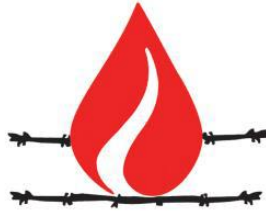


Organization for Defending Victims of Violence (ODVV)

UPR Submission

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Saudi Arabia



سازمان دفاع از قربانیان خشونت
Organization for Defending Victims
of Violence

www.odvv.org

About ODVV

1. The Organization for Defending Victims of Violence (ODVV) is a non-governmental, non-profit, non-partisan organization in Special Consultative Status to ECOSOC. ODVV was established in 1988 in Tehran and has been active in the field of human rights and humanitarian activities.

2. ODVV is also associated to the United Nations Department of Public Information (UNDPI), a participatory of the NGOs Coalition for an International Court (based in New York), and national coordinator of the Global March Against Child Labor (based in New Delhi). ODVV has cooperated with international organizations in a variety of issues and has working relations with many NGOs in Iran and around the globe.

3. ODVV is also a member of the International Organization against Small and Light Weapons, the UN Conference of Non-Governmental Organizations (CONGO), the International Movement for a Just World (JUST), AMAN Network of Rehabilitation Centers in the Middle East and North Africa and International Rehabilitation Council for Torture Victims (IRCT).

4. During the last 2 decades, we have done so many activities with regard to human rights and support of the victims of violence. Various human rights education courses, workshops, seminars, conferences have been held or co-held by ODVV for various sectors of society: civil society institutions and governmental organizations.

5. Other Activities:

- Participation in Commission on Human Rights annual sessions, and the new Human Rights Council sessions in Geneva. Written and oral statements on various items of the agenda are issued by ODVV.

- Internship for foreign students

- Publication of different books and booklets on human rights such as Rights of the Child, Racism, Racial Discrimination and Xenophobia. Publication of Defenders Newsletter (English), human rights news and developments bulletin (Farsi), Rights of the Child bulletin (Farsi)

- Daily electronic human rights newsletter in English and Farsi.

6. As a NGO active in human rights, ODVV has collected documents and data, through published information in news websites, and is providing the following report on the human rights situation of Saudi Arabia, with the aim of the improvement of the human rights situation.

International Treaties

Saudi Arabia is among few countries, which abstained during voting for the Universal Declaration of Human Rights as Riyadh was critical of the declaration.¹ In addition, the country has refrained from joining many other important UN treaties and protocols² and the Organization for Defending Victims of Violence (ODVV) hereby invites the Saudi government to join the following treaties:

- CAT, Art. 20- Inquiry procedure under the Convention against Torture
- CAT, Art.22 - Individual complaints procedure under the Convention against Torture
- CED, Art.31 - Individual complaints procedure under the International Convention
- for the Protection of All Persons
- from Enforced Disappearance
- CEDAW-OP - Optional Protocol to the Convention on the Elimination of All Forms
- of Discrimination against Women
- CESCR-OP - Optional protocol to the International Covenant on Economic, Social and Cultural Rights
- CRC-OP-IC - Optional Protocol to the Convention on the Rights of the Child
- International Convention on the Protection of the Rights of All Migrant Workers and Members
- of their Families
- International Convention for the Protection of All Persons from Enforced Disappearance
- 1951 Refugee Convention

Arbitrary arrests and detentions

Journalists, human rights activists, and even the nobles and members of the royal family are not protected from Arbitrary detention. The SR on Terrorism has mentioned the use of arbitrary arrests by Saudi officials.³ In February 2017, the UN Working Group on Arbitrary Detention reported that Ali al-Nimr, Abdullah al-Zaher and Dawood al-Marhoon, three young men arrested on protest-related charges and at risk of imminent execution, were detained arbitrarily. Accordingly, the men had been deprived of their liberty without any legal basis, as they were prosecuted and sentenced on the basis of laws enacted two years after their arrest, contrary to international law. Then, in September 2017, the authorities carried out a wave of arrests detaining more than 20 prominent religious figures, writers, journalists and academics. In November 2017, the authorities detained hundreds of current and former officials and businessmen without disclosing details about any charges.⁴

