



# General Assembly

Distr.: General  
24 July 2013

Original: English

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## Human Rights Council

Working Group on the Universal Periodic Review

Seventeenth session

Geneva, 21 October – 1 November 2013

### **Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **Saudi Arabia** \*

The present report is a summary of 13 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. 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 judgement 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. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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

## Information provided by stakeholders

### A. Background and framework

#### 1. Scope of international obligations

1. JS1 noted that contrary to accepted recommendations, Saudi Arabia (KSA) is yet to ratify core international human rights instruments.<sup>2</sup> JS1 called for the ratification of the ICCPR, ICESCR, ICRMW, CPED, OP-CAT, and OP-CEDAW.<sup>3</sup> AI regretted that KSA has not implemented any of the central recommendations it accepted and called on the government to ratify without reservations the ICCPR and ICESCR, to consider ratification of the CPED, the ICRMW, and conventions related to refugees and statelessness, and OP-CAT.<sup>4</sup> JS2 recommended the ratification of all non-ratified human rights treaties.<sup>5</sup> JS2, IPA and Alkarama also recommended the ratification of ICCPR<sup>6</sup> as soon as possible.<sup>7</sup>

2. AI regretted that KSA rejected recommendations to withdraw its two reservations to the CEDAW and to review all reservations and declarations in the CRC, CERD and CEDAW, with a view to lifting them, especially those that are contrary to the objects and purposes of the treaties.<sup>8</sup> AI noted that reservations to international conventions should be observed concerning those terms that are contradictory to Islamic law.<sup>9</sup>

#### 2. Constitutional and legislative framework

3. AI noted that all powers of the state are concentrated in the KSA monarch. The Shura Council is an advisory body, its members appointed by the King, with no real powers. Together with the Council of Ministers they initiate legislation, but ultimately the King ratifies new laws.<sup>10</sup>

4. IPA and JS1 noted that KSA does not have a formal written constitution but a Basic Law, which fails to provide for explicit protection of basic rights and liberties, and contains articles that are vaguely drafted. Existing legislation does not clearly define crimes and authorities.<sup>11</sup> ECLJ stated that the legal system is based on the government's official interpretation of Sharia law.<sup>12</sup>

5. JS4 recommended local laws and policies be harmonized with the commitments of KSA to international and regional human rights conventions.<sup>13</sup> JS1 noted that no genuine attempts were made towards aligning domestic laws with international human rights standards.<sup>14</sup>

6. HRW and JS3 noted that the lack of a promulgated criminal (penal) code is a central problem in KSA's justice system. JS3 was concerned that this may lead to arbitrary murder.<sup>15</sup> Alkarama and HRW noted that KSA has no Penal Code that clearly defines punishable offenses and their corresponding punishments and that the definition of legal infraction rests on the judge's interpretation of Shari'a law. The determination and severity of punishments can vary with a judge's interpretation.<sup>16</sup> Alkarama has not identified any positive developments in reforming the legal and judicial systems or codifying discretionary sentences or amending its criminal procedural code since the 2009 UPR.<sup>17</sup>

7. HRW noted KSA promulgated a Law of Criminal Procedure in 2002 that does not permit detainees to challenge the lawfulness of their detention before a court and fails to guarantee access to legal counsel in a timely manner. It permits pre-trial detention for up to six months without judicial review, and does not make statements obtained under duress inadmissible in court. Judges also routinely ignore provisions of the Law of Criminal Procedure.<sup>18</sup> JS3 and HRW recommended enacting urgently a penal code that limits

punishable offenses, and amending the Law of Criminal Procedure to comply with international human rights law.<sup>19</sup>

8. Alkarama recommended integrating the definition of the crime of torture into domestic law.<sup>20</sup>

9. JS2 noted that there are no formal safeguards guaranteeing freedom of speech and the Basic Law does not protect freedom of the press.<sup>21</sup> JS3 and IPA noted that one of the most serious restrictions on the freedom of expression and opinion is the lack of a codified law for determining the boundaries of these freedoms. It noted that on 29 April, 2011, a royal decree amended the Press and Publications Law to stiffen penalties and created a special commission to judge violations. The amendment banned publishing anything “contradicting Sharia; inciting disruption; serving foreign interests that contradict national interests; and damaging the reputation of the Grand Mufti, members of the Council of Senior Religious Scholars, or senior government officials”.<sup>22</sup> IPA recommended amending this Law and repealing the amendments made to Article 9.<sup>23</sup>

