



**General Assembly**

Distr.  
GENERAL

A/HRC/WG.6/4/SAU/3  
14 November 2008

Original: ENGLISH/FRENCH

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Fourth session  
Geneva, 2-13 February 2009

**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Saudi Arabia**

The present report is a summary of nine stakeholders' submissions to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgment or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. Amnesty International (AI) reported that fundamental rights and freedoms enshrined in the UDHR, and the treaties to which Saudi Arabia is a state party, remain largely unprotected by domestic legislation, that the provisions of the human rights conventions to which Saudi Arabia is a state party are undermined by significant reservations and declarations that limit the enjoyment of the rights enshrined in them, and that the government continues to enforce laws and practices that allow for corporal punishment and severe discrimination against women and minority groups, in violation of the rights guaranteed in these conventions.<sup>1</sup> AI called on the government to review all reservations and declarations that limit the enjoyment of rights enshrined in the Conventions it has ratified, with a view to lifting them, especially those that are contrary to the objects and purposes of the treaties.<sup>2</sup>

2. The International Commission of Jurists (ICJ) called on the Human Rights Council (HRC) to urge the Government of Saudi Arabia to accede to the ICCPR and its Protocols, the ICESCR, the OP-CAT; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and to the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>3</sup> AI said that the government's human rights pledges prior to Saudi Arabia's election to the HRC in 2006 continue to be undermined by serious and deeply rooted patterns of human rights violations, exacerbated by government policies and actions, including those adopted on the pretext of fighting terrorism.<sup>4</sup>

### **B. Constitutional and legislative framework**

3. AI stated that Saudi Arabia is a monarchy with all state powers invested in and confined to the king and the Al-Saud royal family and that the king enjoys absolute powers in the running of the affairs of the state and government institutions, as detailed in the Basic Law of Government (BLG) of 1992.<sup>5</sup> Similar information was provided by the ICJ and the Becket Fund for religious Liberty (The BF).<sup>6</sup> The ICJ indicated that although the Consultative Council, as established by the BLG, is granted powers to discuss, interpret and to a limited extent, to propose laws, the authority of enacting laws is reserved to the Council of Ministers and the King. The Consultative Council is meant to express views, in an advisory capacity, on policies submitted to it by the King, as well as on international treaties and economic plans and it also has the power to interpret laws and examine annual reports referred to it by ministers and government agencies. The ICJ stated however, that the Council is falling short of a true assembly of parliament nature as the King appoints all its members.<sup>7</sup>

4. AI noted that the human rights framework remains seriously undermined by the government's political, legal and judicial structures and that the only reference to human rights in the BLG is the very general statement that "The state shall protect human rights in accordance with Islamic Shari'a".<sup>8</sup> According to the ICJ, the BLG lacks safeguards of enjoyment of: freedom of religion or belief, freedom of expression and opinion, equality and equal protection of the law, freedom from torture, other cruel, inhuman or degrading treatment or punishment, freedom of association and assembly, the right to a fair trial and the freedom of thought.<sup>9</sup> The ICJ called on the HRC to urge the Government to amend the BLG to guarantee the enjoyment of human rights and freedoms and bring it in line with the principles of the rule of law.<sup>10</sup>

5. AI recognized and welcomed positive changes made by Saudi Arabia in recent years in three particular areas: legal and judicial reforms, human rights structures, and discrimination

against women. It noted that the Law on Criminal Procedure limits the period of detention without trial to a maximum of six months, prohibits torture and other bodily or moral harm to those under arrest and provides that detainees may seek legal counsel and defence and that the Code of Lawyers Practice explicitly recognizes the important role of lawyers in the criminal justice process and consolidates many of the safeguards introduced by the Law on Criminal Procedure. However, both the Laws must be implemented and further reinforced if they are to conform to international human rights law and standards.<sup>11</sup>

6. AI indicated that the Judiciary Law sets out the rules governing the profession of judges and proclaims the independence of judges, but effectively leaves them under the control of the executive branch of the government, prompting concern that the new structure may fail to overcome the deep-seated secrecy and unfairness of the criminal justice process, despite the introduction of the Law on Criminal Procedure and the Code of Lawyers Practice.<sup>12</sup>

