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Overview

The delegation for Saudi Arabia's review before the universal periodic review (UPR) Working Group was headed by Dr Zaid Al-Hussain, vice-president of the Saudi Human Rights Commission. In addition to Dr Al-Husseini, the delegation was composed of 48 representatives of various ministries and civil society.¹ The delegation seemed well-prepared and Dr. Al-Hussain and the other members who spoke cited many statistics and gave specific examples to back up their assertions. Dr. Al-Hussain chose to answer most of the questions himself, calling on other delegation experts in a few instances to provide more information. Only one woman delegation-member, a representative from the Ministry of Health, spoke.

The level of participation during the review was quite high. So many States signed up to ask questions and make recommendations during the interactive discussion that they were not all able to speak. All in all, 54 States participated in the interactive discussion. 24 of those States are members of the Organisation of the Islamic Conference (OIC) and two have observer status. The other participating States were mostly from Europe, Latin American and Asia. The comments coming from most of the OIC members, as well as most Asian States, were laudatory. A few OIC States, such as Morocco and Bangladesh, offered more critical recommendations. Most of the tough questions and substantive recommendations came from Latin American States and States belonging to the Western European and Others Group (WEOG). Those States challenged Saudi Arabia with some very specific and achievable recommendations. However, no state asked Saudi Arabia to set a time-line for the implementation of any of the proposed changes.

Throughout the review Saudi Arabia remained cooperative and good-humoured. There were certain recommendations and questions that Dr Al-Hussain did not respond to though he indicated that this was due to a lack of time rather than any unwillingness on his part. Whether through intentional evasion or poor planning, the responses were all given in the 26 minutes remaining at the end of the interactive dialogue period. Some of the answers seemed to miss the point of the questions posed or to gloss over details, but the delegation nevertheless provided specific examples and supporting data in response to a number of questions. Dr Al-Hussain generally acknowledged that his country had room for improvement but for the most part

¹ The King Abdul Aziz Centre for National Dialogue, the Council of Ministers Panel of Experts, the Ministry of Social Affairs, the Ministry of the Interior, the Ministry of Education, the Ministry of Justice, the Ministry of Health, the Ministry of Foreign Affairs, the Ministry of Islamic Affairs, the Ministry of Labour, the Public Investigation and Prosecution Department, the King Abdul Aziz National Guard Medical City, the Riyadh Chamber of Commerce and Industry, the Ministry of Higher Education/King Saud University, the Consultative Council, the Women's Al-Nahda Association, the Thaqif Charitable Association, the Al-Wafa Charitable Association, the Public Relations Department, the Office of the Vice-President, the Department of International Organizations and Relations, and the Permanent Mission of Saudi Arabia to the United Nations.

argued that the criticisms were unfounded and due to misunderstandings of Islam, Shari'a Law, and Saudi culture. As a result, although generally all of the rules were followed during the review, the overall quality was mediocre. The opening statement by Dr Hussain provided little information not contained in the state report.

General information on Saudi Arabia

- Saudi Arabia is a member of the Human Rights Council until 18 June 2009.
- The members of the troika for the examination of Saudi Arabia were Germany, Madagascar, and Qatar.²
- The national report indicates that it was prepared in collaboration with all the main governmental and non-governmental stakeholders. There is no reflection in the report of an official national consultation for its preparation.

Information submitted to the Working Group

The **national report** of Saudi Arabia³ is on the whole self-congratulatory. While it claims at the beginning to be aware of challenges to the full implementation of human rights principles in the Kingdom, it does not at any point in the report identify areas which need to be improved upon. Rather, the report covers successful legislative reforms, the fundamentally human-rights-friendly nature of Islamic Shari'a, the independence of civil society, the National Human Rights Commission, and the judiciary. The report also covers the achievements of the Government in eliminating discrimination and upholding the rights of women, children, religious and ethnic minorities, and providing free universal health care and education.

The OHCHR **compilation of UN information** focuses on: reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the implementation of CEDAW recommendations, the need for constitutional and legislative equality between men and women and the discriminatory nature of various existing Saudi laws, corporal punishment and the death penalty, domestic violence, the age of criminal responsibility, the independence of the judiciary, freedom of belief and expression, and the situation of migrant workers (in particular female domestic migrant workers).⁴

Nine other stakeholders, all non-governmental organisations (NGOs), submitted information for the OHCHR **summary of stakeholders' information**.⁵ The key issues that were addressed were the lack of domestic legislative protection for fundamental human rights,⁶ the failure to ratify numerous fundamental human rights treaties and the numerous reservations to key provisions of treaties to which Saudi Arabia is a party.⁷ NGOs were also critical of the lack of independence of the judiciary,⁸ the Government's continued failure to address

² Saudi Arabia requested that a member of its regional group be among its troika. There were no objections by Saudi Arabia or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at www.ishr.ch.