10. GIECP and CRIN noted the UPR recommendations accepted by KSA to prohibit and eliminate capital and corporal punishment of persons under 18. However, capital punishment, corporal punishment and life imprisonment are lawful sentences in KSA for children. A review of legislation relating to children has been under way since 2006. The main laws governing juvenile justice are based on Sharia law and the minimum age for criminal responsibility has reportedly been raised from 7 to 12 years. However, reports are inconsistent and the change does not apply to girls or in qisas cases. The Detention Regulation and the Juvenile Homes’ Regulation define a juvenile as being under the age of 18, but the law does not require all child offenders to be tried in the juvenile justice system or require judges to base their decisions on a child’s age at the time of the offence.<sup>24</sup> JS1 and GIECP recommended repealing all laws authorizing corporal punishment and enacting legislation to prohibit corporal punishment of children as a priority. JS1 noted current discussions on amending the Criminal Procedures Code are extremely worrying.<sup>25</sup>

11. ECLJ noted that freedom of religion is severely restricted in practice and has no legal recognition or protection under the law. ECLJ recommended providing freedom of religion in national legislation.<sup>26</sup>

12. RWB urged the authorities to eliminate from laws and judicial practices all references to the criminalization of blasphemy.<sup>27</sup>

### **3. Institutional and human rights infrastructure and policy measures**

13. AI noted that no human rights organizations are tolerated in KSA other than the Saudi Human Rights Commission, a governmental body, and the National Society for Human Rights, which, while having a less formal role, was also formed by a governmental decree. Local human rights NGOs attempting to register themselves have not been permitted to do so.<sup>28</sup>

14. JS1 noted that KSA approved a program for the dissemination of a culture of human rights, but it was not incorporated into academic curricula, and police personnel remain ignorant of human rights culture and domestic and international laws.<sup>29</sup> JS3 recommended expanding human rights education and disseminating the concepts of human rights and dignity from early childhood.<sup>30</sup>

15. JS3 recommended paying attention to the situation of prisons and training wardens and prison guards.<sup>31</sup>

16. AI noted that the national human rights framework is further threatened by a flawed criminal justice system which falls far short of international standards governing procedures for arrest, detention and trials, as well as prisoners’ rights.<sup>32</sup>

## **B. Cooperation with human rights mechanisms**

### **1. Cooperation with special procedures**

17. JS1 noted that several requests made by UN Special Rapporteurs to visit the country were repeatedly denied. Cases of government reprisals against a number of HRDs for cooperating with the UN special human rights mechanisms are on the rise.<sup>33</sup>

### **2. Cooperation with the Office of the High Commissioner for Human Rights**

18. AI welcomed the June 2012 memorandum of understanding between KSA and OHCHR, but was concerned that authorities have not allowed any UN bodies or international human rights organizations to visit KSA in the past four years including AI.<sup>34</sup>

## **C. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

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

19. JS4 noted that although the Basic Law specifies equality between Saudi citizens, equality between men and women is not respected in practice. Fatwa or religious edicts impact government treatment of women in public policies. In the absence of codification of regulatory laws and a written penal code, women's access to resources and services are subject to arbitrary religious opinions and outdated social norms.<sup>35</sup>

20. AI noted that women continue to face severe discrimination in law and practice and are inadequately protected against domestic and other gender-based violence. Women are required by law to obtain the permission of a male guardian before getting married, travelling, undergoing certain surgical interventions, and undertaking paid employment or enrolling in higher education. AI regretted that KSA had not implemented the 2008 recommendations of CEDAW.<sup>36</sup> AI, JS1, ECLJ and HRW noted that no effective legal and practical measures have been put in place to criminalize violence against women.<sup>37</sup> HRW stated the government failed to enact the 2011 draft law to combat violence against women and children. The absence of codified legislation regulating shelters for women creates further risks for survivors of family violence and difficulties in accessing adequate protection or redress mechanisms.<sup>38</sup> AI called on KSA to establish equality before the law for all and provide equal citizenship rights between men and women; provide and protect women's rights to freedom of movement, education, employment, marriage, and redress for family violence.<sup>39</sup>