### **C. Institutional and human rights infrastructure**

7. Human Rights Watch (HRW) requested that member States of the HRC should strongly urge the government to set up a national institution, as recommended by the CERD, empowered to receive claims of discrimination, to make public recommendations for remedy, and to review and recommend changes in official and private discriminatory policies and practices.<sup>13</sup>

8. For AI, the establishment by the government of two human rights organizations, the National Human Rights Commission (NHRC) and the National Human Rights Society (NHRS), is beginning to give visibility to human rights in the country. The NHRC appears to have been instrumental in the government reporting to CEDAW in January 2008. This seems to indicate an emerging political will to pay some attention to discrimination against women, as reflected by the government's agreement to the United Nations Special Rapporteur on Violence against Women visiting Saudi Arabia in February 2008.<sup>14</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **1. Equality and non discrimination**

9. HRW noted that under a strict system of male guardianship, adult women generally must obtain permission from a guardian, normally a father or husband, to work, travel, study, or marry, that the Saudi government denies women the right to make even the most trivial decisions on behalf of their children.<sup>15</sup> The Islamic Human Rights Commission (IHRC) noted that women's right to health in Saudi Arabia is jeopardized by the male guardianship system and that the imposition of male guardianship imposes severe restrictions on women, as a result, it makes it nearly impossible for women to obtain health care facilities.<sup>16</sup> HRW indicated that members of the HRC should strongly urge the government to promulgate by royal decree the dismantling of the legal guardianship system for adult women, establish an oversight mechanism to ensure government agencies no longer request a guardian's permission to work, travel, study, marry, access health care, or any public service.<sup>17</sup> In addition, the ICJ called on the HRC to urge the Government to incorporate into the domestic legislation the principle of equality between men and women and the definition of the discrimination on the basis of sex, in accordance with Article 1 of the CEDAW, to allow women to work, travel, study, marry, access any public service, have equal standing before the courts, participate in public affairs and vote without any discrimination and to lift the general reservation made upon accession to the CEDAW as it violates the object and purpose of the Convention.<sup>18</sup>

10. According to HRW, strictly enforced sex segregation further hinders women's ability to participate fully in public life and in 2005, the Saudi government justified excluding women from municipal elections due to the absence of separate voting booths for women. For employers, the need to establish separate office spaces and women's inability to interact with many government agencies without a male representative provide a significant disincentive to hiring women. In education, segregation often means that women are relegated to unequal facilities with inferior academic opportunities. University policy also restricts the number and types of programs offered to female students.<sup>19</sup> HRW recommended that the government appoint a committee tasked with examining the ways in which strict sex segregation prevents Saudi women from fully participating in public life.<sup>20</sup> IHRC indicated that in order to eliminate discrimination against women, there is a need to develop and implement a comprehensive national strategy for promoting women's right to health throughout their life span.<sup>21</sup>

11. Jubilee Campaign (JC) stated that substantial prejudice against ethnic, religious, and national minorities exists in Saudi Arabia and that even though Shiites represent 10 to 15 percent of the population, they have never served in a major government position, and reported an increase in discrimination and physical assaults.<sup>22</sup>

## **2. Right to life, liberty and security of the person**

12. AI stated that Saudi Arabia has one of the highest rates of executions in the world and that the government retains the death penalty for a wide range of offences, including non-violent offences, and continues to use it extensively, even against children, in defiance of international standards. It added that the death penalty is used disproportionately against the poor, women and foreign workers and that this extensive and discriminatory use of the death penalty is a result of government failure to abide by international standards for fair trial and safeguards for defendants in capital cases.<sup>23</sup> The ICJ<sup>24</sup>, Alkarama<sup>25</sup> and the BF<sup>26</sup> made similar remarks. AI recommended to the government to declare a moratorium on executions, review the cases of all prisoners currently under sentence of death with the aim of commuting their sentences or offering them a new and fair trial without resort to the death penalty and bring the law and judicial practices into line with fair trial guarantees in international standards.<sup>27</sup> The ICJ called on the HRC to urge the Government to abolish the death penalty and all other forms of cruel, inhuman or degrading punishment, including amputations and flogging and to ensure that in all judicial trials leading to the death penalty, all guarantees of a fair trial are scrupulously respected.<sup>28</sup>