Religious discrimination and hate speech

¹ https://www.hrw.org/reports/1992/WR92/MEW2-02.htm#P421_152266

² <http://www.ohchr.org/EN/countries/MENARegion/Pages/SAIndex.aspx>

³ <http://www.omct.org/human-rights-defenders/saudi-arabia/2018/02/d24713/>

<https://www.amnesty.org/en/latest/news/2018/01/saudi-arabia-first-human-rights-defenders-sentenced-under-leadership-of-reformer-crown-prince-mohammad-bin-salman/>

<https://www.amnesty.org/en/latest/news/2017/09/saudi-arabia-arrest-of-two-prominent-activists-a-deadly-blow-for-human-rights/>

⁴ <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

Available figures show that the frequency of death sentences handed down to Shia Muslims living in Saudi Arabia's Eastern Province, who account for 15-20 percent of the country's population, has remarkably increased. The most prominent example was the execution of the top opposition Shia cleric, Sheikh Nimr al-Nimr. According to figures, Saudi Arabia executed 154 people in 2016 alone, of whom 47 were put to death in a single day. The historical town of al-Awamiyah in Saudi Arabia's Shia-dominated Qatif region has been forcefully evacuated and demolished by Saudi forces. There are also more than 1.5 million Christians in Saudi Arabia, who have been banned from conducting their religious ceremonies in public.⁵

Human Rights Watch report shows that Saudi government-appointed religious scholars and clerics have demonized Shia citizens in official documents, speeches, and on social media. According to the report, Sheikh Saleh bin Fawzan al-Fawzan, who is currently a member of the Saudi Council of Senior Religious Scholars, has noted that Shias are not our brothers rather they are brothers of Satan.⁶ The school religion books for the 2016-17 school year, distributed by the Education Ministry, still included passages that denigrate other religious groups such as Shia, Jews, Christians, etc.⁷

Absence of political participation

Saudi Arabia is the sole country, which has passed a law to legitimize its repression. Calling for demonstrations, calling for reforms, criticizing officials, or joining domestic and foreign groups and parties can lead to various punishments from 10 years in jail to execution.

Freedom of expression, thought and the press

Amnesty International's report for 2016 and 2017 has underlined extreme restrictions imposed in Saudi Arabia on the freedom of expression. It says Saudi officials put mounting pressure on government's critics, including writers and online activists, political activists, women's rights activists, the Shia minority and defenders of human rights. These people are frequently prosecuted and sent to jail after trial on equivocal charges.⁸

The "intellectual security" law has been considered as a serious threat to freedom of expression.⁹ The Saudi government started to pay attention to this issue in 2009 and the country's law enforcement was given a new mission in 2016 to establish intellectual security. It is noteworthy

⁵ <https://www.amnesty.org/en/latest/news/2017/07/saudi-arabia-death-penalty-used-as-political-weapon-against-shia-as-executions-spike-across-country/>

⁶ <https://www.hrw.org/news/2018/01/23/shining-spotlight-hate-speech-saudi-textbooks>

⁷ <https://www.hrw.org/video-photos/video/2017/09/26/saudi-arabia-official-hate-speech-targets-minorities>

⁸ <https://www.amnesty.org/download/Documents/POL1048002017ENGLISH.PDF>

⁹ <http://yon.ir/Yr7AX>

<http://www.spa.gov.sa/664841>

<http://yon.ir/4vk3v>

<https://saaid.net/arabic/655.htm>

<https://islamhouse.com/ar/books/2795153/>

<https://islamhouse.com/ar/books/2795153/>

<http://www.drmosad.com/index307.htm>

<http://www.alhayat.com/m/story/13667661#sthash.AI2nFlay.dpbs>

that intellectual security covers all levels down to primary schools in Saudi Arabia, so that, it is part of the school curriculum.¹⁰ Students are taught religious basis of intellectual security, its concept and goals, why it is important, objective of intellectual security and so forth. Teachers also pass special courses on this subject.¹¹ By enforcing the intellectual security plan in universities and administrative offices, the Saudi government is clearly violating the right to freedom of expression. The government also uses the fight against extremism and terrorism as an excuse to control the public opinion.