³ A/HRC/WG.6/4/SAU/1, available

at http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/SA/A_HRC_WG6_4_SAU_1_E.PDF

⁴ A/HRC/WG.6/4/SAU/2, available

at http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/SA/A_HRC_WG6_4_SAU_2_E.PDF

⁵ A/HRC/WG.6/4/SAU/2, available

at http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/SA/A_HRC_WG6_4_SAU_3_E.PDF

⁶ Amnesty International.

⁷ The International Commission of Jurists and Amnesty International.

⁸ Amnesty International.

discrimination against women and the continued existence of discriminatory laws,⁹ the high rate of executions and wide application of the death penalty, corporal punishment, arbitrary detention,¹⁰ restrictions on religious freedom and freedom of expression¹¹, and exploitation of migrant workers.¹²

While the OHCHR **summary of stakeholders' information** was more uniformly critical than the OHCHR **compilation of UN information**, both reports pointed to many of the same issues and human rights violations. The **national report** of Saudi Arabia, on the other hand, at no point indicates an awareness or recognition of any of these problems.

Interactive dialogue¹³

Presentation by the State

In the presentation given by the delegation of Saudi Arabia at the beginning of its review, Dr Hussain took a rather professorial tone, citing the Shari'a law as evidence of the importance of human rights in the Kingdom, and outlining the achievements made in the promotion and protection of human rights. The major achievements he pointed to were strategies, mechanisms, and legislation that when implemented would promote the rights of women and children, a review of the code of criminal procedure, the work of the Human Rights Commission, and its near conformity with the Paris principles. Dr Hussain defended the Human Rights Commission's lack of independence, saying "the development of governmental policies towards greater respect for human rights [is] more feasible and likely when human rights institutions are close to the centres of decision-making power rather than independent of them". He cited the Koran and the Hadith as evidence of Saudi Arabia's commitment to such freedoms.

The opening presentation lasted over 30 minutes. The presentation neither summarised the national report nor added much to it. Dr Hussain did list off principal human rights achievements made both prior to and since the submission of the report, although, as indicated above, these achievements were mainly prospective in nature. The State chose not to answer the advance questions submitted by the Czech Republic, Latvia and the Netherlands.

In spite of Saudi Arabia's apparent unwillingness to engage in a real dialogue about the human rights situation in the State, the delegation was at all times courteous and agreeable. However, as previously noted, the State waited until the end of the dialogue period to answer questions and to make its final remarks, so many questions and recommendations were not addressed. A list of facts and figures was thrown out at the end, but only in relation to select issues. For example, Dr Hussain cited a national poll on whether women should be granted the right to drive, in which 80% of respondents answered no, as evidence of the open and democratic nature of Saudi society. The delegation also provided a wide array of glossy leaflets, newsletters and brochures on human rights issues as evidence of the sort of public awareness campaigns carried out in the State.

⁹ Human Rights Watch.

¹⁰ Alkarama.

¹¹ Reporters Without Borders, the Becket Fund for Religious Liberty.

¹² Human Rights Watch.

¹³ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

Themes and issues

During the interactive dialogue, the majority of States, mostly members of the OIC, were complimentary of Saudi Arabia's progress in the promotion of human rights. Some of these States also offered soft recommendations for further reforms. The majority of the critical recommendations came from the WEOG, with some GRULAC States also making critical remarks.

Discrimination and violence against women was a major theme with States asking questions and making recommendations in numerous areas. The system of legal guardianship for women and women's lack of full legal authority was criticised by many States including Israel,¹⁴ the United Kingdom,¹⁵ Germany,¹⁶ Norway,¹⁷ the Republic of Korea¹⁸ and Canada.¹⁹ There were also recommendations concerning women's access to the labour market,²⁰ freedom of marriage,²¹ and the need for better systems of protection and redress for family violence.²²

As further evidence of the general concern for women's rights in Saudi Arabia, the implementation of *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* was criticised by a number of States including Chile, Germany, Austria, Israel, and France. Of particular concern was Saudi Arabia's failure to fully **implement the treaty body's recommendations**,²³ **withdraw reservations**,²⁴ or create programs to educate Saudi women on CEDAW at the local level.²⁵

