

## Responses to Recommendations

### SAUDI ARABIA

Review in the Working Group: 6 February 2009

Adoption in the Plenary: 10 June 2009

#### Saudi Arabia's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
17 REC rejected; 53 pending	50 REC accepted; 2 rejected; 2 commented but with no clear response given	No additional information provided	None	Accepted: 50 Rejected: 19 No clear position: 2 Pending: 0

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/23:

**87. The following recommendations will be examined by Saudi Arabia which will provide responses in due time. The responses of Saudi Arabia to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eleventh session:**

- 1. Go ahead with its intention to examine the ratification of some international human rights instruments, in particular ICCPR and ICESCR (Algeria); undertake thorough and comprehensive studies of international instruments and conventions, including ICCPR and ICESCR, prior to its accession to those instruments (Malaysia); consider the possibility of acceding to those international instruments it is not yet a party to, through the committee of the Human Rights Commission tasked to examine the compatibility of laws with international conventions and human rights treaties (Nicaragua); continue with the reform process and ratify a number of its outstanding international instruments to provide full enjoyment of all human rights to its people (Nigeria);
- 2. Become a party to the ICCPR and ICESCR (Canada, New Zealand, Republic of Korea);
- 3. Consider positively the ratification of the conventions on enforced disappearance, the migrant workers, refugees, statelessness and the reduction of cases of statelessness, and the Optional Protocol to CAT (Mexico);
- 4. Become party to the Rome Statute of the International Criminal Court (France, Mexico);

- 5. Reinforce its efforts in the area of the implementation of obligations under international human rights law, in particular those pertaining to freedom of opinion and expression. (Mexico);
- 6. Abide by its commitments made through the ratification of international instruments (Chad);
- 7. Modify the domestic legislation to be in accordance with the standards and requirements contained in the international human rights instruments (Chile);
- 8. Continue efforts and endeavours to improve overall human rights protection in the country (Azerbaijan, Oman, Russian Federation); persist on the path of the protection and elevation of human dignity, taking into account relevant international standards (Morocco); continue its efforts to take all measures to promote and protect the universal characteristic of human rights while protecting its historical, religious and civilizational specificity (Palestine);
- 9. Disseminate a culture of human rights and strengthen its national efforts to protect human rights, while respecting its cultural specificities and the Islamic Shari'a (Egypt);
- 10. Continue to enhance dialogue and propagate tolerance among people (Bahrain);
- 11. Continue its efforts to promote respect of cultural and religious particularities of each society and enhance dialogue among religions and civilizations (Kuwait);
- 12. Continue with measures and programmes aimed at increasing the enjoyment of economic, social and cultural rights of its people (Cuba);
- 13. Allow all international human rights organizations wishing to do so to visit the country (Norway); continue to engage with human rights organizations, and look to deepen and broaden its engagement it to include a wider representation of groups (New Zealand);
- 14. Follow-up on the recommendations from the treaty bodies in the areas of the rights of women, non-discrimination, torture and children (Mexico);
- 15. Continue to strengthen cooperation with international mechanisms, through a favourable response to the special procedures that have requested to visit the country (Mexico);
- 16. Continue progress in the promotion of women's and children's rights, in accordance with Islamic Shari'a and its international commitments (United Arab Emirates); continue to give priority attention to the protection of the rights of the child (Belarus); intensify its efforts aimed at harmonizing elements of the Shari'awith existing laws, with a view to ensuring maximum protection for women and children as well as victims of human rights abuses (Malaysia); take all appropriate measures to develop a framework of law prohibiting trafficking and other forms of exploitations, and incorporate into such legislation the comprehensive protection of children as well as the development and implementation of a reintegration assistance programme for victimized persons. (Israel)
- 17. Combat discrimination and violence against women and reinforce their participation in the labour market (Egypt); develop a comprehensive national action plan for the promotion of gender equality, with a view to addressing key challenges facing women (South Africa); continue and further increase its efforts aimed at empowering women in Saudi society (Turkey); adopt all necessary measures to incriminate violence against women and to conduct a resolute penal policy to combat this scourge (France);
- 18. 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 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, the prohibition on women driving and restricted access by women to work, public places and commercial facilities (Canada); take further steps in enabling fuller participation of women in Saudi Arabian public life by guaranteeing women and girls their right to education, employment, freedom of movement, marriage with their free and full consent and health, including protection from and redress for family violence (Finland);

develop and adopt a comprehensive national plan of action for the incorporation of human rights for women into national legislation and practices to ensure the eradication of violence against women, a dismantling of the male guardianship system, an allowance of the freedom of movement, access to work, study, and health care, as well as equal standing before the courts and the right to vote and participate in public affairs, and incorporate and implement the concluding observations of the Committee on the Elimination of Discrimination against Women (Israel);