Discrimination against women

According to a report by the UN Special Rapporteur on extreme poverty and human rights in June 2017, Saudi women are still deprived of many of their rights. Despite Saudi Arabia promise to repeal the discriminatory law that gives men guardianship of their women, this law is still being enforced. Many employers are not willing to give jobs to women.¹² For Saudi women it is very difficult to get divorce or get permission to start a business and face many other challenges.¹³¹⁴

Human rights defenders

Saudi Arabia prosecutes human rights defenders on the pretext of fighting terrorism and many of them have been forced to leave the country. After approving its anti-terrorism law and establishing the Specialized Criminal Court (SCC) in 2014, Saudi Arabia has prosecuted a large number of human rights activists. Many human rights defenders have been handed down long prison terms of up to 15 years through shame trials in kangaroo courts. According to a report by Amnesty International and other human rights bodies, many Shia people and activists have been also sentenced to death, some of whom are children.¹⁵ In January 25, 2018, two prominent human rights activists Mohammad al-Otaibi and Abdullah al-Attawi by the Specialized Criminal Court (SCC) in Riyadh to 14 and seven years in prison respectively. About one month later, another two prominent Saudi Arabian human rights defenders Abdulaziz al-Shubaily and Issa al-Hamid, and founding members of the Saudi Civil and Political Rights Association (ACPRA) were arrested and sentenced to longtime prisons.¹⁶

Cultural rights

Saudi Arabia also violates cultural rights of Muslims through destruction of historical sites. Such destructions in the holy cities of Mecca and Medina on the pretext of renovation is a blatant

¹⁰ <http://www.drmosad.com/index307.htm>

¹¹ <https://www.assakina.com/news/news4/6302.html>

¹² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/102/74/PDF/G1710274.pdf?OpenElement>

¹³ <http://www.ohchr.org/AR/NewsEvents/Pages/DisplayNews.aspx?NewsID=22179&LangID=E>

¹⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/102/74/PDF/G1710274.pdf?OpenElement>

¹⁵ <https://www.hrw.org/news/2016/04/17/saudi-arabia-3-alleged-child-offenders-await-execution>

<https://www.humanium.org/en/saudi-arabias-tenacity-torturing-sentencing-juveniles-death/>

¹⁶ <https://www.amnesty.org/en/latest/news/2017/09/saudi-arabia-arrest-of-two-prominent-activists-a-deadly-blow-for-human-rights/>

violation of Muslims' cultural rights.¹⁷ Meanwhile, destruction of Ottoman buildings - a thousand-year cultural heritage - in the course of development of the Great Mosque of Mecca was another clear example of the violation of cultural rights of Muslims.¹⁸

In 10 May 2017, the United Nations experts on Cultural Rights, Adequate Housing and Extreme Poverty also called on Saudi Arabia to immediately halt the on-going demolition of a 400-year-old walled neighborhood in Awamiyah. The Government destroyed buildings and homes in the walled historic neighborhood and in the Shiite region of Awamiyah, causing injury, deaths and material losses to the civilians.¹⁹

Saudi Arabia has been also bombarding historical sites in Yemen²⁰ since the start of the Saudi war on its impoverished southern neighbor in March 2015.²¹

Death penalty

Saudi Arabia stands among the countries with the highest rate of death sentences. The courts continued to impose death sentences for a range of crimes. Many human rights defendants were sentenced to death after unfair trials by courts that convicted them without adequately investigating allegations of coerced confessions, including under torture. The authorities routinely failed to inform families of their relatives imminent execution, or failed to inform them immediately after executions had been carried out. On 11 July, father-of-two Yussuf Ali al-Mushaikhass was executed along with three other men for terror-related offences in connection with anti-government protests in the Eastern Province between 2011 and 2012. Said al-Saiari was executed on 13 September. He had been sentenced to death by the General Court in Najran in 2013, although the court concluded that there was insufficient evidence to convict him.²²

