal care equipment, including Ultrasound machines, requiring them to travel greater distances for the requisite treatment.⁹⁷⁹ A majority of respondents, 65.5 percent, reported that they needed 30 minutes or more to travel to the necessary center.⁹⁸⁰ Relatedly, prohibitions on women's driving and restrictions on women's freedom of movement⁹⁸¹ also hindered these women from accessing care generally, as 71 percent reported that they were unable to secure transportation to their healthcare facility.⁹⁸²

While several Saudi hospitals are ranked highly for quality of care,⁹⁸³ a recent infrastructural failure

973 Carla Power, "Saudi Arabia Bulldozes Over Its Heritage," *TIME*, 14 November 2014, <http://time.com/3584585/saudi-arabia-bulldozes-over-its-heritage/>.

974 Oliver Wainwright, "Mecca's mega architecture casts shadow over hajj," *The Guardian*, 23 October 2012, <http://www.theguardian.com/artanddesign/2012/oct/23/mecca-architecture-hajj1>.

975 "Country Profile: Saudi Arabia Maternal, Newborn & Child Survival," UNICEF, 1 March 2012, http://www.childinfo.org/files/maternal/DI_Profile_-_Saudi_Arabia.pdf.

976 "Maternal mortality ratio (modeled estimate, per 100,000 live births)," The World Bank, <http://data.worldbank.org/indicator/SH.STA.MMRT>.

977 "Immunization, DPT (% of children ages 12-23 months)," The World Bank, <http://data.worldbank.org/indicator/SH.IMM.IDPT/countries>.

978 Adel Almalki, "Missed appointments at maternal healthcare clinics in primary healthcare centres in Riyadh city: reasons and associated factors," *Journal of Hospital Administration*, Vol. 3, No. 4, 24 March 2014, permanent URL: <http://dx.doi.org/10.5430/jha.v3n4p92>.

979 Ibid.

980 Ibid.

981 Refer to Section D for further discussion of this topic.

982 Ibid.

983 "Five Saudi hospitals ranked among top 10 in Arab world," *Arab News*, 5 August 2015, <http://www.arabnews.com/saudi-arabia/news/786771>.

in the Jazan Province's general hospital led to significant loss of life.⁹⁸⁴ On 24 December 2015, a fire broke out on the first floor of the hospital, which houses both the intensive care unit and the maternity ward.⁹⁸⁵ At least 25 people died as a result of the incident, and over 100 were injured. Although the exact cause remains unclear, some outlets reported that an electrical problem may have sparked the fire.⁹⁸⁶ The Ministry of Health took responsibility, with the minister attributing the accident to systemic failure.⁹⁸⁷

Communication obstacles also prevent Saudi residents from receiving adequate care. There is a shortage of local healthcare professionals in Saudi Arabia, and, as in other industries, expatriate labor has filled the employment gap.⁹⁸⁸ Expatriate nurses, who staffed over 44% of nursing positions as of 2012, report difficulties in interacting with women patients due to cultural norms. In particular, these nurses note problems in communicating with women wearing face veils.⁹⁸⁹ Patients, in turn, have reciprocal difficulties overcoming language barriers with these health professionals, as many of the nurses are not fluent in Arabic.⁹⁹⁰ This not only affects professional-patient communication; in several Saudi health care centers, studies have shown that nurses incorrectly fill prescriptions at a high rate, likely due to the language barrier.⁹⁹¹

While the quality of care for Saudi citizens is generally high, care for the nation's millions of migrant workers tends to be poor.⁹⁹² The majority of migrant workers hold jobs in construction, domestic labor, custodial services, and driving, which periodically subject them to dangerous working conditions.⁹⁹³ In a 2010 study of 408 Nepalese migrant workers in Saudi Arabia, Qatar, and the United Arab Emirates, 54 percent of the Saudi-based workers reported experiencing health problems, and 26.3 percent reported suffering an injury while working.⁹⁹⁴ Only one third of respondents reported they received health insurance from their employer.⁹⁹⁵

Conclusion

The government has demonstrated little progress toward ensuring economic, social, and cultural rights in Saudi Arabia. Saudi authorities continue to strictly police Shia citizens, many of whom are subjected to state-enforced discrimination.⁹⁹⁶ The courts have disproportionately jailed Shia activists for demanding greater civil and political rights. They even imprisoned and ordered the flogging of a Sunni citizen after he protested this prejudicial treatment of the Shia community.

984 "Deadly fire rips through Saudi hospital," Al Jazeera, 24 December 2015, <http://www.aljazeera.com/news/2015/12/deadly-fire-rips-saudi-arabian-hospital-151224044501095.html>.

985 Ibid.

986 Mona Boshnaq, "Fire in Saudi Hospital's Maternity Unit Kills at Least 25," The New York Times, 24 December 2015, http://www.nytimes.com/2015/12/25/world/middleeast/hospital-fire-saudi-arabia.html?_r=0.

987 Ibid.

988 Abdulrahman Albougami, "Role of language and communication in providing quality healthcare by expatriate nurses in Saudi Arabia," *Journal of Health Specialties*, Volume 3, Issue 3, 2 July 2015, <http://www.thejhs.org/article.asp?issn=1658-600X;year=2015;volume=3;issue=3;page=166;epage=172;aulast=Albougami#ref20>.

989 Ibid.

990 Ibid.

991 Ibid.

992 Refer to Section J for more information on migrant worker's rights.

993 Maria Kristiansen and Aziz Sheikh, "The Health of Low-Income Migrant Workers in Gulf Cooperation Council Countries," *Health and Human Rights Journal*, 22 July 2014, <http://www.hhrjournal.org/2014/07/the-health-of-low-income-migrant-workers-in-gulf-cooperation-council-countries/>.

994 Suresh Joshi, Padam Simkhada, and Gordon J Prescott, "Health problems of Nepalese migrants working in three Gulf countries," *BMC International Health and Human Rights*, 28 March 2011, <http://bmcinthealthumrights.biomedcentral.com/articles/10.1186/1472-698X-11-3>.

995 Ibid.

996 Refer to Section C for further discussion of discrimination against Shia.

Simultaneously, the expansion of Mecca and Medina has come at the expense of dozens of mosques and other historic landmarks dating to the time of the Prophet Muhammad. Additionally, while the government has taken some steps to ease economic uncertainties by introducing unemployment insurance and an ambitious, nation-wide housing project, the former fails to address the problems suffered by Saudi Arabia's unemployed youth, while the latter has not been able to meet its broad objectives.

On the other hand, the government has continued its largely successful efforts to increase the health of the kingdom's residents. Though certain populations face significant barriers to accessing adequate healthcare, such as women and migrant workers, the government has continued to reduce child and maternal mortality rates and sustained a high level of vaccination coverage for minors.

Ultimately, and with the exception of the health sector, ADHRB finds that the Government of Saudi Arabia has failed to implement its UPR recommendations concerning economic, social, and cultural rights.

SECTION L

Combating Terrorism

The Government of Saudi Arabia fully accepted recommendation **138.216** concerning the insurance of review mechanisms for legislation and administrative measures adopted to combat terrorism. In accepting this recommendation, the government stated:

What makes the kingdom's experience in combating terrorism distinct is its accurate balance between combating terrorism and protecting human rights, which is a basic principle of Islamic law, from which the kingdom derives its regulations. In addition, standing regulations and bills are subject to periodic review and study by the Human Rights Commission to ensure compatibility with international standards.⁹⁹⁷

The government also fully accepted **138.217** concerning its updating of the council regarding its efforts to combat terrorism. The government did not directly comment upon this recommendation.

Additionally, the government fully accepted recommendation **138.218** concerning intra-state cooperation in addressing root causes of terrorism. Finally, the government fully accepted recommendation **138.220**, concerning exchanging its successful rehabilitation measures for terrorists with other states. In accepting both recommendations, the government stated:

In paragraph 97 of its national report, the kingdom points to contributions and initiatives for combating terrorism, and it does not accept untrue allegations that lessen its efforts to combat and fight terrorism.⁹⁹⁸

The paragraph in question states:

The kingdom introduced a number of initiatives to combat terrorism and reject all actions conducive to terrorism, firstly by fostering intellectual security through educational channels and materials and continuing on through to effectively tackling terrorist operations, striking a balance between counter-terrorism and human rights protection (see Annex 4). In 2011, the kingdom signed an agreement with the United Nations on the establishment of the United Nations Counter-Terrorism Centre, welcomed in General Assembly resolution 66/10, which also encouraged Member States to collaborate with the Centre. In that light, the kingdom made a voluntary contribution of \$10 million dollars in order to fund the Centre for three years.⁹⁹⁹

The government rejected outright recommendation **138.219**, concerning its commitment to international treaties and resolutions combating terrorism and its financing.

Brief Assessment

The Government of Saudi Arabia has undertaken a number of measures to combat terrorism and to rehabilitate those convicted of committing terrorist acts. However, the success of these measures remains unclear. Legislation adopted by the government to combat terrorism defines terrorist crimes in an overly broad manner, enabling it to prosecute those who exercise their right to free expression and dissent, and there are few review mechanisms installed to insure the law's fair application. While information on the rehabilitation program has been shared with the international community, its overall effectiveness has come under scrutiny. Finally, the government

⁹⁹⁷ A/HRC/25/3/Add.1, par. 22.

⁹⁹⁸ Ibid.

⁹⁹⁹ A/HRC/WG.6/17/SAU/1, par. 97.

has yet to adequately address those socioeconomic and cultural grievances that can bolster the recruitment efforts of terrorist organizations. With the exception of its recommendation to update the HRC on its anti-terrorism efforts – which it fully implemented – the Government of Saudi Arabia has failed to implement any of its UPR recommendations concerning combating terrorism.

1. REVIEW MECHANISMS FOR ANTI-TERRORISM MEASURES

Not Implemented
No Perceived Progress

138.216 Ensure that legislation and administrative measures adopted to combat terrorism are fair and have review mechanisms (Mexico)

Legislation that Saudi Arabia has adopted to combat terrorism contains neither a satisfactory definition of terrorism nor adequate review mechanisms.¹⁰⁰⁰ Article 1 of the Law for Crimes of Terrorism and Its Financing, promulgated in January 2014, provides an expansive definition of terrorist acts that can be used to criminalize various forms of free expression and assembly, including acts carried out, either directly or indirectly, with the purpose of “disrupting public order,” “risking national unity,” and “harming the reputation or status of the country.”¹⁰⁰¹ Additionally, Article 3 states that authorities can apply the law to individuals intending to commit, establish, or incite “changing the ruling system of the kingdom” or “harming the interests, economy, and national and social security of the kingdom”¹⁰⁰² – definitions that can also encompass the activities of those attempting to advance peaceful political and social reform.

