

**Universal Periodic Review: Saudi Arabia
March 2018**

Saudi Arabia continues to commit widespread violations of basic human rights. The most pervasive violations affect persons in the criminal justice system, women and girls, migrant workers, and religious minorities. Persecution of peaceful dissidents and independent human rights advocates is widespread. The Saudi -led coalition in Yemen has also committed numerous violations of international humanitarian law since it began military operations in March 2015.

Yemen Airstrikes and Blockade

As the leader of the coalition that began military operations against Houthi-Saleh forces in Yemen on March 26, 2015, Saudi Arabia has committed numerous violations of international humanitarian law.

Since March 2015, Human Rights Watch has documented 87 apparently unlawful attacks by the coalition, some of which may amount to war crimes, killing nearly 1,000 civilians and hitting homes, markets, hospitals, schools, and mosques. As of November 2017, at least 6,100 civilians had been killed and 9,683 wounded, according to the UN human rights office, although the actual civilian casualty count is likely much higher. Airstrikes were responsible for 61 percent of all civilian casualties, the UN reported.

The Saudi-led coalition has imposed a naval and air blockade on Yemen since March 2015 that has severely restricted the flow of food, fuel, and medicine to civilians, in violation of international humanitarian law.

The conflict exacerbated an existing humanitarian crisis. By 2018, an estimated 17.8 million Yemenis were unable to meet their food needs, according to the United Nations. The conflict also precipitated an unprecedented cholera outbreak, which by September had killed 2,200 people and was suspected to have infected more than 1 million.

In December 2017, the Saudi-led coalition had announced findings of preliminary investigations into some 40 widely publicized coalition airstrikes causing civilian casualties. The coalition-appointed panel of investigators found that in almost every case the coalition was pursuing a legitimate military target and recommended compensation for victims in only a few attacks. Human Rights Watch is unaware of any steps taken to pay compensation to victims of these attacks or prosecute individuals who committed war crimes.

Recommendations

- Abide by the laws of war, including the prohibitions on attacks that target civilians and civilian objects, that do not discriminate between civilians and military objectives, and that cause civilian loss disproportionate to the expected military benefit.

- Take all feasible precautions to minimize harm to civilian objects, including making advance effective warnings of attacks when possible.
- Conduct transparent and impartial investigations into credible allegations of laws-of-war violations. Make public information on the intended military targets of airstrikes that resulted in civilian casualties and make public all military actors involved in such strikes.
- Provide prompt and appropriate compensation to civilians and their families for deaths, injuries, and property damage resulting from wrongful strikes. Consider providing “condolence” payments to civilians suffering harm from airstrikes without regard to wrongdoing.
- Immediately halt blocking aid and commercial goods from reaching civilians in Yemen, including to Houthi-controlled territories.

Criminal Justice System

Saudi Arabia’s criminal justice system violates the most basic international human rights standards, and detainees routinely face systematic violations of due process and fair trial rights. Since its last UPR in 2013, Saudi authorities have detained scores of men and women for expressing their peaceful political and religious opinions under vague and politicized charges.

Saudi Arabia applies Sharia (Islamic law) as its national law. There is no formal penal code, but the government has promulgated some laws and regulations that subject certain broadly-defined offenses to criminal penalties. In the absence of a written penal code or narrowly-worded regulations, however, judges can and do convict people on a wide range of offenses under broad, catch-all charges that do not always resemble recognizable crimes such as “breaking allegiance with the ruler.” Previous court rulings do not bind Saudi judges, and there is little evidence to suggest that judges seek to apply consistency in sentencing for similar crimes.

In 2017, Saudi Arabia promulgated a new counterterrorism law that includes criminal penalties of 5 to 10 years in prison for portraying the king or crown prince, directly or indirectly, “in a manner that brings religion or justice into disrepute,” and criminalizes a wide range of peaceful acts that bear no relation to terrorism.

Saudi Arabia amended its Law of Criminal Procedure in 2014, but it still does not permit detainees to challenge the lawfulness of their detention promptly before a court and fails to guarantee access to legal counsel in a timely manner. The code also permits pre-trial detention of up to six months without judicial review, and it fails to make statements obtained under duress inadmissible in court.

Detainees, including children, commonly face systematic violations of due process and fair trial rights, including arbitrary arrest. Authorities do not always inform suspects of the crime with which they are charged, or allow them access to supporting evidence, sometimes even after trial sessions have begun. Authorities generally do not allow lawyers to assist suspects during interrogation and sometimes impede them from examining witnesses and presenting evidence at trial.

Saudi Arabia’s juvenile justice system fails to protect the rights of children. While Saudi Arabia set the age of criminal responsibility at 18 in 2008, judges retain discretionary power to try and sentence children for capital crimes who have reached the age of puberty, which the law does not define.

Saudi courts impose the death penalty after unfair trials in violation of international law, and regularly impose corporal punishment in the form of public flogging, which is inherently cruel and degrading. Judges routinely sentence defendants, including children, to floggings of hundreds of lashes.