Environment

Despite accepting the Paris Agreement on climate change, Saudi Arabia has practically refrained from living up to its commitments. The Saudis objected to demands for periodic reviews of climate

¹⁷ <http://www.independent.co.uk/news/world/middle-east/saudi-arabia-mecca-great-mosque-islam-holy-muslim-historical-sites-umbrella-colours-a8017686.html>

<http://foreignpolicy.com/2015/09/22/the-destruction-of-mecca-saudi-arabia-construction/>

¹⁸ <http://time.com/3584585/saudi-arabia-bulldozes-over-its-heritage/>

¹⁹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21657&>

²⁰ <https://en.unesco.org/news/unesco-director-general-deplores-destruction-parts-ancient-city-baraqish-calls-protection-yemen>

²¹ <http://www.ibtimes.co.uk/yemen-23-heritage-sites-destroyed-by-saudi-airstrikes-1529862>

²² <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

plans, according to negotiators and observers. Saudi delegates complain that submitting a climate plan before Paris was difficult enough.²³

Saudi Arabia's deserts are among main sources of haze and dust storms in the Middle East,²⁴ threatening health, economy and environment of countries such as Iraq, Iran and Kuwait. Saudi Arabia has never cooperated with the affected countries to find a solution for the haze problem.²⁵

On the other hand, Saudi Arabia is planning to implement development projects in the Red Sea, which will certainly have a negative effect on biodiversity and unique marine species that live in the Red Sea.²⁶

Migrants and domestic workers

Harassment of domestic workers continues in Saudi Arabia. Many workers from such countries as India²⁷, Kenya²⁸, Indonesia, Sri Lanka²⁹, and the Philippines, who used to work in Saudi Arabia, have reported beating and other forms of harassment including physical and sexual by their employers. More than three million domestic workers are in Saudi Arabia, many of whom work for minimum wages and a great number of them have been paid very low wages.³⁰ The *kafala* system³¹, which is used to monitor migrant laborers, deprives domestic workers of social and individual freedoms. This system also violates many social rights of domestic workers.

Nationality

There is an estimated 2 million expatriates who were born in Saudi Arabia and who have roots in the country dating back to at least three generations. It is also a double standard that children of Saudi mothers and foreign fathers don't receive citizenship³².

²³ <https://www.theguardian.com/environment/2015/dec/08/saudi-arabia-accused-of-trying-to-wreck-the-paris-climate-deal>

²⁴ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3960758/>

²⁵ <http://www.middleeasteye.net/columns/rise-sandstorms-threaten-middle-east-and-north-africa-1218388304>
http://file.scirp.org/Html/4-8302162_37734.htm
<http://www.natureasia.com/en/nmiddleeast/article/10.1038/nmiddleeast.2017.25>

²⁶ The Red Sea: the formation, morphology, oceanography and environment of a young ocean basin.

Responsibility: Najeeb M.A. Rasul, Ian C.F. Stewart, editors. Publication: Berlin [Germany]: Springer, [2015]

²⁷ <http://www.middleeasteye.net/in-depth/features/vanished-saudi-arabia-search-missing-indian-workers-gulf-1428918602>

²⁸ <http://www.bbc.com/news/av/world-africa-34121412/kenyan-domestic-workers-abused-in-saudi-arabia>

²⁹ <https://www.equaltimes.org/the-everyday-acts-of-resistance#.WokoN66WbyF>

³⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/102/74/PDF/G1710274.pdf?OpenElement>

³¹ <https://www.ilo.org/dyn/migpractice/docs/132/PB2.pdf>

<https://www.hrw.org/news/2015/11/15/saudi-arabia-steps-toward-migrant-workers-rights>

<https://www.economist.com/news/middle-east-and-africa/21706524-because-migrants-gulf-have-few-rights-locals-let-more-them-open>