Saudi Arabia's failure to ratify **key international human rights treaties** also drew the attention of Algeria, Canada, Mexico, Turkey, Switzerland, the Republic of Korea and France, among others.²⁶ Many States recommended that Saudi Arabia ratify the *International Covenant on Civil and Political Rights (ICCPR)*, the *International Covenant on Economic, Social, and Cultural Rights (ICESCR)*, the *Optional Protocol to the Convention against Torture (OP-CAT)*, the *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (OP-CEDAW)*, the *Convention on the Protection of the Rights of All Migrant Workers (ICRMW)* and the *Rome Statute of the International Criminal Court*.

A number of States including Belgium, Thailand, Sweden and New Zealand, were critical of the limitations on rights afforded to **migrant workers** in Saudi Arabia.²⁷ They questioned the discriminatory restrictions placed on migrants and spoke to the need to grant freedom of movement, provide support services, and pay special attention to the situation of **female migrant domestic workers** who suffer high levels of abuse.

Another issue that was stressed was the need for a greater dialogue concerning **religious freedom** and the need to enact laws guaranteeing freedom of worship and freedom of opinion in Saudi Arabia.²⁸ Several States

¹⁴ A/HRC/WG.6/4/L.9, para. 24.

¹⁵ *Ibid.* at para 29.

¹⁶ *Ibid.* at para 49.

¹⁷ *Ibid.* at para 71.

¹⁸ *Ibid.* at para 75.

¹⁹ *Ibid.* at para 44.

²⁰ *Ibid.* at para 30, 39.

²¹ *Ibid.* at para 54.

²² *Ibid.*

²³ *Ibid.* at para 27, 45..

²⁴ *Ibid.* at para 44, 46, 49, 54,79.

²⁵ *Ibid.* at para 74.

²⁶ *Ibid.* at para 28, 31, 44, 48, 63, 65, 74, 75.

²⁷ *Ibid.* at para 28, 59, 67, 68, 71, 72, 73, 74, 78.

²⁸ *Ibid.* at para 28, 44, 46, 47, 54, 62, 66, 74.

were critical of existing laws which place travel bans on individuals on the basis of religious or political opinion²⁹ and prohibitions on the public and private practice of religions other than Islam.³⁰

Many states also were concerned about allegations of torture in Saudi Arabia and recommended that the State amend its criminal code so as to bring it in line with international standards, in particular on the issues of **criminal responsibility for minors, corporal punishment, and the death penalty.**³¹

States also engaged Saudi Arabia on the following themes: combating terrorism,³² civil society participation,³³ promotion of human rights in schools,³⁴ opening the State to special procedures,³⁵ freedom of expression and opinion,³⁶ promoting human rights while still ensuring religious specificity,³⁷ combating trafficking,³⁸ protecting minorities,³⁹ the provision of health care,⁴⁰ and the legal status of international instruments.⁴¹

Adoption of the report

At the adoption of the report of the Working Group on the UPR, the members of the troika indicated that the process of accommodating all the views expressed in the interactive dialogue was not easy. Saudi Arabia expressed its commitment to the UPR process and to the application of the recommendations made to it. Nevertheless, Saudi Arabia did not accept any concluding recommendations made to it at this stage and it rejected 17 recommendations that it considered 'do not conform to its existing laws, pledges, and commitments or do not refer to existing practices in Saudi Arabia.'⁴²

The recommendations Saudi Arabia rejected are: 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 (d), 65 (a), 27 (c), 44 (c), 74 (b).

The rejected recommendations dealt primarily with lifting reservations to CEDAW and ratifying its Optional Protocol, abolishing the death penalty and corporal punishment, and lifting travel bans imposed on the basis of religious belief.

²⁹ *Ibid.* at para 74.

³⁰ *Ibid.* at para 54.

³¹ *Ibid.* at para 45, 46, 47, 49, 65, 71, 79.

³² Algeria, Sudan, Sri Lanka.

³³ Bahrain, Palestine, United Kingdom.

³⁴ Qatar, Italy.

³⁵ Mexico, France.

³⁶ Mexico, Switzerland, Chile.

³⁷ Palestine, United Arab Emirates, Côte D'Ivoire.

³⁸ Israel, Morocco, Bangladesh.

³⁹ Israel.

⁴⁰ Venezuela, Libya.

⁴¹ Uzbekistan.

⁴² A/HRC/WG.6/4/L.9, para. 88.

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