Since the beginning of Saudi Arabia’s second UPR cycle, the public prosecution has employed this vague language to bring terror charges against individuals for exercising their rights to free speech and political organization. Saudi courts have specifically invoked the Law for Crimes of Terrorism and Its Financing to sentence human rights lawyer Waleed Abu al-Khair to 15 years in prison.¹⁰⁰³ Relatedly, the government has used the Specialized Criminal Court (SCC), a national security tribunal, as the primary adjudicator of cases involving the free expression and assembly of human rights defenders and nonviolent dissidents.¹⁰⁰⁴ In addition to trying Abu al-Khair, the SCC has sentenced activists such as Abdulaziz al-Sunaidi,¹⁰⁰⁵ Sheikh Nimr Baqir al-Nimr,¹⁰⁰⁶ and numerous members of the Saudi Arabian Civil and Political Rights Organization (ACPRA)¹⁰⁰⁷ to severe penalties up to and including capital punishment, while also prosecuting the writer Dr. Zuhair Kutbi for pro-reform statements made on television,¹⁰⁰⁸ in newspaper columns, and on Twitter.¹⁰⁰⁹

The anti-terror law contains one built-in review mechanism for detainees to address cases of ill

1000 Refer to Section B for further discussion of the due process concerns related to the Law of Terrorism and Its Financing.

1001 ADHRB and the Bahrain Institute for Rights and Democracy, *The Pretense of Progress: A report on the implementation of Saudi Arabia’s recommendations from the special rapporteur on the independence of judges and lawyers*, March 2015, http://www.adhrb.org/wp-content/uploads/2015/03/ADHRB_Pretense-of-Progress_v1_web.pdf, Appendix.

1002 Ibid.

1003 “New anti-terror law used to imprison Saudi Arabian human rights activist,” Amnesty International, 7 July 2014, <https://www.amnesty.org/en/latest/news/2014/07/new-anti-terror-law-used-imprison-saudi-arabian-human-rights-activist/>.

1004 “Saudi Arabia: Abolish Terrorism Court,” Human Rights Watch, 27 April 2012, <https://www.hrw.org/news/2012/04/27/saudi-arabia-abolish-terrorism-court>.

1005 “Saudi Arabia: Release Abdulaziz al-Sunaidi,” Amnesty International, 17 November 2015, <http://www.amnestyusa.org/get-involved/take-action-now/saudi-arabia-release-abdulaziz-al-sunaidi-ua-25815>.

1006 “Saudi Shia cleric Nimr al-Nimr ‘sentenced to death,” BBC News, 15 October 2014, <http://www.bbc.com/news/world-middle-east-29627766>.

1007 “ADHRB Condemns Court Rulings against ACPRA Members,” ADHRB, 21 October 2015, <http://www.adhrb.org/2015/10/adhrb-condemns-court-rulings-against-acpra-members/>.

1008 “Saudi Arabia ‘jails reformist writer Zuhair Kutbi,” BBC News, 21 December 2015, <http://www.bbc.com/news/world-middle-east-35154411>.

1009 Confidential source; also, refer to Sections B and C for further discussion of these cases.

treatment in detention. Article 25 stipulates that any defendant that has been harmed as a result of prolonged detention is entitled to submit a compensation request to the Minister of Interior before submitting the same complaint to the SCC.¹⁰¹⁰ A settlement committee must then consider the request and arrive at a decision within 60 days of having received it.¹⁰¹¹ However, officials have not consistently investigated complaints of ill treatment in detention.¹⁰¹²

Individuals convicted by the SCC can appeal its rulings to the SCC's appellate court and to the Supreme Court.¹⁰¹³ In high profile cases, however, appeals courts have frequently affirmed the SCC's original ruling or refused to hear appeals altogether. On 16 November 2014, Sheikh Nimr al-Nimr issued a 50-page handwritten appeal to the SCC after the court sentenced him to death the previous month.¹⁰¹⁴ On 4 March 2015, Saudi newspapers reported that the SCC appeals court would not object to the original ruling.¹⁰¹⁵ Ali al-Nimr, a youth protester from the Eastern Province sentenced to death by the SCC in May 2014, similarly appealed the court's decision in his case.¹⁰¹⁶ In September 2015, a Saudi newspaper reported that appellate judges at the SCC and the Supreme Court had upheld his original sentence.¹⁰¹⁷

2. UPDATE THE COUNCIL IN ANTI-TERRORISM EFFORTS

Fully Implemented

138.217 Update the council periodically about its efforts in combating terrorism (Lebanon)

During its current UPR cycle, the Government of Saudi Arabia has periodically updated the Human Rights Council (HRC) about its counterterrorism efforts. In August 2013, it provided a national report to the HRC that outlined its counterterrorism measures in some detail.¹⁰¹⁸ Paragraph 97 of the report introduces a number of initiatives to combat terrorism and discusses the government's 2011 agreement with the UN to establish the UN Counter-Terrorism Center.¹⁰¹⁹ The government's reported counterterror measures include establishing communication channels with international bodies and states to cooperate in combating terrorism, organizing conferences and symposia on counterterrorism, national efforts to rehabilitate individuals convicted of terrorism, and participation in international anti-terrorism agreements.¹⁰²⁰ At the 29th session of the HRC in June 2015, Saudi Arabia participated in a panel discussion about the effects of

1010 ADHRB and the Bahrain Institute for Rights and Democracy, *The Pretense of Progress: A report on the implementation of Saudi Arabia's recommendations from the special rapporteur on the independence of judges and lawyers*, March 2015, http://www.adhrb.org/wp-content/uploads/2015/03/ADHRB_Pretense-of-Progress_v1_web.pdf, Appendix.

1011 Ibid.

1012 "European Parliament Adopts Resolution Condemning Ali al-Nimr Execution," ADHRB, 8 October 2015, <http://www.adhrb.org/2015/10/eu-parliament-adopts-resolution-condemning-ali-al-nimr-execution/>; Refer to Section M.1 for further discussion on the lack of investigation into detainee ill-treatment claims.

1013 "Urgent Action: Juvenile Activist's Death Sentence Upheld," Amnesty International, 16 September 2015, https://www.amnestyusa.org/sites/default/files/uaa14314_2.pdf.

1014 "Who Was Sheikh Nimr?" ADHRB, January 2016, <http://www.adhrb.org/who-was-sheikh-nimr/>.

1015 "Mapping the Saudi State, Chapter 3: The Ministry of Interior (Part 2)," Americans for Democracy & Human Rights in Bahrain, June 2015, http://www.adhrb.org/wp-content/uploads/2015/06/2015.05.21_MSSCh.3_Final.pdf, pg. 12-13.

1016 Confidential source.

1017 <<مستهدف قوات الأمن بالعوامية>> حد الحراسة, Okaz, 14 September 2015, <http://www.okaz.com.sa/new/Issues/20150915/Con20150915796602.htm>.

1018 A/HRC/WG.6/17/SAU/1.

1019 Ibid.

1020 Ibid.

terrorism on the enjoyment by all persons of human rights.¹⁰²¹ During the panel, Saudi Arabia spoke on the importance of addressing terrorism locally and preventing the spread of extremist ideology, through the restriction of social media if necessary.¹⁰²²

3. ADDRESS ROOT CAUSE OF TERRORISM

Not Implemented
No Perceived Progress

138.218 Cooperate with other States in order to tackle the main root causes that attract the youngsters to the so-called jihadism, namely the provision of their socioeconomic and cultural rights (Somalia)

The Saudi government has made inadequate progress in guaranteeing the socioeconomic and cultural rights of its citizens, a process that is fully detailed in Section K.1 of this report. Despite a dearth of official documentation, as much as 20 percent of the Saudi population lives in poverty.¹⁰²³ Officials working for the Ministry of Housing (MoH) have been unable to fully address an ongoing housing crisis, and a majority of Saudi families do not own their own domiciles.¹⁰²⁴ These negative trends are further exacerbated by a high rate of youth unemployment, which is close to 30 percent for 15-24 year olds;¹⁰²⁵ the Saudi government will have to facilitate the creation of almost two million jobs in coming years to keep youth unemployment manageable.¹⁰²⁶ The Saudi government has introduced a limited unemployment insurance scheme¹⁰²⁷ and a multi-billion dollar, nationwide housing project¹⁰²⁸ to alleviate these problems, but the former fails to address burgeoning youth unemployment, while the latter has not been able to keep up with growing housing demand.¹⁰²⁹

While the Saudi government struggles to support its citizens' socioeconomic rights, it fails to respect their cultural rights, a process also fully detailed in Section K.1. The Saudi government continues to systematically discriminate against its minority Shia citizens, suppressing a movement of Shia activists that have called for greater civil and political rights in recent years.¹⁰³⁰ Additionally, the Saudi government has continued to expand commercial sites in Mecca, and major centers of worship in both Mecca and Medina, at the expense of smaller mosques and places of religious and historical significance.¹⁰³¹ The Ministry of Islamic Affairs (MoIA) has overseen the destruction of

1021 "Human Rights Council holds panel discussion on the effects of terrorism on the enjoyment by all persons of human rights," OHCHR, 30 June 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16173&LangID=E>.

1022 Ibid.

1023 Aryn Baker, "Rich Nation, Poor People," TIME Magazine, 23 May 2013, <http://time.com/3679537/rich-nation-poor-people-saudi-arabia/>.

1024 "Saudi Arabia launches new housing scheme to ease shortage," Al Arabiya, 13 March 2014, <http://english.alarabiya.net/en/business/property/2014/03/13/Saudi-Arabia-launches-new-housing-scheme-to-ease-shortage.html>.

1025 Leeda Jewayni, "Poverty in Riyadh, Saudi Arabia," The Borgen Project, 24 September 2014, <http://borgenproject.org/poverty-riyadh-saudi-arabia/>.

1026 Julia Glum, "Saudi Arabia's Youth Unemployment Problem Among King Salman's Many New Challenges After Abdullah's Death," International Business Times, 23 January 2015, <http://www.ibtimes.com/saudi-arabias-youth-unemployment-problem-among-king-salmans-many-new-challenges-after-1793346>.

1027 P.K. Abdul Ghafour, "Job security for 1.5 million Saudis," Arab News, 7 January 2014, <http://www.arabnews.com/news/505026>.

1028 Marwa Rashad, "Saudi Arabia launches new housing scheme to ease shortage," Reuters, 13 March 2014, <http://www.reuters.com/article/saudi-housing-idUSL6NOMA17I20140313>.