21. JS3 and HRW noted that KSA failed to demonstrate any progress on abolishing the male guardianship system and recommended its elimination.<sup>40</sup> HRW urged KSA to promulgate the dismantling of the legal guardianship system for adult women and approve legislation that provides clear protection and redress mechanisms for women facing domestic violence.<sup>41</sup>

22. JS2 noted that women HRDs also face severe restrictions on freedom of movement and on their ability to work and conduct business independently.<sup>42</sup>

23. ECLJ and HRW noted foreign women in particular, are harassed by the *mutawwain* for failure to observe dress codes.<sup>43</sup>

24. JS4 and HRW noted that women lawyers cannot apply for a license despite an amendment allowing them to practice. They were granted the right to obtain a license but it is unclear whether the decision has been implemented.<sup>44</sup>

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

25. AI regretted that KSA rejected recommendations to establish a moratorium on the death penalty or restrict its scope in line with international minimum standards; to abolish corporal punishment and the application of torture and other cruel, inhuman or degrading treatment, such as flogging, amputations and eye-gouging in accordance with international human rights treaties to which it is a party; and to end the practice of incarceration and mistreatment.<sup>45</sup>

26. HRW urged the ending of all forms of the death penalty and judicially sanctioned corporal punishment.<sup>46</sup> AI reported that the average number of executions has increased every year and rates are feared to be higher than declared, as reports of secret executions have recently emerged. The death penalty is imposed on a range of non-violent offences such as drug smuggling, as well as “offences” such as apostasy. The death penalty is disproportionately applied to foreigners and to foreigners’ children for crimes committed when less than 18.<sup>47</sup> AI called on the government to declare a moratorium on executions and to review all cases of prisoners under death sentences with the aim of commuting their sentences or offering them a new and fair trial without resorting to the death penalty.<sup>48</sup>

27. CRIN and JS3 noted that persons convicted of offences committed under the age of 18 may lawfully be sentenced to death.<sup>49</sup> HRW noted that KSA is one of three countries in the world continuing to use the juvenile death penalty.<sup>50</sup> CRIN, HRW and AI recommended abolishing the death penalty for anyone under the age of 18 at the time of their alleged offence.<sup>51</sup> CRIN and JS3 urged for the prohibition of death sentences, corporal punishment and life imprisonment, and raising the minimum age of criminal responsibility.<sup>52</sup>

28. JS1 noted that during demonstrations in the Eastern Province of KSA, security forces used live ammunition against peaceful demonstrators, reportedly killing at least 15 people on 23 November 2011.<sup>53</sup>

29. JS1 and AI noted that torture and ill-treatment during detention and interrogation are also common.<sup>54</sup> JS1 noted this particularly in the General Investigation Directorate (GID) offices.<sup>55</sup> JS2 urged the authorities to ensure that all reports of torture in detention are fully investigated by an independent court.<sup>56</sup> HRW documented numerous examples of law enforcement officials subjecting suspects to torture and ill-treatment, including prolonged solitary confinement.<sup>57</sup> JS3, AI and RWB called on the government to immediately release all prisoners of conscience who participated in peaceful assemblies and associations and to charge all other detainees with a recognizable criminal offence according to international law or release them.<sup>58</sup>

30. AI noted that corporal punishment is used extensively despite KSA being a state party to CAT and called for its prohibition.<sup>59</sup>

31. CRIN noted that corporal punishment (amputation and flogging) is lawful as a sentence and flogging is mandatory for a number of offences (hadd), and under the Juvenile Justice Act 1975, young persons under 18 may be sentenced to corporal punishment.<sup>60</sup> GIECP noted that corporal punishment of children is lawful at home, schools, alternative care settings and the penal system, despite the KSA accepting to prohibit it during the UPR. It also noted that despite government circulars there is no explicit prohibition in legislation. The Imprisonment and Detention Law 1978 provides for flogging as a punishment for violations of internal regulations.<sup>61</sup>

32. AI noted that security forces continue to practice arbitrary and incommunicado detention of Saudis and foreign nationals with impunity; many Saudis are detained solely for peacefully exercising their rights to freedom of expression, association and assembly, including for criticizing government policies.<sup>62</sup>

33. Alkarama and HRW noted thousands of cases of arbitrary detention in recent years, including of individuals who peacefully criticised government policy.<sup>63</sup>