13. Alkarama a noté que si une interdiction expresse de la torture a été instituée par le décret royal No. M/39 du 3 Novembre 2001 portant code de procédure pénale, aucune disposition légale ne prévoit cependant de sanctions pénales pour ceux qui la pratiquent.<sup>29</sup> AI stated that torture and other ill-treatment, including the corporal punishment of flogging, is systematically practised in Saudi Arabia and that in addition to the secrecy and denial of prisoners' basic rights, Saudi Arabia's criminal justice process gives primacy to confession as evidence, which provides an incentive to interrogators to obtain it by any means, including torture and deception.<sup>30</sup> AI recommended to the government to end the practice of incommunicado detention and the practice of corporal punishment and to ensure that all allegations of torture and other ill-treatment are thoroughly and impartially investigated, that alleged perpetrators are prosecuted, and that any statement that may have been extracted under torture is not used as evidence in the criminal proceedings.<sup>31</sup>

14. Selon Alkarama, Il est courant que les détenus qui exigent un conseil, la visite d'un médecin ou de leur famille ou qui veulent contester leur détention sur le plan légal fassent l'objet de sanctions sous forme de torture. Les personnes ayant subi des mauvais traitements n'ont pas

systématiquement accès aux soins médicaux.<sup>32</sup> Alkarama a recommandé à l'Etat d'envisager de faire la déclaration au titre de l'article 22 de la Convention contre la torture et d'intégrer dans la législation interne le crime de torture tel que défini par l'article 1er de la Convention contre la Torture et d'instituer des peines appropriées pour le réprimer.<sup>33</sup>

15. Alkarama a souligné que la détention arbitraire sans procédure légale et sans jugement pouvant durer jusqu'à plusieurs années constitue un problème majeur des droits de l'homme en Arabie saoudite.<sup>34</sup> According to the ICJ, the practice of arbitrary and secret detention is widespread in Saudi Arabia, the Mabahith carries out arrests and detention without legal basis and judicial oversight and detainees held by the Mabahith do not have effective access to legal counsel or representative, to the courts, and are not allowed to communicate with their families. The ICJ noted that in most of the cases the detainees have been subjected to torture and other ill-treatment, that this violates the provisions of the Saudi Law on Criminal Procedure and that such practices are also in breach of international law, which absolutely proscribes engaging in the practice of secret or unacknowledged detention, which, when prolonged, may constitute a form of torture or other ill-treatment.<sup>35</sup> AI expressed similar views on arbitrary arrest and detention for indefinite periods of time.<sup>36</sup>

16. Alkarama a fait savoir que les personnes critiques exerçant leur droit d'expression par le biais d'internet peuvent subir des pressions allant jusqu'à l'arrestation et la détention arbitraires, que la détention au secret parfois pendant de longues périodes, au-delà des limites fixées par la loi, en particulier pendant l'instruction préparatoire, est courante, que les autorités judiciaires n'exercent que peu de contrôle sur la détention avant jugement et que les lieux de détention sont souvent les centres des services de renseignement qui échappent à tout contrôle de l'autorité judiciaire.<sup>37</sup> Alkarama a recommandé que l'Etat devrait lutter contre la pratique de la détention prolongée sans jugement et la détention au secret en instituant un système de contrôle sur tous les lieux de détention du pays et en les plaçant notamment sous le contrôle et l'autorité de l'institution judiciaire.<sup>38</sup>

17. HRW indicated that male guardianship over adult women also contributes to the risk of family violence and makes it nearly impossible for survivors of family violence to avail themselves of protection or redress mechanisms.<sup>39</sup> The JC noted that punishment of a victim by her attacker and by the Court continues to create an unsafe world for Saudi women and that a rape survivor who was condemned for "unlawful mixing" received a 200 lash sentence in November 2007.<sup>40</sup>