1029 Refer to Section K.1 for further discussion of these programs.

1030 "Saudi Arabia 2014 International Religious Freedom Report," U.S. Department of State, <http://www.state.gov/documents/organization/238688.pdf>, pg. 8

1031 P.K. Abdul Ghafour, "Haram expansion gains momentum," Arab News, 15 January 2015, <http://www.arabnews.com/featured/news/689746>.

the house of Khadijah,¹⁰³² the Prophet Muhammad's first wife, and the mosque of Abu Bakr,¹⁰³³ the first Islamic caliph, among numerous other heritage sites.¹⁰³⁴

4. EXCHANGE INFORMATION ON TERRORIST REHABILITATION PROGRAM

Perceived Progress

138.220 Exchange with other States its successful experience in the field of rehabilitation of surrenders, suspected and/or imprisoned persons for terrorism (Somalia)

The government launched its extremist deradicalization program in 2004, initiated by then-Assistant Interior Minister Prince Mohammed bin Naif.¹⁰³⁵ According to the government's August 2013 national report to the United Nations, the program aims to "fight terrorist ideas by countering them with other ideas and unveiling uncertainties with the assistance of scholars."¹⁰³⁶ The program brings Islamic clerics into prisons to counsel prisoners and provide them with a religious education in order to "correct [their] thoughts" about Islam's authorization of violence.¹⁰³⁷ In addition to religious re-education, the program involves psychological, social, and art therapy.¹⁰³⁸

In order to graduate from the program, participants must pass an exam that demonstrates they have abandoned their radical beliefs.¹⁰³⁹ Before re-integrating into society, participants spend a period of 8-12 weeks at the Mohammed bin Naif Center for Counseling and Care, opened in Riyadh in 2007.¹⁰⁴⁰ At the center, staff members provide participants with further therapy, art and history classes, vocational training, and athletic activities, as well as continuing with religious counseling.¹⁰⁴¹

Estimates place the success of Saudi Arabia's rehabilitation program at between 80 and 90 percent.¹⁰⁴² However, estimates also suggest that about 10% of incarcerated terrorists have entrenched beliefs that are beyond the reach of a rehabilitation program.¹⁰⁴³ A number of individuals have completed the Saudi program and later returned to extremist activities. In November 2014, following an attack on a Shia center in al-Ahsa that claimed seven lives,¹⁰⁴⁴ media reports indicated that 47 of the 77 individuals who participated in the attack were former participants in the rehabilitation

1032 Ziauddin Sardar, "The Destruction of Mecca," *The New York Times*, 30 September 2014, http://www.nytimes.com/2014/10/01/opinion/the-destruction-of-mecca.html?_r=0.

1033 Carla Power, "Saudi Arabia Bulldozes Over Its Heritage," *TIME*, 14 November 2014, <http://time.com/3584585/saudi-arabia-bulldozes-over-its-heritage/>.

1034 Ibid.

1035 Andreas Casptack, "Deradicalization Programs in Saudi Arabia: A Case Study," Middle East Institute, 10 June 2015, <http://www.mei.edu/content/deradicalization-programs-saudi-arabia-case-study>.

1036 A/HRC/WG.6/17/SAU/1, Annex 4.

1037 Ellen Knickmeyer, "Saudi Center Aims for 'Life After Jihad,'" *The Wall Street Journal*, 24 April 2013, <http://blogs.wsj.com/middleeast/2013/04/24/saudi-rehab-center-aims-to-shape-life-after-jihad/>.

1038 "Rehabilitation Programmes Seek to Reduce the Appeal of Violent Extremism and Terrorism," UN Security Council Counter-Terrorism Committee, 9 May 2013, http://www.un.org/en/sc/ctc/news/2013-05-14_binnaif.html.

1039 Andreas Casptack, "Deradicalization Programs in Saudi Arabia: A Case Study," Middle East Institute, 10 June 2015, <http://www.mei.edu/content/deradicalization-programs-saudi-arabia-case-study>.

1040 Ibid.

1041 "Saudi Arabia sends convicted terrorists to a cushy rehab center," *Associated Press*, 24 June 2015, <http://nypost.com/2015/06/24/saudi-arabia-sends-convicted-terrorists-to-a-cushy-rehab-center/>.

1042 Angel Rabasa, et. al., *Deradicalizing Islamic Extremists*, RAND Corporation, 2010, http://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG1053.pdf.

1043 Andreas Casptack, "Deradicalization Programs in Saudi Arabia: A Case Study," Middle East Institute, 10 June 2015, <http://www.mei.edu/content/deradicalization-programs-saudi-arabia-case-study>.

1044 "Saudi arrests key suspects in Shia attack," *Al Jazeera*, 25 November 2014, <http://www.aljazeera.com/news/middleeast/2014/11/saudi-arrests-key-suspects-shia-attack-20141124201328608194.html>.

program.¹⁰⁴⁵ In another example, inmate Said al-Shihri completed the deradicalization program after his release from the US' Guantanamo Bay in 2007 and then proceeded to become the deputy leader of al-Qaeda in Yemen.¹⁰⁴⁶ Al-Shihri later orchestrated the bombing of the American embassy in Sana'a in 2008.¹⁰⁴⁷

The program's efforts to substitute militants' religious beliefs with adherence to the state-approved interpretation of Islam have come under scrutiny, as the tenets embraced by al Qaeda and ISIS radicals do not differ substantially from official Saudi doctrine.¹⁰⁴⁸ According to some analysts, the program does not seek to change participants' ideological outlook so much as affirm the government's role in determining proper use of violence for religious purposes.¹⁰⁴⁹ This is especially problematic given reports that Saudi courts have also ordered human rights defenders and other political activists to attend *al-munasaha* or "counseling" programs at these rehabilitation facilities.¹⁰⁵⁰ A court allegedly required Mohammed al-Bajady, the co-founder of ACPRA, attend a program at the Mohammed bin Nayef Center for Counseling and Care before he was released from prison in December 2015, for example.¹⁰⁵¹

The Saudi rehabilitation program has reportedly influenced subsequent programs in Asia, Europe, and elsewhere in the Middle East.¹⁰⁵² In May 2013, the Counter-Terrorism Committee of the UN heard presentations from senior officials at the Mohammed bin Naif Counseling and Care Center.¹⁰⁵³ Major General Saeed bin Ameer al-Beshia, Head of the General Department of the Mohammed bin Naif Center, briefed the committee on the center's prevention, rehabilitation, and care efforts.¹⁰⁵⁴

5. COMMIT TO ANTI-TERRORISM TREATIES

Not Accepted

138.219 Genuine and full commitment to treaties combating terrorism and relative international resolutions to combat terrorism, its financing and support in all aspects (Syrian Arab Republic)

The Government of Saudi Arabia has acceded to relevant international treaties related to combating terrorism, but its rejection of this recommendation leaves its full commitment to the treaties in question. Still, in the government's August 2013 national report to the UN, it reported that it had ratified "all 16" international counterterrorism conventions, in addition to regional conventions and bilateral security agreements with a number of states.¹⁰⁵⁵ Most recently, Saudi Arabia acceded

1045 "Saudi Shura member spots 'need' to revise terrorist rehab program," Al Arabiya, 16 December 2014, <http://english.alarabiya.net/en/News/middle-east/2014/12/16/Saudi-Shura-member-Need-to-revise-terrorist-rehabilitation-program.html>.

1046 Andreas Casptack, "Deradicalization Programs in Saudi Arabia: A Case Study," Middle East Institute, 10 June 2015, <http://www.mei.edu/content/deradicalization-programs-saudi-arabia-case-study>.

1047 Ibid.

1048 Angel Rabasa, et. al., *Deradicalizing Islamic Extremists*, RAND Corporation, 2010, http://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG1053.pdf, 61; for further discussion, refer to Section C.

1049 Ibid.

1050 Erik Eikenberry, Andrew Weinberg, and James Suzano, "The Problem With Saudi Arabia's 'Terrorist' Re-education," *Foreign Policy*, 16 February 2016, <http://foreignpolicy.com/2016/02/16/saudi-arabia-terrorist-re-education/>

1051 Ibid.

1052 Ellen Knickmeyer, "Saudi Center Aims for 'Life After Jihad,'" *The Wall Street Journal*, 24 April 2013, <http://blogs.wsj.com/middleeast/2013/04/24/saudi-rehab-center-aims-to-shape-life-after-jihad/>.

1053 "Rehabilitation Programmes Seek to Reduce the Appeal of Violent Extremism and Terrorism," UN Security Council Counter-Terrorism Committee, 9 May 2013, http://www.un.org/en/sc/ctc/news/2013-05-14_binnaif.html.

1054 Ibid.

1055 A/HRC/WG.6/17/SAU/1

to the International Convention for the Suppression of the Financing of Terrorism¹⁰⁵⁶ and the International Convention for the Suppression of Acts of Nuclear Terrorism in 2007.¹⁰⁵⁷ Further, the Law for Crimes of Terrorism and Its Financing stipulates that the MoI may set the necessary mechanisms to implement Security Council resolutions 1267 and 1373, which refer to ceasing the provision of sanctuary for terrorists¹⁰⁵⁸ and preventing the financing of terrorist acts.¹⁰⁵⁹

Conclusion

The Government of Saudi Arabia has a mixed record of combating terrorism. The government generally keeps the international community apprised of its counterterrorism measures, but the measures themselves are sources of significant controversy. The Law for Crimes of Terrorism and Its Financing, passed in January 2014, codifies overly-expansive definitions of “terrorism” that law enforcement officials have since used to prosecute and imprison human rights defenders and nonviolent political dissidents.

The government has also proven unable to address the socioeconomic and cultural grievances that can contribute to extremist recruitment. While the government does not release official statistics concerning the kingdom’s poor, millions of Saudi residents live in poverty. High unemployment among youth and an ongoing housing crisis continue to exacerbate this situation. Additionally, Saudi authorities continue to disproportionately target the minority Shia population and destroy the kingdom’s religious and cultural heritage sites.

The government administers a prison-based rehabilitation program for extremists, and has shared its programmatic methods with other nations. Yet the overall efficacy of the program is unclear. A number of former prisoners thought to be rehabilitated have rejoined extremist groups and committed attacks in Saudi Arabia and elsewhere; furthermore, the state’s official interpretation of Islam, which does not differ significantly from that of radical Sunni groups, raises troubling concerns over the effectiveness of the rehabilitation program’s explicitly-religious basis.

Beyond its updating of the HRC, the Saudi government has failed to implement its UPR recommendations on combating terrorism.

1056 “United Nations Treaty Collections,” United Nations, last updated 29 January 2016, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-11&chapter=18&lang=en.

1057 Ibid.

1058 “UN Security Council Resolution 1267 (1999),” U.S. Department of State, 15 October 1999, <http://www.state.gov/j/ct/rls/other/un/5110.htm>.

1059 “Resolution 1373 (2001),” United Nations Security Council, 28 September 2001, S/RES/1373 (2001), [http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20\(2001\).pdf](http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20(2001).pdf).

SECTION M

Other

The Government of Saudi Arabia fully accepted recommendations **138.151** concerning guaranteeing due process and prohibiting in law the use of torture and other cruel treatment in line with the CAT. The government also accepted recommendations **138.166** and **138.167** concerning the continuation of its efforts to improve and facilitate religious pilgrimage to the kingdom, particularly *hajj* and *omra*. The government rejected recommendation **138.61** concerning extradition of persons involved in cases of human rights violations and corruption. In response to these recommendations, the government stated:

*There are four recommendations that do not fall under any of the previous thematic categories, three of which have been accepted.*¹⁰⁶⁰

Brief Assessment

Within a section it categorized as “other”, the Government of Saudi Arabia placed four separate recommendations: one concerning its adherence to the CAT, two concerning its ongoing administration of religious pilgrims, and one, which it rejected, concerning its extradition policies. The Saudi government has failed to implement these recommendations, as it has not fully prohibited torture and other forms of cruel treatment, and its mismanagement of the Hajj partially contributed to deadly accidents during the pilgrimage in 2015.