Recommendations

- Adopt a written penal code in compliance with international standards and amend the Law of Criminal Procedure to comply with international human rights law.
- Enact new and amend existing legislation to reinforce protections against arbitrary arrest and detention, due process, and fair trial violations.
- Amend the 2017 counterterrorism law to remove provisions that criminalize peaceful speech or crimes that do not resemble crimes of terrorism and bring criminal procedures for terrorism crimes into compliance with international human rights law.
- Set up a program affording all indigent access to a lawyer.
- Outlaw all forms of corporal punishment in all circumstances.
- Ensure that children are only detained as a measure of last resort, and for the shortest possible time.

Death Penalty

Saudi Arabia applies the death penalty to some offenses that do not constitute the “most serious crimes,” including drug offenses and “sorcery.” During its UPR in 2013, Saudi Arabia rejected recommendations to abolish or declare a moratorium on the death penalty.

Though Saudi Arabia partially accepted a recommendation during its previous UPR in 2013 to “ensure that capital punishment is not imposed for offences committed by persons under 18 years of age,” courts since then have sentenced several alleged child offenders to death, and several are currently on death row.

Saudi Arabia has executed over 580 people since its last UPR, including at least 89 in 2014, 158 in 2015, 154 in 2016, 146 in 2017, and 37 to date in 2018. Of these, over 200 were for non-violent drug crimes.

Recommendations

- Outlaw all forms of the death penalty, starting with non-serious crimes such as nonviolent drug smuggling.
- Outlaw all executions of child offenders.

Freedoms of Assembly, Expression, and Belief

In 2015, Saudi Arabia followed through on recommendations made during its previous UPR in 2013 to promulgate an NGO or associations law. The Law on Associations and Foundations, which went into effect in

March 2016, establishes a legislative framework for establishment of NGOs, but the law also includes vaguely worded provisions that effectively limit NGO registration and activities for violations to Islamic Sharia, contradicting to public morals, and breaching national unity.

To date, Saudi Arabia still does not allow independent political or human rights associations to register, and authorities have responded to growing calls for political reforms by prosecuting and imprisoning political leaders, human rights activists, academics, and dissidents.

Saudi activists and dissidents currently serving long prison terms based solely on their peaceful activism include Waleed Abu al-Khair, Abdulaziz al-Shubaily, Mohammed al-Qahtani, Abdullah al-Hamid, Fadhil al-Manasif, Sulaiman al-Rashoodi, Abdulkareem al-Khodr, Fowzan al-Harbi, Raif Badawi, Saleh al-Ashwan, Abdulrahman al-Hamid, Zuhair Kutbi, Alaa Brinji, Nadhir al-Majed, Issa al-Nukheifi and Essam Koshak.

The judicial system has also been used to prosecute individuals for expressing their religious views. "Insulting Islam" carries the death penalty and a number of persons being held in detention after expressing their religious opinions may be at risk of the death penalty.

Demonstrations remain forbidden and have now been criminalized in law under anti-terrorism regulations. Uprisings by Saudi Shia in Eastern Province areas have resulted in dozens of convictions of Shia protesters since 2012, resulting in dozens of death sentences following unfair trials.

Saudi authorities do not allow public worship by adherents of religions other than Islam and systematically discriminate against the country's other Muslims traditions, particularly Saudi Shia citizens. For example, Saudi Shia are not permitted to build Shia houses of worship or cemeteries outside small, Shia-majority enclaves.

Human Rights Watch has found that the anti-Shia incitement by clerics and government officials, along with anti-Shia bias in the criminal justice system and the Education Ministry's religion curriculum, is instrumental in enforcing discrimination against Saudi Shia citizens.

Recommendations

- Release all dissidents and human rights defenders imprisoned solely for peaceful exercise of freedom of expression or based on charges that do not resemble recognizable crimes.
- Amend the 2015 Law of Associations to remove provisions that restrict the ability of NGOs to register and operate without undue government interference.
- Allow the public practice of all religious faiths in Saudi Arabia.
- Publicly and officially denounce hate speech against Shia and members of other religions.
- Promulgate legislation that protects from discriminatory government interference in the construction of buildings of worship for religious minorities, and permit religious minorities to teach and practice their religious beliefs without intimidation.

Women's Rights

Following its previous UPR in 2013, Saudi Arabia agreed to several recommendations to end the male guardianship system over women but rejected a recommendation to end the guardianship system “by royal decree.” While Saudi Arabia has made some progress on implementing these commitments, critical aspects of the male guardianship system remain in place. Under this system, ministerial policies and practices forbid women from obtaining a passport, marrying, traveling, or exiting prison without the approval of a male guardian, usually a husband, father, brother, or son. The government also does not sanction individuals who continue to require guardian permission for women to work or access healthcare, including individual employers or hospitals.

Despite repeated pledges to promulgate a written personal status law, Saudi authorities still had not issued such a law as of March 2018, and Saudi judges' interpretations of uncodified Islamic law meant that courts continued to discriminate against women in personal status issues.