34. JS4 recommended enacting a law and a national strategy on combating violence against women to protect deter abusers and creating a registry of cases.<sup>64</sup> JS4 noted that no effective mechanism to prevent domestic violence has been implemented and the Protection from Harm Act has not been enacted. Violence against girls and women continues to rise without effective strategies to combat it. Victims' access to help can be limited by the driving ban, inability to leave residence, unresponsive social care workers or police personnel.<sup>65</sup>

### **3. Administration of justice, including impunity, and the rule of law**

35. AI and Alkarama called on the government to implement without delay the accepted UPR recommendations concerning judicial reform.<sup>66</sup> JS1 noted that the King as the ultimate arbiter of all branches of the State undermines judicial independence. In January 2013, the King issued a Royal Decree dismissing all judges of the Supreme Court and appointing new judges, in addition to dissolving and reconstituting the Supreme Judicial Council. Moreover JS1 noted that court verdicts are implemented on a selective basis.<sup>67</sup>

36. JS1 and JS3 noted that Public Prosecution of the Specialized Criminal Court lacks independence and is subordinate to the Minister of Interior; defendants are tried after years of detention and in proceedings that violate the right to a fair trial.<sup>68</sup>

37. Alkarama noted that the legal system places undue importance on confessions extracted under torture as sole evidence in prosecution, despite numerous reported cases of torture, and recommended effective implementation of all provisions of the CAT without exceptions.<sup>69</sup> JS3 noted that Shari'a, as interpreted in the country, prohibits judges from accepting confessions obtained under duress. However, cruel, inhuman, and degrading punishments such as flogging are mandatory for some offenses.<sup>70</sup>

38. JS1 noted that basic rights continue to be severely undermined in practice and in judges' rulings, as judges' opinions often do not recognize basic human rights such as freedom of opinion and expression and the right to peaceful assembly. Judges graduate from the College of Islamic Law and the High Judicial Institute; at neither place do they receive proper introduction to universal human rights or basic civil and political rights.<sup>71</sup>

39. HRW noted that detainees routinely faced systematic violations of due process and fair trial rights.<sup>72</sup> JS1 noted that non-implementation of the Code of Criminal Procedure results in defendants being denied attorneys during questioning or trial. In practice, there is no entity to consider appeals or complaints about the legality of detention.<sup>73</sup> HRW made similar observations and noted that the authorities often do not inform individuals of the crime of which they are accused or the evidence supporting the accusation. They are often unable to examine witnesses or evidence and present a legal defense.<sup>74</sup>

40. JS2 urged the authorities to ensure that pre-trial detention is only used exceptionally, in accordance with international human rights standards, and time limits as prescribed by domestic legislation are strictly adhered to.<sup>75</sup>

41. AI stated that the authorities generally fail to abide by international standards for fair trial and safeguards for defendants in capital cases of foreign nationals with no knowledge of Arabic, and are often denied adequate interpretation facilities. Court hearings are often held behind closed doors.<sup>76</sup>

42. HRW urged the Bureau of Investigation and Public Prosecutions to investigate all abuses committed by security forces, including allegations of torture and ill-treatment and allegations of excessive use of force against demonstrators.<sup>77</sup>

43. JS1 noted that investigations related to the GID are conducted by police officers in violation of the law which stipulates that the Public Prosecution is the investigating body. Prisons run by the GID are not subject to judicial oversight and inspection. Although the Code of Criminal Procedure and the Public Prosecution law give the prosecution authority of prisons in general, in practice the Public Prosecution has yet to exercise its authority, under the pretext that it does not have the personnel necessary to perform the task. JS1 also noted that many complaints submitted to the Public Prosecution from prison inmates, even those regarding death under torture, go uninvestigated and victims' families are not provided with medical reports.<sup>78</sup>

44. JS4 noted that there are major obstacles for women seeking access to justice as police officers often hesitate or refuse to accept complaints from women without their guardians. JS4 recommended revoking institutionalized guardianship as a prerequisite for women's access to identification, documentation, education, health, work, or other services. JS4 recommended that the Ministry of Social Affairs and the Ministry of Interior collaborate to release women who finished their sentences and victims of domestic abuse into safe transit accommodation.<sup>79</sup>