1. ADHERE TO THE CAT

Not Implemented
No Perceived Progress

138.151 Guarantee due process, prohibit in law the use of torture and other forms of cruel treatments, in accordance with the Convention against Torture (France)

In September 1997, the Government of Saudi Arabia acceded to the CAT.¹⁰⁶¹ According to a statement made by a Saudi representative to the Committee Against Torture in 2002, the government’s accession to the treaty automatically prompted its incorporation into domestic law, and the CAT can now be invoked in Saudi criminal courts.¹⁰⁶²

Nevertheless, the Saudi government’s interpretation of its provisions differs significantly from that of the Committee. For example, Saudi authorities continue to defend the implementation of corporal punishments, including flogging and amputations, despite the Committee’s insistence that such sanctions be abandoned.¹⁰⁶³ While several Saudi codes, including the Law of Criminal Procedure,¹⁰⁶⁴ nominally prohibit the use of torture and coercion by government officials, none formally define which acts do and do not constitute torture. Failure to fully codify the crime of torture contravenes Article 4 of the CAT, which provides that “each State Party shall ensure that all acts of torture are offences under its criminal law.”¹⁰⁶⁵ For their part, Saudi authorities argue

1060 A/HRC/25/3/Add.1

1061 See Section A for more information on Saudi Arabia’s commitment to international human rights treaties; See Sections B and F for more information on torture and capital and corporal punishments in the criminal justice system.

1062 “SUMMARY OF THE RECORD FOR THE FIRST PART (PUBLIC)* OF THE 519th MEETING,” Committee against Torture, May 10, 2002, CAT/C/SR.519.

1063 Sofie Callop, “What will stop Saudi Arabia from flogging its citizens?” Newsweek, June 12, 2015, accessed January 15, 2016, <http://www.newsweek.com/what-will-stop-saudi-arabia-flogging-its-citizens-342249>.

1064 Law of Criminal Procedure, Royal Decree No. (M/39), Kingdom of Saudi Arabia, Article 2.

1065 *Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment*, United Nations Human Rights, Article 4

that the kingdom's corporal punishments stem from the religious precepts of Sharia, and thus constitute "lawful sanctions" for which any associated "pain or suffering" is excused as "inherent" or "incidental" under Article 1 of the CAT.¹⁰⁶⁶ The Committee has challenged this interpretation of the treaty in the past.¹⁰⁶⁷

Nevertheless, Saudi judges continue to prescribe corporal punishments, and Articles 10, 11, and 12 of the Saudi Law of Criminal Procedure provide rules by which authorities issue sentences of death, stoning, amputation, or retaliatory punishment.¹⁰⁶⁸

On 29 July 2013, a Jeddah court sentenced blogger Raif Badawi to 600 lashes, 50 of which were to be administered "very harshly."¹⁰⁶⁹ Authorities charged Badawi under the Anti-Cyber Crime Law for co-founding a website that criticized Saudi Arabia's religious establishment.¹⁰⁷⁰ Later, the prosecutors determined the penalty was not sufficient and appealed the decisions. On 7 May 2014, the Jeddah Criminal Court agreed with the prosecutors and sentenced Badawi to 20 sessions of 50 lashes each, for a total of 1,000 lashes, in addition to a fine of one million Saudi riyals (roughly \$266,000). On 9 January 2015, while a final appeal was pending, Saudi officials administered the first 50 lashes of Badawi's sentence.¹⁰⁷¹ Saudi Arabia's highest court affirmed the ruling on 7 June 2015. The sentence called for lashes to be carried out every Friday. However, Saudi authorities' suspended subsequent sessions after a medical committee ruled that Badawi should not undergo a second round of lashings.¹⁰⁷² As of January 15, 2016, the Saudi government has made no indication that it will revoke Badawi's punishment.

Conviction of theft carries the punishment of amputation at the wrist under Saudi Arabia's interpretation of Sharia. In 2014, Saudi authorities severed the hand of Ibrahim Abdulrahman Hazbar, a Yemeni national convicted of repeated theft.¹⁰⁷³

According to the 1975 Juvenile Justice Act, judges can legally sentence children under the age of 18 to corporal punishment, including flogging, stoning, and amputation.¹⁰⁷⁴ Saudi Arabia has reportedly raised the minimum age for criminal responsibility from seven to twelve years old, but this new policy does not apply to girls or in *qisas* (retaliatory) cases.¹⁰⁷⁵ In 2015, the Saudi government reported to the Committee Against Torture that a comprehensive bill on juveniles and juvenile criminal procedures was under consideration along with a new draft code of criminal

1066 *Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment*, United Nations Human Rights, Article 1

1067 Elizabeth Olson, "Fair Penalties Or Torture? U.N. at Odds With Saudis," *The New York Times*, 19 May 2002, <http://www.nytimes.com/2002/05/19/world/fair-penalties-or-torture-un-at-odds-with-saudis.html>.

1068 "Law of Criminal Procedure-Saudi Arabia," University of Minnesota Human Rights Library

1069 The Editorial Board, "Clemency for Raif Badawi," *The New York Times*, June 10, 2015, accessed January 15, 2016, <http://www.nytimes.com/2015/06/11/opinion/clemency-for-raif-badawi.html>; "600 lashes, 7 years for Activist," Human Rights Watch, July 30, 2013, accessed January 15, 2016, <https://www.hrw.org/news/2013/07/30/saudi-arabia-600-lashes-7-years-activist>.

1070 "Saudi Arabia: 600 Lashes, 7 Years for Activist," Human Rights Watch, 30 July 2013, <https://www.hrw.org/news/2013/07/30/saudi-arabia-600-lashes-7-years-activist>.

1071 "Saudi blogger Badawi 'flogged for Islam insult,'" BBC News, January 9, 2015, accessed January 15, 2016. <http://www.bbc.com/news/world-middle-east-30744693>

1072 Richard Spencer and Magdy Samaan, "Saudi Arabia postpones 1,000 lashes sentence for blogger," *The Telegraph*, January 16, 2015, <http://www.telegraph.co.uk/news/worldnews/middleeast/saudi-arabia/11350132/Saudi-Arabia-postpones-1000-lashes-sentence-for-blogger.html>

1073 "Saudi severs hand of man accused of theft as execution toll hits 80," *Al-Akhbar English*, December 15, 2014, accessed January 19, 2016, <http://english.al-akhbar.com/node/22895>.

1074 *Ibid.*

1075 *Ibid.*

procedure, but gave no further details.¹⁰⁷⁶ Despite ratifying the Convention on the Rights of the Child (CRC) in 1996, which prohibits capital punishment for children in all cases, judges are legally able to sentence child offenders to capital punishment, corporal punishment, and life imprisonment.¹⁰⁷⁷

Since the beginning of Saudi Arabia's second cycle UPR, Saudi courts have continued to accept dubious confessions despite credible allegations that they had been coerced. In February 2012, Saudi security forces arrested Ali al-Nimr when he was 17 years old for activities related to his participation in political demonstrations. They took him to a child observation home in the city of Dammam, where they allegedly subjected him to severe beatings that resulted in internal bleeding.¹⁰⁷⁸ There, they forced him to sign a false confession. Al-Nimr attempted to retract this confession during his trial at SCC,¹⁰⁷⁹ but the judge refused to allow him.¹⁰⁸⁰ In May 2014, the SCC sentenced al-Nimr to death based on his confession.¹⁰⁸¹ In September 2015, the kingdom's highest court upheld this sentence, despite the allegations of torture and false testimony.¹⁰⁸²

In the recent cases of Abdullah al-Zaher and Dawood al-Marhoon, Saudi courts also accepted confessions despite the existence of credible allegations that they had been given under duress. In March 2012, Saudi authorities arrested al-Zaher when he was 15 years old. They allegedly whipped him with iron wire and kicked him repeatedly during his initial interrogation.¹⁰⁸³ After transferring him to a juvenile observation home in Dammam, interrogators forced al-Zaher to sign a confession without allowing him to read its contents. On 21 October 2014, the SCC sentenced al-Zaher to death based on this confession, and in October 2015, a higher court confirmed the sentence.¹⁰⁸⁴ The authorities subjected al-Marhoon to similar treatment, including severe beating and electrocution, and forced him to confess to a series of crimes.¹⁰⁸⁵ Like al-Zaher, the SCC accepted the confession and sentenced al-Marhoon to death; the sentence was confirmed in 2015.¹⁰⁸⁶

The government's actions expressly violate Article 1 of the CAT, which defines torture, in part, as an act "intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession."¹⁰⁸⁷ Additionally, the failure of authorities, and Saudi courts in particular, to investigate their allegations of torture violate Article 13 of the CAT, which stipulates that State Parties shall promptly and impartially investigate all allegations of torturing falling within their jurisdiction.¹⁰⁸⁸

1076 "Consideration of reports submitted by States parties under article 19 of the Convention: Saudi Arabia***," Committee against Torture, February 12, 2015, CAT/C/SAU/2, paras. 115 and 128, http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/SAU/CAT_C_SAU_2_294_E.pdf

1077 "Inhuman sentencing of children in Saudi Arabia," Child Rights International Network, March 2013. And *Convention on the Rights of the Child*, United Nations Human Rights, Article 37(a); for further discussion of the application of capital punishment to minors, refer to Section F.

1078 Private source.

1079 Refer to Sections B and L for further discussion of the Specialized Criminal Court.

1080 Adam Coogle, "Saudi Arabia's Troubling Death Sentence," Human Rights Watch, 26 September 2015, <https://www.hrw.org/news/2015/09/26/saudi-arabias-troubling-death-sentence>.

1081 Ibid.

1082 Ibid.

1083 عبد الله الزاهر مواطن سعودي اعتقل طفلاً وقد تعذمه السعودية في أي لحظة بعد أن طالب الادعاء بصلبه 13 October 2015, <http://www.esohr.org/?p=1160>.

1084 Ibid.

1085 Private source.

1086 "Dawood al-Marhoon," Reprieve, <http://www.reprieve.org.uk/case-study/dawood-al-marhoon/>; See Section F for more information on these and other capital punishment cases.

1087 *Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment*, United Nations Human Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>.

1088 Ibid.

138.166 Continue its tremendous efforts to improve the level of protection and services provided for pilgrims (Malaysia); and

138.167 We appreciate the Kingdom's role in facilitating hajj and omra, and we commend the efforts the kingdom is taking and recommend they continue those efforts (Sudan)

The Government of Saudi Arabia hosts the Hajj, one of the largest religious gatherings in the world that attracts millions of Muslim pilgrims every year. In addition to the Hajj, which occurs annually at a specified time, the kingdom also hosts the Umrah pilgrimage, which Muslims can undertake at any time during the year.