- 19. 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 (Chile);

- 20. Adopt an awareness-raising programme at the local level to ensure much wider knowledge of CEDAW, and take steps to ensure the cessation of practices, including those under the guardianship system, which are inconsistent with the Convention (New Zealand); end the strict system of male guardianship and give full legal identity to Saudi women (Norway); increase efforts to bring legislation in line with the principle of equality between women and men as well as to develop human rights education programs for its citizens to increase awareness of their rights under international human rights instruments (Austria); implement the 2008 recommendations by the CEDAW Committee, in particular by abolishing the system of male guardianship over women and enacting comprehensive and effective regulations on gender discrimination (Germany); abolish the guardianship system which severely limits the rights of women to act as autonomous and equal members of Saudi society (United Kingdom);

- 21. Eradicate hate-speech against minorities and establish oversight mechanisms to ensure the elimination of all forms of discrimination (Israel);

- 22. Protect the rights of those facing the death penalty, including through strengthened application of international safeguards in the use of the death penalty (New Zealand);

- 23. Amend the Code of Criminal Practice to stipulate that only individuals aged over 18 will be tried as adults. As a result, the executions of any individuals who were less than 18 years old when they committed the crime should be commuted to a custodial sentence. (United Kingdom); Review its practice of imposing capital and corporal punishment and prohibit any form of corporal punishment (Germany, Austria); consider to end the use of corporal punishment for person under 18 and to establish a moratorium on executions of persons having committed crimes before the age of 18 (Austria);

- 24. Cease application of torture, other cruel, inhuman or degrading treatment or punishment, and corporal punishment of prisoners in accordance with Article 5 of the Universal Declaration of Human Rights and other international human rights treaties to which it is a party, including CAT and the CRC (Canada);

- identify and implement legal and procedural machinery to monitor and sanction cases of torture in keeping with national legislation and international commitments (Morocco);

- 25. Strengthen the criminal procedural code and the code of practice of lawyers and ensure that they are in line with international standards (Lebanon); amend its criminal procedural code to bring it in line with international human rights standards and conduct a systematic campaign among Saudi Arabian judges to apply this amended Code (France);

- 26. Continue its efforts to reform the legal and judicial systems (Egypt);

- 27. Consider the elaboration of specific legislative guidelines for codification of discretionary penalties and dissemination of such guidelines among all judges, lawyers and prosecutors concerned (Azerbaijan);

- 28. Expedite the implementation of the legal guarantees to ensure the independence of the judiciary (Morocco);

- 29. Take measures to make the juvenile justice system more effective, in particular by ensuring the separate detention of juveniles as well as expeditious access of juveniles to legal counsels (Austria);
- 30. Increase efforts in order to effectively combat impunity (Sweden);
- 31. Take into consideration, when examining recommendations made during this session of the Working Group, those that are in line with its religious, social and cultural specificities, in particular those emanating from the Islamic Shari'a, which adds to general human rights principles without replacing them (Algeria);
- 32. Pursue its policies aiming at the promotion of dialogue among religions and civilizations, and to activate its role in this regard at the international level (Algeria, Malaysia); in commending their initiatives to promote dialogue between religious and civilizations, continue its efforts to promote universal peace and tolerance (Cuba);
- 33. Reform its legislation on religious freedom in order to ensure adequate protection for all religious minorities, with a view to gradually allowing public practice of other faiths and beliefs (Italy); provide for freedom of religion in its national legislation so that the rights of religious minorities can be ensured (Finland); adopt legal provisions to prohibit religious discrimination in all areas including in that of labour (Belgium);
- 34. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration of Human Rights Defenders (Norway); remove obstacles to freedom of expression and movement against human rights defenders, including all travel bans (Norway); with a view to a rapid ratification of the ICCPR, guarantee the rights of representatives of civil society and human rights defenders organizations to set themselves up and exercise their rights to freedom of expression (Switzerland);
- 35. Swiftly promulgate the statute on civil societies, which will enable the civil society to perform its tasks effectively and in full autonomy (Bahrain); enact and implement a Law of Association to guarantee the right to form civil society organizations and to protect those organizations from government interference (United Kingdom); realize a law on associations and establishment of civil society to enable them to work in independence without being supervised by official authorities (Palestine);
- 36. Take appropriate measures with a view to facilitating access to work for women (Norway);
- 37. Expediently attend to the issue of forced labour as raised by the ILO Committee of Experts (South Africa);
- 38. Share its good practices in terms of affording decent housing for vulnerable groups, so that others could benefit from such a positive experience (Yemen);
- 39. Continue its work in the health area in support of its entire population (Venezuela);
- 40. Continue its efforts to integrate human rights in school curricula (Qatar); develop a national strategy to include in the school system at all levels appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy);
- 41. Continue its efforts to create a positive working environment for all foreign workers (Algeria); continue its efforts to protect the rights of migrant workers (Belarus, Philippines, Singapore); extend migrant workers rights equally to all migrant workers, regardless of their age and gender (Thailand);
- 42. Report regularly to relevant mechanisms of the HRC on the remittances sent by those migrant workers to their families back home in various countries of the world, in order to estimate the contribution of such remittances to the promotion of economic and social rights in developing education, housing and health in these countries (Sudan);
- 43. Actively promote awareness of the 2005 Labour Code and 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); review article 7 of the Labour Law and expand its coverage to include migrant workers (New Zealand);