45. GIECP noted that the law does not require all child offenders to be tried in the juvenile justice system or require judges to base their decisions on age at the time of the offence, under the Juvenile Justice Act 1975.<sup>80</sup> HRW urged that children are only detained as a last resort, and for the shortest possible time.<sup>81</sup>

#### **4. Right to privacy, marriage and family life**

46. AI noted that discriminatory laws relating to marriage and divorce cause some women to remain trapped in violent and abusive relationships. Women are required by law to obtain the permission of a male guardian before marriage.<sup>82</sup> JS4 noted that the practice of *Lea'an* (religious annulment of marriage when a man doubts the paternity of his child) remains prevalent in certain areas of KSA. It also noted that forced marriages are unregulated and difficult to annul. Under-age marriage can be difficult to annul in the absence of media or other public interventions.<sup>83</sup>

47. JS4 noted that unilateral divorce by husbands is widely practiced and not regulated by law. The practice of *Khulu*, when a woman leaves a marriage on condition that she renounces her dowry and all financial support is enforced excessively. A special fund has been allocated by the government to help women who cannot pay to leave their husbands.<sup>84</sup> Judges often rule in favor of guardians even when women are asking for their basic rights in cases of the crime of "disobedience".<sup>85</sup>

48. JS4 and AI noted that Saudi women with foreign spouses, unlike their male counterparts, cannot confer their nationality on their children.<sup>86</sup> JS4 considered the amendment to the Saudi Nationality Act of 2012 maintains discrimination and recommended the codification of personal status codes as a priority to grant women equal status in marriage and the family.<sup>87</sup>

#### **5. Freedom of movement**

49. JS2, JS3 and AI noted that travel bans against HRDs remains widespread and imposed by courts.<sup>88</sup> JS2 called for lifting the bans and cessation of their use.<sup>89</sup> IPA and JS3 recommended removal of political obstacles to freedom of movement of HRDs and representatives of international trade associations.<sup>90</sup>

50. AI noted that women continue to be prohibited from driving, scores of women took to the roads and some were arrested and released without charge after pledging not to drive again.<sup>91</sup>

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

51. ECLJ noted there is no separation of religion and the state. Religious minorities are not allowed to publicly profess or practice their faith and experience discrimination, harassment, detention, and if non-citizens, deportation. Blasphemy, apostasy, and proselytizing by non-Muslims are punishable by death. During 2011, non-Muslims were detained and harassed for engaging in private religious worship.<sup>92</sup> HRW noted the judicial system has also been used to prosecute individuals for expressing their religious views. It called on the the government to publicly and officially rebut hate speech against other religious or ethnic minorities and to set up a national human rights institution, as recommended by CERD.<sup>93</sup>

52. ECLJ noted that impunity exists for those committing violent acts against religious minorities and called for measures to ensure freedom of expression and religion.<sup>94</sup>

53. JS2, JS1, and HRW were concerned that the government failed to enact a Law of Association and had prohibited all forms of peaceful political association or opposition, such as political parties, and punished those advocating the establishment of such associations with imprisonment.<sup>95</sup> JS4 noted that to date, activists and concerned citizens are not allowed to establish independent civil society organizations and recommended allowing them to practice freely and independently.<sup>96</sup>

54. JS1 noted the restrictive policy against peaceful assemblies and demonstrations had widened following widespread protests in several areas of KSA in 2011.<sup>97</sup> Alkarama observed that rights of peaceful assembly and association are not recognized. Political parties and unions are banned and the media are not free. It reported that public assemblies remain illegal and religious authorities have issued a fatwa prohibiting all demonstrations at the request of the Ministry of the Interior. It recommended immediate and unconditional release of persons detained for exercising their rights to peaceful assembly, association and expression.<sup>98</sup>

55. JS2, JS1, and HRW noted that trials and detention of human rights activists have increased, in addition to arrests of prominent academics, journalists, and lawyers. Family members of HRDs are also targeted and subjected to intimidation and harassment. HRDs, democracy activists and critical voices rely on the Internet for their work and have been arrested for criticising the regime online.<sup>99</sup>

56. JS1 noted that a particular rise in violations targeting HRDs and rights organizations in the Kingdom was witnessed in 2011 and 2012.<sup>100</sup> JS1 and JS2 noted the reprisals against HRDs for engaging with international organizations, including UN human rights mechanisms.<sup>101</sup> JS2 stated HRDs have been denied bail and held in prolonged pre-trial detention, reportedly being subjected to torture while in detention.<sup>102</sup>