In 2015, Mecca and Medina welcomed over two million pilgrims for the Hajj alone.¹⁰⁸⁹ Officials expect this number to reach 17 million per year by 2025.¹⁰⁹⁰ In an effort to facilitate the increasing number of visitors, Saudi authorities have embarked on a massive construction projects to increase the capacity of the mosques.¹⁰⁹¹ The Saudi Gazette announced in 2014 that the government had already spent over \$100 billion to improve the pilgrimage facilities.¹⁰⁹² The expansion of the Masjid an-Nabawi mosque in Medina will reportedly hold 1.6 million worshippers, for example.¹⁰⁹³

These massive construction projects have also endangered many of the kingdom's other cultural and historical sites, however. In the proposed path of the Medina development are three of the world's oldest mosques, which government officials are planning to destroy.¹⁰⁹⁴ According to the London-based Islamic Heritage Research Foundation, Saudi authorities have already destroyed over 98% of the kingdom's historical and religious sites since 1985.¹⁰⁹⁵ State-sponsored development programs in Mecca and Medina have entailed the demolition of religious structures to make way for hotels, shopping malls, and cash dispensing machines.¹⁰⁹⁶

Additionally, the government's mismanagement of the pilgrimages contributed to two deadly accidents in 2015. On 11 September 2015, a crane collapsed onto the Masjid al-Haram, or the Grand Mosque, resulting in at least 107¹⁰⁹⁷-111¹⁰⁹⁸ deaths and 238¹⁰⁹⁹-394¹¹⁰⁰ injuries. The crane,

1089 "Hajj in numbers – in 60 seconds," BBC News, 24 September 2015, <http://www.bbc.com/news/world-middle-east-29439590>.

1090 Oliver Wainwright, "As the Hajj begins, the destruction of Mecca's heritage continues," The Guardian, October 14, 2013, accessed January 19, 2016, <http://www.theguardian.com/artanddesign/2013/oct/14/as-the-hajj-begins-the-destruction-of-meccas-heritage-continues>

1091 Michael Fahy, "King Salman launches five projects at Grand Mosque in Mecca," 12 July 2015, <http://www.thenational.ae/business/property/king-salman-launches-five-projects-at-grand-mosque-in-mecca>.

1092 Saudi Gazette, "Saudi Arabia has hosted 25 million hajj pilgrims in 10 years," Al Arabiya News, October 19, 2014, accessed January 19, 2016, <http://english.alarabiya.net/en/perspective/features/2014/10/19/Saudi-Arabia-hosted-25m-hajj-pilgrims-in-past-10-years.html>.

1093 Jerome Taylor, "Medina: Saudis take a bulldozer to Islam's history," <http://www.independent.co.uk/news/world/middle-east/medina-saudis-take-a-bulldozer-to-islams-history-8228795.html>.

1094 Ibid.

1095 Carla Power, "Saudi Arabia bulldozes over Its Heritage," Time, November 14, 2014, accessed January 19, 2016, <http://time.com/3584585/saudi-arabia-bulldozes-over-its-heritage/>.

1096 Ibid.; For more information on the destruction of heritage sites in Saudi Arabia, see Section K.

1097 "Crane crash: Trials likely soon," Arab News, January 20, 2016, accessed January 20, 2016, <http://www.arabnews.com/news/867821>.

1098 "Makkah crane collapse: Five engineers, technicians found guilty," Al Arabiya, 16 December 2015, <http://english.alarabiya.net/en/News/middle-east/2015/12/16/Makkah-crane-collapse-Five-engineers-technicians-found-guilty.html>

1099 "Crane crash: Trials likely soon," Arab News, January 20, 2016, accessed January 20, 2016, <http://www.arabnews.com/news/867821>.

1100 "Makkah crane collapse: Five engineers, technicians found guilty," Al Arabiya, 16 December 2015, <http://english.alarabiya.net/en/News/middle-east/2015/12/16/Makkah-crane-collapse-Five-engineers-technicians-found-guilty.html>

which belonged to the Saudi Bin Laden Group, was being used to enlarge the Grand Mosque; the construction project was initially set to be completed before the 2015 pilgrimage began.¹¹⁰¹ As a result, the Saudi government suspended the Saudi Bin Laden Group from taking on new projects and banned its executives from leaving the country, pending a full investigation.¹¹⁰² On 20 January 2016, the BIP's Riyadh office completed its part of the investigation, transitioning the remainder of the case to its Mecca office; sources tell local media that the BIP is preparing charges against several individuals, including engineers, project managers,¹¹⁰³ and government officials.¹¹⁰⁴ The charges are expected to include manslaughter, negligence, and violation of safety regulations.¹¹⁰⁵

Several weeks after the crane collapse, on 24 September 2015, two large groups of pilgrims converged on a narrow road in Mina, Mecca, resulting in a stampede that led to the deaths of possibly hundreds of people.¹¹⁰⁶ On 29 September 2015, the Saudi Ministry of Interior (MoI) stated that the death toll stood at 769 individuals, with an additional 934 injured.¹¹⁰⁷ Several foreign governments put the toll at least 1,849 individuals from over 30 countries.¹¹⁰⁸ In December of 2015, a new report by the Associated Press estimated that stampede killed approximately 2,411 people.¹¹⁰⁹ Crown Prince and Interior Minister Mohammed bin Nayef reportedly launched a probe just after the incident, but the status of the investigation is currently unknown.¹¹¹⁰

In the two years leading up to these accidents, Mecca experienced a variety of similar infrastructural failures including, but not limited to, multiple fires,¹¹¹¹ a scaffolding failure,¹¹¹² and a retaining-wall collapse.¹¹¹³ Moreover, 2015 was not the first year to see a deadly stampede in Mina; a similar incident caused the death of at least 345 pilgrims in 2006.¹¹¹⁴ In January 2016, the Shura council

1101 "Mecca crane collapse: 87 dead at Grand Mosque-as it happened," *The Guardian*, September 11, 2015, accessed January 20, 2016, <http://www.theguardian.com/world/live/2015/sep/11/mecca-crane-crash-more-than-50-dead-at-grand-mosque-live>.

1102 "Makkah crane collapse: Five engineers, technicians found guilty," *Al Arabiya*, 16 December 2015, <http://english.alarabiya.net/en/News/middle-east/2015/12/16/Makkah-crane-collapse-Five-engineers-technicians-found-guilty.html>

1103 "Crane crash: Trials likely soon," *Arab News*, January 20, 2016, accessed January 20, 2016, <http://www.arabnews.com/news/867821>.

1104 "Makkah crane collapse: Five engineers, technicians found guilty," *Al Arabiya*, 16 December 2015, <http://english.alarabiya.net/en/News/middle-east/2015/12/16/Makkah-crane-collapse-Five-engineers-technicians-found-guilty.html>

1105 "Crane crash: Trials likely soon," *Arab News*, January 20, 2016, accessed January 20, 2016, <http://www.arabnews.com/news/867821>

1106 "How the Hajj Stampede Unfolded," *The New York Times*, 24 September 2015, <http://www.nytimes.com/interactive/2015/09/24/world/middleeast/mecca-mina-stampede-hajj-maps.html>.

1107 "Kingdom clarifies Hajj death toll," *Royal Embassy of Saudi Arabia*, September 29, 2015, accessed January 19, 2016, https://www.saudiembassy.net/latest_news/news09291502.aspx.

1108 Agence France-Presse, "2015 hajj stampede deadliest ever as foreign governments put toll at 1,849," *The Guardian*, October 19, 2015, accessed January 20, 2016, <http://www.theguardian.com/world/2015/oct/20/2015-hajj-stampede-deadliest-ever-as-foreign-governments-put-toll-at-1849>.

1109 Rick Gladstone, "Death Toll from Hajj Stampede Reaches 2,411 in New Estimate," *The New York Times*, December 10, 2015, accessed January 20, 2016, <http://www.nytimes.com/2015/12/11/world/middleeast/death-toll-from-hajj-stampede.html>.

1110 Agence France-Press, "More roads should lead to site of 2015 hajj stampede, says Saudi shura council," *The Guardian*, January 11, 2016, <http://www.theguardian.com/world/2016/jan/12/more-roads-should-lead-to-site-of-2015-hajj-stampede-says-saudi-shura-council>.

1111 *The Cairo Post*. "Fire breaks out in the Grand Mosque in Mecca," *The Cairo Post*, 2014, accessed January 21, 2016, <http://www.thecairopost.com/news/119540/news/fire-broke-out-in-the-grand-mosque-in-mecca>.

1112 MD al-Sulami. "Grand Mosque project structure collapses," *Arab News*, November 29, 2013, accessed January 21, 2016, <http://www.arabnews.com/news/484806>.

1113 Ahmad Hashad and Irfan Mohammed. "Probe ordered into Makkah disaster that killed 6 laborers," *Arab News*, September 11, 2014, accessed January 21, 2016, <http://www.arabnews.com/news/628106>.

1114 Hassan M. Fattah, "Stampede During Pilgrimage to Mecca Kills 345," 13 January 2006, http://www.nytimes.com/2006/01/13/international/middleeast/13mecca.html?_r=0

recommended an expansion of the city's roads, but as the council is only an advisory body it is unclear whether government officials will implement these suggestions.¹¹¹⁵

Saudi authorities have also failed to address more basic procedural and logistical deficiencies. According to one pilgrim, security forces intermittently barricaded entry and exit routes in an effort to control crowds during the 2015 Hajj, but otherwise lacked authority to make independent crowd-management decisions based on changing circumstances.¹¹¹⁶ Moreover, the sporadic closure of entry and exit routes often exacerbates the public health concerns raised by such large events, especially for the young, elderly, and sick. The same pilgrim reported that the authorities blocked a diabetic woman from exiting the Grand Mosque and offered no alternative route; although she indicated that her blood sugar levels were dropping, they prevented her from retrieving her medication.¹¹¹⁷ Additionally, many Saudi security officials only speak Arabic, creating serious communication challenges given the large number of pilgrims that travel from non-Arabic-speaking countries.¹¹¹⁸

Though the investigation into the crane collapse appears to be progressing, the government has yet to hold anyone accountable for these incidents. Moreover, Saudi Arabia's explanation for the stampede has centered on the purported failure of the pilgrims to "follow the rules."¹¹¹⁹ Holistically, while the government has indicated it is staking steps to improve its ability to facilitate the pilgrimages, this progress is undermined by consistent negligence.

3. EXTRADITE HUMAN RIGHTS VIOLATORS

Not Accepted

138.161 Work with positive interaction with regard to the requests to recover stolen assets, and extradite those involved in the violations of human rights and corruption cases (Tunisia)

Saudi Arabia maintains extradition treaties with a number of states. In October 2015, for example, Saudi Arabia agreed to enter into an extradition treaty with the other Gulf Cooperation Council (GCC) states.¹¹²⁰ The government also maintains an extradition treaty with India¹¹²¹ and has agreed to negotiate an extradition treaty with the Philippines.¹¹²² ADHRB could not identify any high-profile extradition cases that have occurred since the start of Saudi Arabia's second cycle UPR.

1115 "More roads should lead to site of 2015 hajj stampede, says Saudi shura council," *The Guardian*, 11 January 2016, <http://www.theguardian.com/world/2016/jan/12/more-roads-should-lead-to-site-of-2015-hajj-stampede-says-saudi-shura-council>

1116 Sabrina Razaq Hussain, "In Mecca I saw little of Islam's compassion, but a lot of Saudi Arabia's neglect," *The Guardian*, October 2, 2015, accessed January 20, 2016, <http://www.theguardian.com/commentisfree/2015/oct/02/hajj-muslims-mecca-islam-protest-saudi-arabia>.