### **3. Administration of justice and the rule of law**

18. AI stated that the weakness in human rights protection is further exacerbated by a criminal justice system which, despite recent reforms, continues to fall far short of international standards governing procedures for arrest, detention and trials, as well as prisoners' rights. AI added that the criminal justice system continues to operate largely in secret and on a summary basis and fosters impunity for human rights perpetrators, that it allows for prolonged incommunicado detention and detention of suspects without charge or trial for long periods of time and that it provides no rights for suspects to challenge in court the legality of their detention or to lodge complaints about other abuses such as torture and other ill-treatment. AI also indicated that the security forces have extensive powers to detain suspects, and deny them the most basic rights of prisoners with impunity and that as a rule, trials are held in secret and the suspect is denied legal assistance and representation during court hearings. The appeal process takes the form of a review in secret exchanges between judges of the trial court and the courts of appeal with no direct involvement of the defendant.<sup>41</sup>

19. The ICJ called on the HRC to urge the Government to provide for independent judicial oversight over the grounds for detention, ensure the protection of detainees from abusive treatment during criminal investigations and strengthen the rights of defendants including by ensuring that they can benefit from fair trial guarantees, inter alia by providing for legal counsel or representatives and allowing them to effectively challenge the evidence against them.<sup>42</sup>

20. Alkarama a souligné que les textes juridiques d'une part ne garantissent pas convenablement les principes de droit et d'autre part ne sont pas respectés et que les infractions pénales étant insuffisamment définies, les procureurs ont toute la latitude pour les définir. Les juges, eux, disposent d'une large marge d'interprétation de la Sharia, leur définition des crimes et des condamnations est variable et leurs décisions sont souvent arbitraires et dictées par l'exécutif. La présomption d'innocence est un principe très peu honoré.<sup>43</sup> HRW reported similar information and stated that Saudi Arabia has not promulgated a penal (criminal) code, that accordingly, citizens, residents, and visitors have no means of knowing with any precision what acts constitute a criminal offense and that in 2002, Saudi Arabia promulgated the country's first criminal procedure code, but it does not protect basic rights of defendants.<sup>44</sup>

21. The ICJ called on the HRC to urge the Government to bring the Law of Criminal Procedure in compliance with the international human rights standards, particularly by allowing detainees to challenge the lawfulness of their detention before a competent, independent and impartial court and by protecting their right to be presumed innocent.<sup>45</sup> The ICJ noted that such lack of a codified penal law continues to endanger the rights of citizens and residents, often implicating arbitrary arrest or detention, and unfair trials, is also in contravention of the principle of legality of offences, *nullum crimen sine lege*, which is one of the cornerstones of contemporary criminal law, as well as a principle of international human rights law.<sup>46</sup> The ICJ called on the HRC to urge the Government to enact an amendment to the criminal law prohibiting imprisonment merely on the grounds of indebtedness and make sure that no one is held guilty for an act which did not constitute a penal offence under national or international law at the time when it was committed.<sup>47</sup>

22. Alkarama a précisé que certains détenus font état de simulacre de procès auxquels ils n'ont même pas assisté et qu'en fait, ils sont convoqués par un magistrat qui leur notifie leur condamnation et c'est à ce moment qu'ils prennent connaissance des accusations portées contre eux. Ils n'ont donc aucun moyen de se défendre puisque la procédure judiciaire est close.<sup>48</sup> Similar information was provided by HRW which recommended making the Bureau for Investigation and Public Prosecutions independent of the Ministry of Interior and ensuring prosecutors uphold due process rights.<sup>49</sup>

23. According to AI, trials of political detainees are rare and invariably fall far short of the most basic standards for fair trial, some security detainees are reported to have been tried, but the government has not divulged their identity or information about their trials. However, according to information available to AI, none has had access to a lawyer and all are said to have been tried in secret and sentenced to flogging in addition to prison terms. In some cases the defendants are reported to have served their sentences, but have remained in detention apparently without further charges being brought against them.<sup>50</sup> AI recommended to the government to release all prisoners of conscience without delay and to charge all other detainees with a recognizable criminal offence according to international law and bring them to trial in accordance with international standards or release them.<sup>51</sup>