- 44. Strengthen efforts to ensure that violations of physical abuse and discrimination of migrant women who come to serve as domestic workers are acted upon and take steps necessary to ensure full enjoyment of human rights of all women in Saudi Arabia (Sweden);

- 45. Establish a broad based media information campaign on the rights of migrants in Arabic and in the languages of main groups of migrants (Belgium);

- 46. 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 (Algeria);

- 47. Continue its efforts in further developing the system of international treaties to combat international terrorism (Sudan);

- 48. Enhance its successful experience in the field of rehabilitation of suspected and imprisoned persons for terrorism and to expand it to other penal affairs and to exchange its experience in this field with other countries (Bahrain); intensify its successful endeavours to rehabilitate persons accused or imprisoned in cases involving terrorism, to extend these endeavours to persons accused of imprisoned or in other criminal cases and to engage in an exchange of experience in this field with other states (Uzbekistan);

- 49. Continue to seek support to establish an international centre or agency, in collaboration with the United Nations, in the field of combating terrorism (Kuwait);

- 50. Share its experience in combating terrorism (Kuwait);

- 51. Continue to cooperate in a generous way with developing countries (Cuba);

- 52. Seek assistance from international community to face its challenges (Chad);

- 53. Disseminate information and raise awareness about the Arab Peace Initiative, launched by the King of Saudi Arabia (Palestine).

**88. Saudi Arabia considers that recommendations contained in paragraphs 44 (e), 54 (b), 79 (c), 46 (b), 49 (b), 65 (d), 75 (b), 47 (e), 46 (a), 65 (b), 71 (b), 48 (d), 74 (c), 65 (a), 27 (c), 44 (c) 74 (b) do not enjoy the support of Saudi Arabia because they do not conform to its existing laws, pledges, commitments or do not refer to existing practices in Saudi Arabia.**

- Paragraph 44(e) (Canada): "To withdraw its two reservations to CEDAW"

- Paragraph 54(b) (Finland): "To withdraw its reservations concerning CEDAW"

- Paragraph 79(c) (France): "To lift its reservations to the CEDAW"

- Paragraph 46(b) (Italy): "To consider the withdrawal of the general reservation made upon ratification of CEDAW, whereby, in the event of a conflict between the provisions of Islamic law and those of the Convention, the former shall prevail"

- Paragraph 49(b) (Germany): "To lift its general and its specific reservations to CEDAW"

- Paragraph 65(d) (Switzerland): "Recommended that it rapidly ratify and implement the Optional Protocol to CEDAW"

- Paragraph 75(b) (Republic of Korea): "To favourably consider becoming a party to OP-CEDAW"

- Paragraph 47(e) (Chile): "To eliminate capital punishment and corporal punishment"

- Paragraph 46(a) (Italy): “To consider, as a first step, amending domestic legislation on the death penalty in order to restrict its scope and adjust it to the international minimum standards on the death penalty and consider establishing a moratorium on the use of the death penalty with a view to its abolition”
- Paragraph 65(b) (Switzerland): “To establish a moratorium on death penalty as a first step towards its total abolition”
- Paragraph 71(b) (Sweden): “To take all the necessary measures and, as a first step, introduce a moratorium with a view to abolish the death penalty and adhere to the General Assembly resolutions in this regard”
- Paragraph 48(d) (Mexico): “To consider positively declaring a moratorium on the application of the death penalty, with a view its abolition”
- Paragraph 74(c) (New Zealand): “To cease the application of corporal punishment in accordance with its international human rights obligations”
- Paragraph 65(a) (Switzerland): “To totally abolish corporal punishments, such as flogging and amputations”
- Paragraph 27(c) (Israel): “To abolish corporal punishment, and cruel, inhuman, and degrading treatment in general, and public floggings, eye-gouging, flogging of school children, and amputation of limbs in particular”
- Paragraph 44(c) (Canada): “To end the practice of incarcerating, mistreating, and applying travel bans against individuals on the basis of their political or religious beliefs”
- Paragraph 74(b) (New Zealand): “To curtail the practices of incarceration, mistreatment towards and the application of travel bans against individuals on the basis of political or religious beliefs”

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