1117 Ibid.

1118 Ibid.

1119 Paul Gallagher and Ian Johnston, "Hajj stampede: Saudi authorities scramble to explain crush that killed 719 pilgrims," *The Independent*, 24 September 2015, <http://www.independent.co.uk/news/world/middle-east/hajj-stampede-saudi-officials-suggest-worshippers-are-to-blame-for-crush-that-killed-717-pilgrims-10515898.html>

1120 "GCC Justice Ministers Approve Extradition Agreement," *Qatar News Agency*, 7 October 2015, <http://portal.www.gov.qa/wps/portal/media-center/news/individualnews/gccjusticeministersapproveextraditionagreement>.

1121 "India, Saudi Arabia sign extradition treaty," *The Hindu*, 1 March 2010, <http://www.thehindu.com/news/india-saudi-arabia-sign-extradition-treaty/article123985.ece>.

1122 Abdul Hannan Tago, "Philippines welcomes Saudi move on extradition treaty," *Arab News*, 14 October 2015, <http://www.arabnews.com/saudi-arabia/news/820121>.

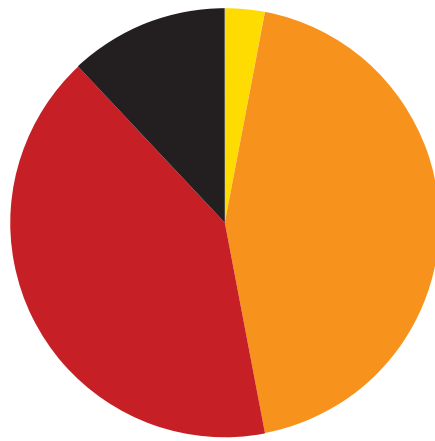
Conclusion

The Government of Saudi Arabia has failed to adhere to the CAT. Despite the Committee against Torture's explicit disapproval, Saudi courts continue to issue corporal punishments that include flogging and amputation. Furthermore, and in express violation of the CAT, the Saudi government has prosecuted a series of high-profile cases in recent years utilizing confessions allegedly obtained under duress. It has additionally imposed both corporal and capital punishments on minors.

The Saudi government has also mismanaged logistics surrounding the Hajj, giving security forces little power to act independently and failing to deploy non-Arabic speakers to interact with multicultural, multilingual crowds. This mismanagement continued into 2015 despite significant infrastructural failures in the years leading up to the crane collapse and the Mina stampede. Though the authorities have launched investigations – and initiated several large-scale expansion projects at the pilgrimage sites – they have largely failed to address the persistent government negligence at the root of these lethal accidents.

UPR Implementation by UN Country Group

African States



Fully Implemented	0/35
Perceived Progress	1/35
Technically Implemented	16/35
Not Implemented	14/35
Not Accepted	4/35

Benin

138.1 Invite Saudi Arabia to accede to other international human rights instruments

138.29 Continue reforms with a view to ensuring the promotion and the enjoyment of human rights for the Saudi people

Chad

138.82 Reduce the backlog of the submission of reports to treaty bodies

Djibouti

138.66 Continue to promote education in the area of human rights by including it in the school curriculum

138.139 Continue to protect and promote the rights of imprisoned persons so as to make conditions and places of detention more humane

Egypt

138.68 Continue taking measures and setting awareness programs aimed at enhancing women's rights in different spheres including programmes that aim at clearing the misconception between Islamic sharia and negative cultural norms

138.182 Take additional measures that aim at implementing labour laws that the Kingdom has ratified, especially those regarding ending all sorts of discrimination at work and equal remuneration

138.209 Take all necessary measures to protect rights of migrant workers, especially those regarding means of remedies

Ethiopia

- 138.205** Further the work on various ministerial decisions and the implementation of monitoring mechanisms on protection of migrant workers from human rights violation
- 138.207** Take every possible measure to protect the legal and financial rights of expatriate workers in the Kingdom

Morocco

- 138.55** Consider legislating a special personal status law that would contribute to the strengthening of women's rights
- 138.184** Take additional measures aimed at protecting and promoting women's rights in education, health and work sectors, as well as the legal capacity for women

Nigeria

- 138.146** Continue efforts to build and develop judicial capacities through training for judges and intensify efforts to strengthen the role of the judiciary
- 138.148** Maintain the practice whereby the Ministry of Justice pays the fees of counsel for accused persons who are unable to pay, as well as the presence of the media and persons interested in human rights during trial hearings
- 138.178** Continue to expand the opportunities for women's political and public participation, employment and education
- 138.197** Continue to take measures for the increased protection of the rights of migrant workers

Senegal

- 138.67** Strengthen human rights education and training in school curricula
- 138.109** Take measures to end the practice of guardianship and abolish existing legal provisions that require a guardian's authorization
- 138.200** Continue the efforts in favour of migrant workers

Sierra Leone

- 138.57** Continue work towards the improvement of women's rights. In particular, incorporate in law the principle of equality between men and women and ban child marriage
- 138.69** Establish training programmes for judges focusing on Saudi Arabia's international human rights obligations
- 138.83** Provide all outstanding reports to the treaty bodies and respond to the long-standing requests for visits by special procedures
- 138.198** Step up efforts to protect the rights of migrant workers

Somalia

138.201 Strengthen efforts to ensure the rights of migrants

138.218 Cooperate with other States in order to tackle the main root causes that attract the youngsters to the so-called jihadism, namely the provision of their socioeconomic and cultural rights

138.220 Exchange with other States its successful experience in the field of rehabilitation of surrenders, suspected and/or imprisoned persons for terrorism

South Sudan

138.93 Continue to provide more concern on discrimination against gender, and also continue its efforts in combating discrimination against women

Sudan

138.167 We appreciate the Kingdom's role in facilitating hajj and omra, and we commend the efforts the kingdom is taking and recommend they continue those efforts

138.224 Activate the items listed in the Declaration of the Islamic Summit to promote Islamic solidarity and make it a reality where there is peace and coexistence

Togo

138.96 Continue its efforts with a view to ensuring equality of all before the law and to guaranteeing equal citizenship rights to women and men

138.2 Ratify the main human rights instruments to which it is not yet a party

Tunisia

138.161 Work with positive interaction with regard to the requests to recover stolen assets, and extradite those involved in the violations of human rights and corruption cases

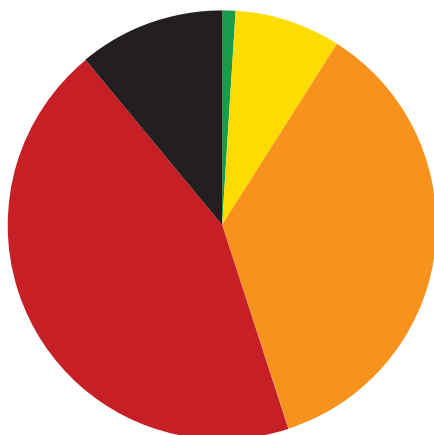
138.5 Accelerate its accession to the ICCPR and ICESCR

138.6 Consider ratifying OP-CAT

Uganda

138.116 Adopt appropriate and concrete measures to address the issue of discrimination and exploitation of migrant workers

Asia-Pacific States



Fully Implemented	1/66
Perceived Progress	5/66
Technically Implemented	24/66
Not Implemented	29/66
Not Accepted	7/66

Azerbaijan

138.72 Further its endeavors with regard to the smooth and productive activities of the National Anti-Corruption Commission and the Standing Committee on Trafficking in Persons

138.142 Continue its activities in the field of the judicial and legislative reforms for speeding up the pace of litigation and judgment enforcement

Bahrain

138.73 Educate domestic workers on regulations regarding domestic workers by making it available in all languages and take all necessary measures to implement the regulations in practice

138.212 Take all necessary measures to protect the rights of all migrant workers especially the means for redress

Bhutan

138.31 Continue to strengthen domestic legislation to promote and protect the rights of women, children, domestic workers and the migrant workers

Brunei Darussalam

138.115 Continue its on-going efforts to safeguard the rights of women and children

138.187 Continue promoting the right to health of its citizens, particularly maternal and child health services

Cambodia

138.71 Further promote equal treatment between women and men by increasing national awareness campaigns on gender equality, especially on women's rights

138.131 Continue its measures in combating human trafficking through the effective implementation of its Trafficking in Persons (Offences) Act

China

- 138.81** Continue its mutually beneficial cooperation with the United Nations human rights mechanism
- 138.173** Strengthen human rights training for NGOs and help them to carry out their work professionally and objectively

Cyprus

- 138.141** Continue with its efforts to reform the judicial system and its practices and further examine ways by which certain legal provisions are aligned with international human rights standards
- 138.156** Ensure implementation in practice of laws and regulations to which juvenile offenders are subject, including the prompt access of juveniles to legal counsels, their separate detention and the enrollment of juveniles in appropriate school and training programmes while in custody

Iraq

- 138.11** Continue efforts aimed at acceding to other international conventions, especially ICCPR and ICESCR

Indonesia

- 138.177** Carry out properly follow-up measures to guarantee meaningful progress in the area of women's public and political participation
- 138.204** Intensify the ongoing awareness-raising measures with the aim of protecting and promoting the rights of migrant workers

Japan

- 138.17** Consider early ratification of the ICCPR and ICESCR
- 138.145** Further promote access to remedy for victims of human rights violations
- 138.181** Continue to implement appropriate measures to promote further participation of women in various sectors of society and women's employment both within Government and in the private sector

Jordan

- 138.149** Continue enhancing the principle of public trials, and monitoring them in a way that does not contradict the independence of the judiciary and fair trials, including allowing [the public] to attend court hearings
- 138.150** Continue to take into account the judicial principles as a complimentary measure to international standards and documenting these measures

Korea, Republic of

- 138.10** Put forward its utmost efforts to become a party to core international human rights treaties, such as ICESCR, ICCPR and OP-CEDAW
- 138.101** Continue to make efforts to abolish the practice of male guardianship over women
- 138.194** Give due attention to the issue of the practice of sponsorship for foreigners, considering that this practice can give rise to serious human rights violations of foreign workers

Kuwait

- 138.78** Continue the cooperation with the United Nations and its mechanisms in areas of technical training related to human rights

Kyrgyzstan

- 138.210** Implement effectively the regulation on domestic workers and persons with similar status and provide the migrant workers with adequate protection from abuse in the part of employers

Lebanon

- 138.134** Continue efforts to combat violence against most vulnerable groups, especially women
- 138.217** Update the council periodically about its efforts in combating terrorism

Malaysia

- 138.160** Intensify efforts to promote the principle of transparency in their endeavour to combat corruption
- 138.166** Continue its tremendous efforts to improve the level of protection and services provided for pilgrims

Maldives

- 138.14** Expedite ratification of the ICCPR and ICESCR as was accepted by the Government at the first UPR
- 138.30** Enact and strengthen laws providing the right to education, and take effective measures to protect the rights of the child