24. AI noted that trials of capital cases are often held in secret, the proceedings are summary with no legal assistance and representation through the various stages of detention, and trial

through to execution; and foreign nationals with no knowledge of Arabic, the language of interrogation and trial hearings, are often denied adequate interpretation facilities.<sup>52</sup> Alkarama a recommandé d'assurer une procédure juridique offrant toutes les garanties possibles pour assurer un procès équitable, notamment aux accusés d'un crime passible de la peine de mort et en particulier une assistance judiciaire adéquate à tous les stades de la procédure, le droit de faire appel à une juridiction supérieure et d'être jugée de nouveau par une juridiction autrement composée et de veiller à ce que la composition de l'appareil judiciaire soit entièrement conforme au principes fondamentaux relatifs à l'indépendance de la magistrature en consacrant notamment le principe de l'inamovibilité des juges.<sup>53</sup>

25. HRW noted that Saudi Arabia's juvenile justice system fails to protect the rights of juvenile offenders and recommended that Member States of the HRC should strongly urge the government to end the juvenile death penalty and judicially sanctioned corporal punishment for all, to ensure that children are only detained as a measure of last resort, and for the shortest possible time and that no foreign child is repatriated to a situation that places him or her at risk of irreparable harm.<sup>54</sup> JC said that prisons are for adults, yet children are sometimes mixed in the jails and that children and adults may be held for 6 months before seeing a judge.<sup>55</sup>

26. HRW added that Saudi Arabia's domestic intelligence agency, the Mabathith, has arrested human rights activists, religious activists, academics, and advocates of political reform, and held some for over 10 years without charge. The BF noted that religious morality and social behavior are enforced by the Commission to Promote Virtue and Prevent Vice (CPVPV), a semi-autonomous agency with authority to monitor and punish public behavior.<sup>56</sup> HRW reported that the CPVPV carried out 400,000 arrests in 2005 for matters ranging from dress they deemed to be "immodest", to "illegal" mingling between men and women, failure to attend prayer, and alcohol or drugs offenses. In 2007, reportedly for the first time, CPVPV members faced criminal charges of murder and abuse of power in three separate incidents, but the courts acquitted the officials.<sup>57</sup>

27. According to HRW, in October 2007 the government amended two laws, the Law of the Judiciary and the Law of the Board of Grievances, which improve judicial independence. The laws also set up new specialized courts for personal status, commercial, labor, and traffic disputes. Furthermore, a new supreme court will be able to hear a variety of appeals. The king announced \$1.8 billion in government funding to build and staff new courts and train old and new judges. However, HRW indicated that the government has made no progress toward implementing the reformed laws and that a committee royally appointed in 2005 to codify penal provisions has yet to produce a draft.<sup>58</sup> AI stated that the Court of Grievances could have a role in hearing complaints about alleged miscarriages of justice, including in death penalty cases and other cases of abuse of power.<sup>59</sup>

#### **4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

28. In 2008, HRW said that it documented discrimination against the Ismailis, a lesser known religious minority, who are believed to number up to one million and live predominantly in the city of Najran, that official discrimination against Ismailis encompasses government employment, religious practices, education, and the justice system and that government officials exclude Ismailis from decision making and publicly disparage their faith.<sup>60</sup>

29. HRW recommended that Member States of the HRC should strongly urge the government to publicly and officially rebut hate speech against Ismailis and other religious or ethnic minorities, ensure that Ismailis can participate in national and local public affairs and policy

initiatives by appointing a representative number of qualified Ismailis to public sector jobs and high government offices in the Najran region.<sup>61</sup> HRW also recommended that Member States of the HRC should strongly urge the government to terminate all Ministry of Information and Ministry of Islamic Affairs censorship regarding the possession, production, and exchange of Ismaili or Shia religious material and pass legislation that protects the construction of buildings for worship or other Ismaili religious purposes, teaching and learning of Ismaili religious beliefs and practices, and Ismaili worship and religious observance, from government interference.<sup>62</sup>