Following its previous UPR in 2013 Saudi Arabia rejected a recommendation to “introduce a minimum marriage age of 18 years for both men and women,” and at this writing no ban on child marriage has yet been passed.

Saudi Arabia still does not allow women to transmit nationality to their children on an equal basis with men. In 2012, the Saudi cabinet ordered special privileges for non-citizen children of Saudi women, including the ability to enter Saudi Arabia at the invitation of their mothers, waiving of residency fees, permission to work in the private sector, and access to education and health care on the same basis as Saudi citizens.

Following its previous UPR in 2013, Saudi Arabia pledged to “take further measures to fully and effectively implement the [Protection from Abuse Regulation] that detail enforcement and redress mechanisms for women and children facing domestic violence.” The law defines abuse as physical, psychological, or sexual abuse, but does not explicitly state that marital rape is a crime.

Saudi Arabia has no written laws relating to sexual harassment or assault (including rape). Convictions for such acts have taken place under judges' interpretation of sharia.

Recommendations

- Amend the Saudi Nationality Regulation of 1954 to stipulate that a Saudi citizen is any person born to a Saudi father or a Saudi mother.
- Abolish the male guardianship system by:
 - Abolishing ministerial regulations requiring a guardian to apply for or renew a woman's passport, and for guardian permission for a woman to travel abroad.
 - Issuing clear and explicit directives allowing women to be released from prisons and juvenile detention centers without being released to a male guardian.
 - Promulgate anti-discrimination legislation that would prohibit discrimination against women by all government agencies and private businesses and institutions, including requesting guardian permission, and impose penalties on those that do so.

- Promulgate a new family law code that ensures men and women have equal rights in family matters, including the right to freely enter into marriage, during marriage, and in divorce.
- Propose amendments to the Protection from Abuse Law, including to article 1, explicitly stating that no family member has the authority to “discipline” female dependents using violence, that “discipline” is not a legal defense in cases involving family violence.

Migrant Workers

Over 9 million migrant workers fill manual, construction, and domestic service jobs in Saudi Arabia, and constitute more than half of the workforce.

The restrictive *kafala* (sponsorship) system, which ties migrant workers’ employment visas to their employers, fuels exploitation and abuse. Under this system, migrant workers’ residency permits are tied to ‘sponsoring’ employers, whose written consent is required for workers to change employers or exit the country. Employers routinely confiscate workers’ passports and some exploit their position of power to withhold workers’ wages for months or years. Human Rights Watch has documented the multiple abuses facing some laborers, including non-payment of wages, excessive working hours, and poor living conditions.

Saudi households employ an estimated 1.5 million domestic workers, primarily from Indonesia, Sri Lanka, the Philippines, and Nepal. Smaller numbers come from other countries in Africa and Asia. While no reliable statistics exist on the exact number of abuse cases, the Saudi Ministry of Labor and Social Affairs and the embassies of labor-sending countries shelter thousands of domestic workers with complaints against their employers or recruiters each year.

Human Rights Watch interviewed dozens of women who said their employers forced them to work against their will for months or years. Excessive workload and unpaid wages, for periods ranging from a few months to many years, are among the most common complaints. Employers often take away passports, and lock workers in the home, and in some cases deprive them of food. Many domestic workers also reported psychological, physical, and sexual abuse.

Saudi Arabia’s Labor Law excludes domestic workers, denying them rights guaranteed to other workers. Saudi Arabia adopted a regulation in 2013 that grants domestic workers nine hours of rest in every twenty-four-hour period, one day off a week, and one month of paid vacation after two years. But the regulations are not in line with the ILO Domestic Workers Convention. For instance, domestic workers can be required to work up to 15 hours a day, whereas Saudi labor law limits other workers to 8 hours of work daily.

In February 6, 2017, Saudi Labor Ministry issued a ministerial decree that allows migrant domestic workers to transfer sponsorship without the consent of their employers in certain circumstances including where it is proven that the employer did not pay the domestic worker three months’ salary or mistreated them. This however still leaves workers trapped with abusive employers as they can be arrested if they flee their employers’ homes.

Recommendations

- Reform the *kafala* visa-sponsorship system so as to allow migrant workers to transfer employment without employer consent and without losing valid immigration status. Remove sanctions on “absconding,” including deportation and bans on future work.
- Abolish the “exit visa” procedures requiring migrant workers to obtain sponsor consent to leave the country.
- Cooperate with labor-sending countries to monitor workers’ working conditions, facilitate rescues, ensure recovery of unpaid wages, and arrange for timely repatriation.
- Investigate alleged abuses by employers and ensure accountability for those who commit crimes against their employees.
- Enforce the prohibition on the confiscation of workers’ passports. Sanction employers and recruiters who violate this prohibition.
- Amend the labor regulation on domestic workers to ensure that it provides protections at least equal to those contained in the Saudi Arabia’s other labor laws and complies fully with the ILO Convention on Decent Work for Domestic Workers.
- Ratify the ILO Convention on Decent Work for Domestic Workers, and the Protocol of 2014 to the ILO Forced Labour Convention, 1930.