Nepal

- 138.213** Continue efforts to enhance the welfare of migrant workers, including the domestic workers, and further strengthen the mechanism to prevent their possible exploitation

Oman

- 138.97** Launch additional awareness programmes that aim at enhancing the degree of awareness of women's rights and address the misconception between sharia law and negative cultural patterns
- 138.179** Exert more effort to enable women's participation in the political and the public life, and eliminating the barriers that prevent women from enjoying their rights, whether cultural or societal

Pakistan

- 138.158** Provide a fair judicial process for female domestic workers who commit crimes punishable under the Saudi law
- 138.208** Take all possible measures to protect the rights of expatriate workers, particularly the means for legal redresses

Palestine, State of

- 138.48** Accelerate the issuance of civil society regulations to activate civil work in the areas of protecting and promoting human rights and develop the capacities of the workers in the area of human rights and guarantee their work in freedom and independence
- 138.190** Continue to take necessary measures to combat discrimination in the area of education

Philippines

- 138.20** Consider ratifying more core human rights conventions, including the ICRMW
- 138.214** Build on the positive measures in protecting the rights of the household service workers and continue to step up efforts to protect the rights of migrant workers and their families

Singapore

- 138.159** Continue with its efforts to combat corruption
- 138.191** Continue to promote gender equality and the empowerment of women especially through access to quality education

Sri Lanka

- 138.114** Continue efforts to promote the empowerment of women and the protection of their rights
- 138.202** Strengthen measures with a view to ensuring the rights of migrant domestic workers

Syrian Arab Republic

- 138.140** Genuine and full commitment to its commitments pursuant to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, as these activities have destructive impacts on human rights
- 138.171** Guarantee freedom of opinion, expression and belief and refrain from preventing Syrian pilgrims from practicing their religious duties as it constitutes a flagrant violation of freedom of belief and religion as one of the basic freedoms
- 138.174** Refrain from exercising oppression and vengeance against legal activists and those demanding political reforms, the release of all detainees who are held without due cause, and guarantee the rights of prisoners and detainees through fair and just trials
- 138.219** Genuine and full commitment to treaties combating terrorism and relative international resolutions to combat terrorism, its financing and support in all aspects
- 138.225** Commit to the principle of non-intervention in the internal affairs of other States as it is related to the achievement of social, economic, cultural and political development of all States

Tajikistan

- 138.199** Continue policies for protecting the rights of migrants

Thailand

- 138.15** Expedite the considerations to become a party to the ICCPR and ICESCR
- 138.58** Further consider incorporating in relevant laws the principles of equality between women and men and where such principle exists, to campaign for greater understanding and awareness among the general public and officials for the effective implementation of such laws

Turkey

- 138.188** Continue efforts in providing full access to health services for the general population
- 138.192** Further increase the attendance of girls in secondary and higher education and the participation of women in the professional sphere

Turkmenistan

- 138.28** Continue its ongoing review of national laws to ensure that they are in line with its international human rights obligations
- 138.98** Take further measures to protect and promote women's rights, particularly in the fields of female employment, education, health and legal capacity

Qatar

- 138.80** Set up programs and plans to enhance training and raise awareness among the workers in the area of combating human trafficking
- 138.90** Continue constructive cooperation with the Office of the United Nations High Commissioner for Human Rights to build national capacities in order to protect and promote human rights within the framework of the Memorandum of Understanding signed between them in 2012

United Arab Emirates

- 138.133** Look into the issue of trafficking in children who are exploited and used for the purpose of begging, in cooperation with countries of origin
- 138.155** Speed up the process of an alternative penal system and ensure that this system includes treatment of juvenile delinquency in line with the Convention on the Rights of the Child and the comments of the Committee on the Rights of the Child

Uzbekistan

- 138.60** Continue efforts to strengthen institutional and legal basis for the protection of human rights
- 138.61** Develop the culture of human rights on the basis of awareness raising work and educational program
- 138.185** Continue taking measures to promote social and cultural rights

Vietnam

- 138.63** Strengthen the state of law and good governance in harmony with the traditional culture of the country, especially on the legal enforcement and capacity-building for national agencies on human rights
- 138.215** Continue its priority and initiatives in the 9th National Development Plan, with more focus on equality, non-discrimination, rights to health, education, to just and favourable conditions of work for vulnerable groups of women, children, migrants, foreign workers, refugees and persons with difficulties

Eastern European States



Fully Implemented	0/33
Perceived Progress	2/33
Technically Implemented	8/33
Not Implemented	14/33
Not Accepted	9/33

Albania

- 138.8** Ratify the ICCPR, ICESCR, OP-CAT and OP-CEDAW, and sign the third Optional Protocol to CRC on a communications procedure
- 138.87** Enhance cooperation with the human rights special procedures
- 138.128** Abolish juvenile death penalty and corporal punishment

Armenia

- 138.65** Continue efforts towards promotion of human rights education and awareness-raising in the country, inter alia, through inclusion of human rights and international humanitarian law in the syllabi of schools and universities

Bosnia and Herzegovina

- 138.84** Extend the standing invitation to all thematic special procedures

Czech Republic

- 138.7** Make further advances through the accession to ICCPR; ICESCR, OP-CAT and OP-CEDAW
- 138.24** Make further advances through withdrawing its reservations to CEDAW, CRC and CERD
- 138.53** Bring its domestic legislation in line with the rights to freedom of expression, association, and assembly, and to enact and implement a law of association enabling all NGOs to operate legally without harassment and undue government interference
- 138.85** Respond positively to the special procedures requesting a visit to the country

138.127 Refrain from imposing the death penalty, corporal punishment and life imprisonment for crimes committed by persons under the age of 18

138.154 Ensure that the judicial and law enforcement system is not abused to harass individuals for expressing their political or religious views

Hungary

138.41 Consider, within the context of continuing its judicial and legislative reforms, elaborating and adopting a Criminal Code that ensures equal and objective judgment of crimes

Latvia

138.9 Continue exploring possibilities to extend its international commitments, in particular to consider ratification of ICCPR and the Rome Statute of the International Criminal Court

138.88 Continue to strengthen its cooperation with the special procedures of the Human Rights Council by responding positively to the pending visit requests and eventually consider extending a standing invitation to all the special procedures mandate holders

Lithuania

138.16 Ratify the ICCPR and ICESCR

138.51 Intensify its efforts to pass a law on associations

138.124 Establish a moratorium on the use of the death penalty with a view to abolition, and in the meantime, immediately stop imposing the death penalty on anyone under the age of 18; bring the law and judicial practices in line with international fair trial guarantees and reduce the number of crimes which carry the death penalty as sanction

138.135 Take further measures to fully and effectively implement the law that detail enforcement and redress mechanisms for women and children facing domestic violence

Republic of Moldova

138.132 Ensure protection of victims of trafficking in human beings, in particular children, by providing assistance and social reintegration services, and by advancing cooperation with countries of origin and transit

138.136 Enforce legislation that criminalizes all forms of violence against women, including the Protection from Harm Act, and establish a system of regular data collection on such crimes

138.196 Continue the efforts in ensuring the rights of the migrant workers, including in terms of access to all social and health services

Poland

- 138.119** Adhere to the global trend against capital punishment by establishing a moratorium on its use
- 138.183** Ensure women's equal access to employment

Romania

- 138.12** Continue the consideration of ratification of the main international instruments on human rights, notably the ICESCR and ICCPR
- 138.79** Inform the Council on the relevant mechanisms on the kingdom's progress in the field of the dissemination of human rights culture and human rights education
- 138.91** Continue the cooperation with the OHCHR in order to improve the capacity of the national institutions of human rights
- 138.165** Protect freedom of religion or belief of all people living in the country

Russian Federation

- 138.180** Continue actions in ensuring the participation of women in political and public life in order to eliminate existing barriers in the way of guaranteeing, promoting and protecting the rights of women in line with the international standards

Slovakia

- 138.21** Consider ratifying or accede to the Rome Statute of the ICC, to implement it fully at the national level, and accede to the Agreement on Privileges and Immunities

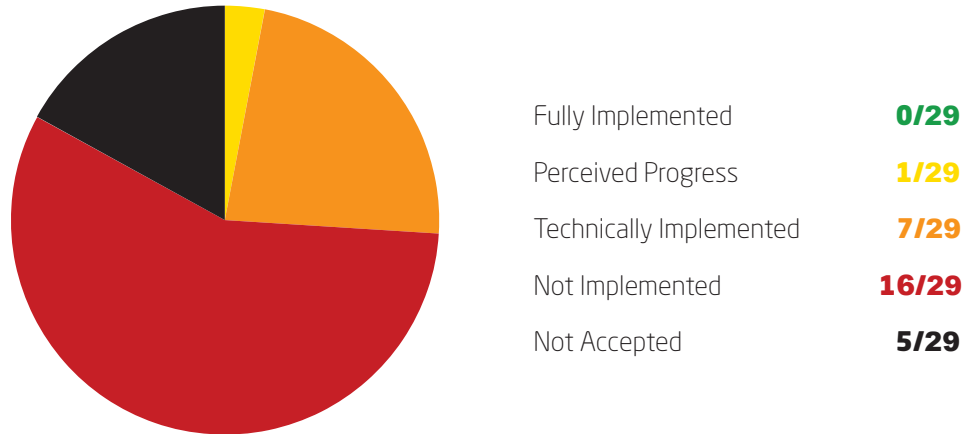
Slovenia

- 138.13** Consider ratifying without reservations the ICCPR and the ICESCR and to review and lift all reservations to several human rights conventions that are contrary to the objectives and purposes of the treaties
- 138.38** Adopt a penal code, consistent with international human rights standards
- 138.74** Enact procedural mechanisms for application of the Child Protection Act and to continue delivering awareness programs on combating domestic violence

Ukraine

- 138.113** Continue efforts to promote gender equality and strengthen the role of women in society

Latin American & Caribbean States



Argentina

- 138.99** Continue the measures aimed at achieving the elimination of existing patriarchal and gender stereotypes, with respect to the roles and responsibilities of men and women in the family and society
- 138.117** Taking into account the section in the national report relative to the fight against discrimination and the promotion of freedom of opinion and expression, strengthen action to ensure implementation of legislation against discrimination and religious violence

Brazil

- 138.32** Continue its efforts towards aligning its national legislation to international human rights law and, in this regard, lift the general reservation to CEDAW and reconsider policies which limit the rights of women to act as autonomous and equal members of the Saudi society
- 138.40** Promulgation of a penal code that clearly defines criminal offences and the establishment of a moratorium on executions of persons having committed crimes under the age of 18

Chile

- 138.189** Make progress in the implementation of legislative measures to ensure the prohibition of discrimination in education, in order to protect minority groups and promote gender equality
- 138.42** Adopt a criminal code which clearly defines a number of criminal offences that affect women and girls, and which includes clear guidelines on enforcement mechanisms, monitoring and coordination bodies, and sanctions for perpetrators

- 138.86** Invite the Special Rapporteur on the human rights of migrants and the Special Rapporteur on contemporary forms of slavery to assess the situation of domestic migrant workers