30. The BF stated that despite its international commitments, Saudi Arabia makes no legal provision for freedom of religion and that the Government controls all religious practices and allows no independent religious authorities. The BF added that non-Muslims and Muslims who do not adhere to the Government's interpretation of Islam face significant political, economic, legal, social, and religious discrimination, including limited employment and educational opportunities, under-representation in official institutions, and restrictions on the practice of their faith and on the building of places of worship and community centers. The right of foreigners to practice their religion is not respected, and scores of foreign workers and their family members have been arrested and deported in recent years.<sup>63</sup> JC indicated that the government tightly controls even the restricted religious activity it does permit and suppresses the religious views of Saudi and non-Saudi Muslims who do not conform to the official sect of Sunni Islam.<sup>64</sup>

31. Reporters without Borders (RWB/RSF) stated that Saudi Arabia is one the world's harshest towards press freedom, with hardline religious elements and the fight against terrorism holding back political reforms, that the media is tightly controlled by the Al-Saud family, with the Higher Media Council keeping a grip on all news. It also noted that the tame local media content means most Saudis get their news and information from foreign TV stations and the Internet and that journalists pay dearly for the slightest criticism of the authorities or the policies of "brother Arab" countries. Furthermore, RSF indicated that in February 2008 Saudi Arabia set up a special commission with funds of more than 2 billion dollars to take an inventory of its network and to improve its quality, security and reliability and that unlike others, censorship is not dressed up as a "technical problem" and the Saudi filters clearly indicate which websites are being censored. According to RSF, the kingdom decided to regulate the spread of news and information online. Sites referring to the condition of women are substantially filtered, making impossible all searches for health information.<sup>65</sup>

32. For RSF, some reforms begun in Saudi Arabia have had a slightly beneficial effect on both society and the media, but the royal family and religion still cannot be criticised, and even if the media's margin for manoeuvre has significantly increased, newspaper editors are still under pressure to avoid discussing the country's international relations or national security. Authorities are not inclined to reverse this situation and keeping a tight control on the media has been the general trend for years. RSF urged the Saudi authorities to embark on a thorough reform of the publications law in order to decriminalize press offences and guarantee journalists greater freedom of expression, to lift the ban on independent journalists in the Kingdom, to lift censorship and guarantee the free flow of information on the Internet.<sup>66</sup>

33. The European Centre for Law and Justice (ECLJ) noted that strict Islamic law governs, and as such, the Saudi Constitution does not permit religious freedom and that even the practice of Islam itself is limited to the strict, Saudi-specific interpretation of Islam. Importantly, the Saudi government makes essentially no distinction between religion and government.<sup>67</sup> The ECLJ indicated that in general, the public practice of non-Islamic religions is strictly prohibited by Saudi Islamic law and that there simply are no rights to assembly, free practice of religion or other guarantees of religious liberty.<sup>68</sup>

34. Alkarama a recommandé à l'Etat d'adopter des mesures adéquates pour protéger les défenseurs des droits de l'homme et les autoriser à se constituer en organisations non gouvernementales indépendantes, de s'y affilier ou de communiquer avec elles conformément à la résolution N° 53/144 du 9 décembre 1998 de l'Assemblée générale des Nations Unies.<sup>69</sup>

35. The ICJ called on the HRC to urge the Government to hold free, transparent and fair elections with the participation of all political actors and parties, which would reflect the free will of the Saudi People.<sup>70</sup> No political parties, organizations, or trade unions are tolerated and political participation in public affairs is limited to partial elections of male-only local government councils.<sup>71</sup>

### **5. Right to education and to participate in the cultural life of the community**

36. According to the BF, all Saudi public school students receive mandatory religious instruction in state-sponsored Sunni Islam, regardless of their own religious beliefs. Textbooks used in Saudi schools promoted violence toward, and killing of, apostates and those considered polytheists. The Saudi Government revised and released the texts, but as of June 2008, many still promoted violence and intolerance.<sup>72</sup>