³² <http://www.arabnews.com/citizenship-rules-victimize-saudi-mothers-and-non-saudi-children>

Threats to international humanitarian law

Since the beginning Yemen war by the Saudi-led military coalition up to the time when Human Rights Watch released its annual report for 2016, more than 4,125 Yemeni civilians had been killed and 7,207 others had been injured, most of whom were children. The UN children's fund, UNICEF, has noted that more than 1,500 children have been killed in Yemen war in the two-year period from March 2015 to February 2017, and about 2,500 children have been injured or become disabled during the same period. Human Rights Watch has recorded 57 inhumane attacks by the coalition, some of them tantamount to war crimes. Those attacks have claimed the lives of 800 Yemeni civilians when they hit houses, markets, hospitals, schools and mosques, which also constitute blatant examples of violation of the law of war.³³

Recommendations:

The ODVV calls on the government of Saudi Arabia to accede to international treaties and protocols to show Riyadh's compliance with its international human rights commitment. In doing this, signing the 1951 Convention Relating to the Status of Refugees and International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the protocols mentioned in this text can help the situation of human rights to improve dramatically.

ODVV recommends the Saudi government to abolish all legislation, measures and practices that discriminate against women, further to the report of the Special Rapporteur on Violence against Women. In particular, to establish suitable rules among gender equality and to abolish legislation and practices which prevent women from participating fully in society on an equal basis with men, including strict gender segregation practices, limitations on freedom of movement, restricted access by women to work, public places and commercial facilities.

ODVV invites the Saudi officials to amend legal provisions to guarantee equality between men and women, prevent violence against women, prevent threats to the safety and integrity of persons deprived of their liberty, guarantee non-discrimination on grounds of religion, belief and ethnicity, also for foreign workers, and to achieve effective implementation of these provisions. The government should end the strict system of male guardianship and give full legal identity to Saudi women.

The Saudi government should protect the rights of those facing the death penalty, including through strengthened application of international safeguards in the use of the death penalty

We invite Saudi Arabia to allow all international human rights organizations wishing to do so to visit the country.

ODVV urge the Saudi government to extend migrant workers' rights equally to all migrant workers, regardless of their age and gender.

³³ <https://www.hrw.org/world-report/2016/country-chapters/saudi-arabia>

Saudi government needs to further its efforts to fight terrorism and protect human rights at the same time, especially the support to the conclusion of a comprehensive international treaty to combat terrorism.

ODVV recommends the Saudi government to eradicate hate-speech against minorities and establish oversight mechanisms to ensure the elimination of all forms of discrimination. The most essential step is to change the school course books to avoid hate speech.

The ODVV urges the government of Saudi Arabia to stop attacking Yemeni citizens and also put an end to the blockade of Yemeni people.

The ODVV urges Saudi Arabia to respect the cultural rights of Muslims by safeguarding their historical and cultural monuments both in Saudi Arabia and in Yemen.

The ODVV urges the government of Saudi Arabia to remain committed to environmental rights and comply with commitments specified in the Paris Agreement on climate change. The government of Saudi Arabia is also urged to protect the marine environment of the Red Sea against any damage and encroachment. The ODVV urges the government of Saudi Arabia to take all necessary steps toward regional cooperation and collaborate with the international community and neighboring countries to find a solution for the haze and sand storm problem.

The ODVV calls on Saudi Arabia to stop arbitrary arrests and unfair trials of human rights activists.

The ODVV recommends the Saudi government to respect the rights of religious minorities in the country and avoid prosecuting them on grounds of fighting terrorism.

The ODVV believes that implementing the "Intellectual Security" plan in Saudi Arabia is a blatant violation of human rights and freedoms of expression and conviction, and believes that such plans cannot be implemented in schools and universities under the pretext of fighting against terrorism. The ODVV also maintains that intervention by law enforcement in freedom of expression and conviction is clearly against the norms of human rights, even if it is done under the pretext of fighting against terrorism.