Colombia

- 138.75** Explore the possibility of elaborating and adopting a national policy for gender equality in accordance with the international instruments in this area to which Saudi Arabia is a party
- 138.77** Put in place mechanisms to follow up on UPR recommendations and that make it possible to verify the implementation and impact of norms and measures adopted to promote equality of rights

Costa Rica

- 138.43** Take steps to bring the criminal and criminal procedure systems in line with international standards, including through the adoption of a penal code that clearly defines the relevant offences and corresponding penalties
- 138.105** Take steps to remove the guardianship system, when it results in a limitation of the full exercise and enjoyment of the rights and freedom of women

Cuba

- 138.3** Continue the study of and the necessary measures to create an adequate climate so as to accede to international human rights instruments to which the country is not yet State party
- 138.62** Continue positive efforts to increase a culture of human rights principles

Ecuador

- 138.33** Criminalize femicide in accordance with the international standards and comply in general with CEDAW general recommendation No. 19
- 138.176** Redouble efforts to achieve a greater participation of women in remunerated employment, which goes beyond the area of teaching or the education sector, and that includes leadership positions in both the public and private spheres

Mexico

- 138.89** Extend an invitation to visit the Working Group on the issue of discrimination against women in law and in practice to visit
- 138.163** Guarantee birth registration for all boys and girls without discrimination of any kind
- 138.216** Ensure that legislation and administrative measures adopted to combat terrorism are fair and have review mechanisms

Nicaragua

138.27 Continue to work to harmonize its legal framework with the international instruments to which it is a State party

Paraguay

138.19 Consider ratifying ICCPR, ICESCR as well as the ICRMW

138.64 Continue to adopt legal and political measures, along with widespread awareness-raising and sensitization campaigns aimed at continuing to make progress towards gender equality, in particular in the areas of the family, labour, politics and education

138.118 Abolish the death penalty

Uruguay

138.22 Accede to the Rome Statute as well as the Agreement on Privileges and Immunities of the International Criminal Court (APIC)

138.23 Ratify ILO Freedom of Association and Protection of the Right to Organise Convention (No. 87); ILO Right to Organise and Collective Bargaining Convention (No. 98); and ILO Minimum Age Convention (No. 138)

138.59 Establish a national human rights institution in accordance with the Paris Principles

138.110 Intensify efforts to put an end to the male guardianship system over women, modify negative stereotypes and cultural practices that discriminate against women and carry out the necessary legislative changes, including to make it possible for women to drive vehicles

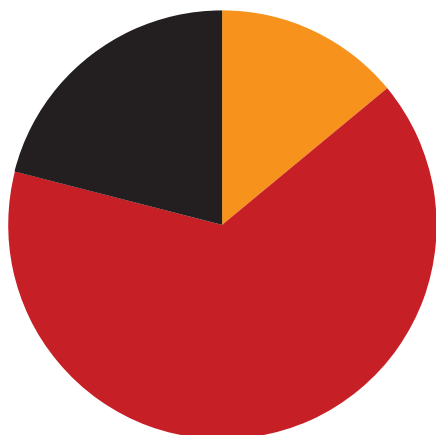
Venezuela

138.186 Continue promoting its social programmes for the greater good of its people

138.221 Share its good practice in ensuring dignified housing to the most vulnerable groups

138.222 Share the methodology used in the elaboration of the national report as a good practice of the UPR

Western Europe & Other States



Fully Implemented	0/62
Perceived Progress	0/62
Technically Implemented	9/62
Not Implemented	40/62
Not Accepted	13/62

Australia

138.102 Dismantle the system of male guardianship and allow women to freely travel, work, study, marry, and access health care and other public services

138.152 Implement legal reforms recognizing a legally-defined age of minority that prevents early and forced marriage, detention of minors as adults and exposure of minors to the death penalty

138.153 Implement legal reforms to promulgate a criminal code, ensure transparent and fair criminal trials, and prevent arbitrary, secret and indefinite detention and torture in custody

Austria

138.39 Promulgate a criminal code and amend the law of criminal procedure to comply with international human rights law

138.193 Pass legislation guaranteeing the right of religious minorities to build and maintain places of worship

138.122 Declare a moratorium on the death penalty and accede to the Section Optional Protocol to the ICCPR

138.126 Abolish the death penalty for all individuals considered as minors under international law (Switzerland); ensure that capital punishment is not imposed for offences committed by persons under 18 years of age

Belgium

- 138.92** Put an end to all forms of discrimination against women, both in law and in practice
- 138.157** Take all the necessary measures to effectively implement the law against domestic violence
- 138.170** Respect freedom of expression and association, and restrict to the extent strictly necessary the use of criminal prosecutions against people who make use of such rights
- 138.172** Allow the registration of NGOs that are active in the human rights area, both at the legal and practical level

Canada

- 138.34** Abolish, modify or introduce legislation, measures and practices to ensure the effective elimination of all forms of legal discrimination against women and to allow for their full participation in society, including in decision-making and political processes, on an equal basis with men
- 138.35** Introduce and implement a law prohibiting all child, early and forced marriages, including the introduction of a legal minimum age of majority for marriage, and other measures to safeguard and enforce women's rights relating to marriage, choices and free and full consent
- 138.45** Draft and implement a penal code and amend the Law of Criminal Procedure to comply with all its obligations under international law, including prohibitions on judicially-sanctioned corporal punishment and the execution of juvenile offenders
- 138.54** Take measures to foster an enabling environment for civil society, including through enacting and implementing before the next UPR a law on associations to allow for the legal creation and registration of independent civil society associations and organizations
- 138.168** Take necessary measures to ensure the effective enjoyment and protection of the right to freedom of religious belief, with a view to promoting the equality of all peoples and respect for all faith

Denmark

- 138.100** Take urgent steps to abolish the system of guardianship
- 138.143** Take further steps to ensure the full implementation of the protection from abuse system law. This would call for a clear definition of abuses and harms under the law, so that it can provide an effective mechanism and guarantee for the protection of victims

Finland

- 138.25** Withdraw the reservations to CEDAW (France); withdraw the general reservations to CEDAW (Spain); lift the general reservation to CEDAW and amend national legislation accordingly (Austria); continue implementing the 2008 recommendations by the Committee on CEDAW on remaining issues, in particular the withdraw of the general reservations to CEDAW
- 138.70** Ensure the victims of domestic abuse immediate access to mechanisms of protection and redress, inter alia, by providing the victims with shelters, by ensuring investigation of abuses, and by training law enforcement officials

France

- 138.203** Reform the status of migrant workers in order to ensure the protection of their rights against all forms of discrimination
- 138.52** Revise the 2011 law in order to guarantee freedom of opinion and expression, as well as freedom of association and peaceful assembly
- 138.94** Protect human rights of all individuals without any discrimination based on gender, origin, religion or customs
- 138.125** Establish alternative punishments to the death penalty and suspend the application of the death penalty for less serious offences and for people who were minors at the time of their crimes, in the perspective of a moratorium on executions
- 138.151** Guarantee due process, prohibit in law the use of torture and other forms of cruel treatments, in accordance with the Convention against Torture
- 138.162** Grant equal citizenship rights to women and men

Germany

- 138.36** Introduce a minimum marriage age of 18 years for both men and women
- 138.49** Adopt an NGO law which should take into account the views of civil society stakeholders and provide an enabling framework for the development of civil society in Saudi Arabia
- 138.121** Announce a moratorium on the death penalty with a view to its eventual abolition. Pending this take appropriate steps to reduce the application of the death penalty, observing due process of law in all judicial proceedings

Greece

- 138.44** Continue efforts regarding the rights of the child especially in relation to combatting child trafficking
- 138.106** Proceed with the promulgation of the necessary laws in order to abolish the male guardianship system while, in parallel, the stereotypes affecting women's enjoyment of their rights, including their personal status law, should be remedied

Ireland

- 138.50** Set a time frame for the enactment and implementation of a law on associations which respects international human rights standards
- 138.112** Prohibit Government employees from requesting guardians' permission to allow women to conduct official business, particularly in situations such as filing complaints for domestic violence

Italy

- 138.107** Repeal the legal guardianship system for adult women
- 138.123** Carry out further efforts to increase the transparency and openness of legal proceedings contemplating death sentences
- 138.138** Redouble its efforts to tackle the practice of forced and early marriage
- 138.169** Continue enhancing the legal protection of freedom of religion and belief, aiming at gradually allowing the public practice of all faiths and beliefs

Netherlands

- 138.46** Enhance legislative reforms amongst other by taking measures to ensure in the short term, as well as legally and in practice, the registration of fully independent human rights NGOs
- 138.144** Provide maximum judicial transparency, for example by allowing officials of third countries to attend public trials at criminal and security courts
- 138.223** Engage in a structural human rights dialogue with the European Union at the political and technical level

New Zealand

- 138.103** Continue the progress underway and introduce further steps to achieve gender equality, in particular the abolishment of the system of male guardianship
- 138.195** Expand the scope of the Labour Code to include all migrant workers
- 138.206** Establish an accessible complaint mechanism, such as a free phone service, to which migrant workers can confidentially report instances of abuse and exploitation, as well as seek assistance

Norway

- 138.95** Give full legal identity to all women residing in the Kingdom
- 138.130** End the practice of executing children and bring the law and judicial practices into line with fair trial guarantees in international standards
- 138.164** Remove all obstacles to freedom of expression and movement against human rights defenders, including travel bans
- 138.175** Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders

Spain

- 138.18** Consider ratifying the ICCPR and the ICESCR
- 138.26** Consider ratifying the Optional Protocol to CEDAW
- 138.56** Adopt legal measures to criminalize violence against women
- 138.76** Continue to put into practice the recommendations accepted in the Universal Periodic Review of 2009
- 138.120** Consider as a first step to establish a moratorium on the death penalty with a view to its abolition (Slovakia); adopt a moratorium on executions as a first step to the abolition of the death penalty

Sweden

- 138.4** Accede to ICCPR
- 138.108** As a step to advance the situation of women, abolish the principle of guardianship over women
- 138.129** Abolish completely the penalty of corporal punishment (Switzerland); abolish corporal punishment such as lashes and amputations

Switzerland

- 138.104** Put an end, by royal decree, to the system of guardianship of adult women
- 138.137** Reiterate its recommendations to guarantee the right to freedom of expression and conscience of all representatives of civil society, including religious minorities, and to revise the judgements against the prisoners who were convicted for having freely expressed their opinion

United Kingdom of Great Britain and Northern Ireland

- 138.37** Codify its criminal law to bring it in line with international law and standards, and ensure it is applied effectively by an independent and impartial judiciary
- 138.111** Allow women to participate fully and equally in society by abolishing the guardianship system, appointing more women to positions of authority, and increasing freedom of movement

United States of America

- 138.47** Adopt laws to protect freedoms of association, expression, and religions, and give all individuals a legal basis to form NGOs without interference
- 138.211** Protect all workers from abuse by prosecuting perpetrators of labour abuses, adopting laws to protect victims, and better apprising foreign workers of their legal rights and remedies
- 138.147** Ensure that all individuals are afforded due process of law, informed of charges brought against them, and given a timely and transparent trial



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