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

37. HRW stated that many of the eight million migrant workers in the kingdom continue to suffer extreme forms of abuse and labor exploitation that sometimes rise to slavery-like conditions. It noted that Saudi Arabia's restrictive sponsorship system, which ties migrant workers' employment visas to their employers, fuels exploitation, abuse, and that under this system, an employer assumes responsibility for a hired migrant worker and must grant explicit permission before the worker can transfer employment or leave the country.<sup>73</sup> Similar information was provided by JC, which stated that labor laws do not protect domestic workers and that labor-sending governments have not been able to negotiate around the bilateral labor agreements of the sponsorship system.<sup>74</sup> HRW recommended that Member States of the HRC should strongly urge the government to reform the visa sponsorship system so that workers' visas are no longer tied to individual sponsors, and workers are able to transfer employment or leave the country at will.<sup>75</sup>

38. According to HRW, the Saudi Labor Law amended on September 27, 2005, excludes all domestic workers, denying them protections guaranteed to other workers. In addition to labor exploitation, many domestic workers endure a range of abuses including forced confinement in the workplace, food deprivation, severe psychological, physical, and sexual abuse, and instances of forced labor, trafficking, slavery, and slavery-like conditions.<sup>76</sup> HRW requested Member States of the HRC to strongly urge the government of Saudi Arabia to adopt the proposed annex to the 2005 Labor Code extending labor protections to domestic workers, to ensure these are equal to those provided to other workers, to create a timeline and tools for its implementation, to cooperate with labor-sending countries to notify them about detained nationals, to create shelters for survivors of abuse, including medical care, counseling, and legal aid, to monitor domestic workers' working conditions, facilitate rescues, ensure recovery of unpaid wages, and to arrange for timely repatriation.<sup>77</sup>

### **7. Human rights and counter-terrorism**

39. JC stated that citizens are frequently and arbitrarily detained by the government if they are suspected of being party to terrorism in some way and the Saudi government increased efforts to

“crush terrorism at home and abroad”, yet there have been examples of using this effort as an excuse to arrest those who protest or disagree with the government’s imposed restrictions on freedom.<sup>78</sup>

### Notes

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- <sup>1</sup> Amnesty International UPR submission, pp. 3 and 4.
  - <sup>2</sup> Amnesty International UPR submission, p. 7.
  - <sup>3</sup> International Commission of Jurists UPR submission, p. 4.
  - <sup>4</sup> Amnesty International UPR submission, p. 4.
  - <sup>5</sup> Amnesty International UPR submission, p. 3.
  - <sup>6</sup> The Becket Fund for religious liberty UPR submission, p. 1. International Commission of Jurists UPR submission, p. 2.
  - <sup>7</sup> International Commission of Jurists UPR submission, p. 2.
  - <sup>8</sup> Amnesty International UPR submission, p. 3.
  - <sup>9</sup> International Commission of Jurists UPR submission, p. 3 and AIKarama for Human Rights UPR submission, p. 5.
  - <sup>10</sup> International Commission of Jurists UPR submission, p. 4.
  - <sup>11</sup> Amnesty International UPR submission, p. 6.
  - <sup>12</sup> Amnesty International UPR submission, p. 6.
  - <sup>13</sup> Human Rights Watch UPR submission, p. 3.
  - <sup>14</sup> Amnesty International UPR submission, p. 6.
  - <sup>15</sup> Human Rights Watch UPR submission, page1
  - <sup>16</sup> Islamic Human Rights Commission UPR submission, p. 3.
  - <sup>17</sup> Human Rights Watch UPR submission, p. 2.
  - <sup>18</sup> International Commission of Jurists UPR submission, p. 9.
  - <sup>19</sup> Human Rights Watch UPR submission, p. 1.
  - <sup>20</sup> Human Rights Watch UPR submission, p. 2.
  - <sup>21</sup> Islamic Human Rights Commission UPR submission, p. 4.
  - <sup>22</sup> Jubilee Campaign UPR submission, p. 2, para.9.
  - <sup>23</sup> Amnesty International UPR submission, p. 5.
  - <sup>24</sup> International Commission of Jurists UPR submission, p. 7.
  - <sup>25</sup> AIKarama for Human Rights UPR submission, p. 6.
  - <sup>26</sup> The Becket Fund for religious liberty UPR submission, p. 4.
  - <sup>27</sup> Amnesty International UPR submission, p. 7.
  - <sup>28</sup> International Commission of Jurists UPR submission, pp. 7 and 8.
  - <sup>29</sup> AIKarama for Human Rights UPR submission, p. 4.
  - <sup>30</sup> Human Rights Watch UPR submission, p. 5.
  - <sup>31</sup> Amnesty International UPR submission, p. 7.
  - <sup>32</sup> AIKarama for Human Rights UPR submission, pp. 4 and 5.
  - <sup>33</sup> AIKarama for Human Rights UPR submission, p. 6.
  - <sup>34</sup> AIKarama for Human Rights UPR submission, pp. 2 and 3.
  - <sup>35</sup> International Commission of Jurists UPR submission, p. 5.
  - <sup>36</sup> Amnesty International UPR submission, pp. 4 and 5.
  - <sup>37</sup> AIKarama for Human Rights UPR submission, p. 3.
  - <sup>38</sup> AIKarama for Human Rights UPR submission, p. 6.
  - <sup>39</sup> Human Rights Watch UPR submission, p. 1.
  - <sup>40</sup> Jubilee Campaign UPR submission, p. 3, para.16.
  - <sup>41</sup> Amnesty International UPR submission, p. 4.
  - <sup>42</sup> International Commission of Jurists UPR submission, p. 6.
  - <sup>43</sup> AIKarama for Human Rights UPR submission, p. 5.
  - <sup>44</sup> Human Rights Watch UPR submission, pp. 4, 5.
  - <sup>45</sup> International Commission of Jurists UPR submission, p. 4.
  - <sup>46</sup> International Commission of Jurists UPR submission, p. 3.
  - <sup>47</sup> International Commission of Jurists UPR submission, p. 4.
  - <sup>48</sup> AIKarama for Human Rights UPR submission, p. 6.
  - <sup>49</sup> Human Rights Watch UPR submission, pp. 4 and 5.

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- <sup>50</sup> Amnesty International UPR submission, p. 5.  
<sup>51</sup> Amnesty International UPR submission, p. 6.  
<sup>52</sup> Amnesty International UPR submission, p. 5.  
<sup>53</sup> AIKarama for Human Rights UPR submission, p. 6.  
<sup>54</sup> Human Rights Watch UPR submission, pp. 4 and 5.  
<sup>55</sup> Jubilee Campaign UPR submission, p. 1, para. 5.  
<sup>56</sup> The Becket Fund for religious liberty UPR submission, p. 4.  
<sup>57</sup> Human Rights Watch UPR submission, p. 5.  
<sup>58</sup> Human Rights Watch UPR submission, p. 5.  
<sup>59</sup> Amnesty International UPR submission, p. 6.  
<sup>60</sup> Human Rights Watch UPR submission, p. 2.  
<sup>61</sup> Human Rights Watch UPR submission, p. 3.  
<sup>62</sup> Human Rights Watch UPR submission, p. 3.  
<sup>63</sup> The Becket Fund for religious liberty UPR submission, p. 3.  
<sup>64</sup> Jubilee Campaign UPR submission, p. 2, para. 10.  
<sup>65</sup> Reporters without Borders UPR submission, p. 1.  
<sup>66</sup> Reporters without Borders UPR submission, p. 2.  
<sup>67</sup> The European Centre for Law and Justice UPR submission, p. 1.  
<sup>68</sup> The European Centre for Law and Justice UPR submission, pp 2 and 3.  
<sup>69</sup> AIKarama for Human Rights UPR submission, p. 6.  
<sup>70</sup> International Commission of Jurists UPR submission, p. 4.  
<sup>71</sup> Amnesty International UPR submission, p. 3.  
<sup>72</sup> The Becket Fund for religious liberty UPR submission, p. 5.  
<sup>73</sup> Human Rights Watch UPR submission, p. 3.  
<sup>74</sup> Jubilee Campaign UPR submission, p. 3, paras.17, 18 and 20.  
<sup>75</sup> Human Rights Watch UPR submission, p. 4.  
<sup>76</sup> Human Rights Watch UPR submission, p. 3.  
<sup>77</sup> Human Rights Watch UPR submission, p. 4.  
<sup>78</sup> Jubilee Campaign UPR submission, p. 1, para. 3.

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