57. JS2 called on the authorities to drop charges currently pending against HRDs, and to review of domestic legislation in line with universally recognised rights to freedom of expression, association and assembly; ensure that HRDs are not victims of reprisals for legitimate engagements; guarantee the right of women HRDs to engage in human rights work, and take measures to ensure their protection before the law and in society.<sup>103</sup> IPA recommended the release of human rights activists arrested solely for exercising their right to freedom of expression.<sup>104</sup>

58. RWB acknowledged tentative reforms introduced in 2005, but noted that in the last few years the government has enforced harsh censorship through the use of extended filtering bolstered by repressive legislation and widespread online surveillance. More than 400,000 websites were officially blocked as a result of the special government commission to filter the Internet. Bloggers voicing criticism are immediately accused of offending



morality. KSA is one of the 10 countries that RWB has identified as “Enemies of the Internet”.<sup>105</sup>

59. JS2 noted increased use of Internet and online media by HRDs and online media activists has been met with the adoption of increasingly restrictive legislation. In July 2012, the Shura Council announced that it was drafting a law to punish individuals who criticise Islam through the use of blogs, Twitter and Facebook. Many websites are blocked for encouraging people to join civic campaigns and demonstrations or for providing politically sensitive information.<sup>106</sup> RWB urged the authorities to dispense with all legislative and technical mechanisms for Internet surveillance, including prior registration of websites with the Ministry of Culture and Information and disproportionate penalties.<sup>107</sup>

60. JS1 and JS2 noted that additional restrictions have been imposed by various laws, such as the Press and Publications Law and the Anti-Cyber Crimes Law. The authorities severely restrict the issuance of newspapers and other media and closely monitor and censor local media. Freedom of movement of foreign journalists is severely restricted, and they are often subject to surveillance.<sup>108</sup>

61. HRW noted since 2008, despite efforts expanding women’s political participation, little has been done to abolish legislation and practices preventing them from participating fully in society on an equal basis with men.<sup>109</sup> JS4, JS1, ECLJ and HRW noted that although recommendations 17, 18, 19 and 20 had been accepted during the 2009 UPR, little has been done to genuinely implement them.<sup>110</sup> JS1 noted the positive step with the two royal decrees in 2013 amending the Consultative Council’s law, granting women thirty seats on the Council and stipulating at least 20% women’s representation at the Council and recommended an increase in access to decision-making positions, in all public positions.<sup>111</sup>

## **7. Right to work and to just and favourable conditions of work**

62. HRW noted the adoption of legislative reforms expanding women’s rights in the workforce by allowing them to work in limited areas such as clothing stores. While such reforms represent important steps forward, their efficacy is limited by the male guardianship system.<sup>112</sup>

63. JS3 recommended setting a framework for preventing sexual abuse of female domestic workers and to design a suitable mechanism for migrant workers to protect them from abuse by employers.<sup>113</sup>

## **8. Right to social security and to an adequate standard of living**

64. JS4 noted that employment rate of Saudi women is among the lowest in the world. In 2012, the Ministry of Labor issued a financial aid program for the unemployed youth; women represented 86% of applicants, approximately 60% from among disabled citizens were females, most were high school graduates. Limits to active economic participation of women include gender-segregation enforcement, the driving ban, and the requirement of guardian permission. The religious police issued conditions to regulate women’s access to work in retaliation. The ban on driving, in particular in the absence of safe and reliable public transportation, continues to limit the autonomy of women. Although the Ministry of Trade has removed the mandate of male representative or male-manager for Saudi business women, many governmental agencies remain inaccessible to women without a male-representative. While the Ministry of Labor has revoked the requirement of the permission of a guardian for women to apply for jobs, several employers still require women applicants to provide guardian consent.<sup>114</sup>

## 9. Right to education

65. JS4 noted that the Basic Law provides for the government's responsibility in educating citizens without discrimination but the permission of the guardian is required to enroll in education. Fathers who either refuse or neglect to enroll children are not punishable by law. Mothers cannot obtain official documentation for children as fathers do. Women's application for scholarships abroad is subject to consent and accompaniment of guardians. Physical education for girls is still prohibited in schools, despite the positive approval to include two women in the London 2012 Olympics. The Ministry of Education has issued a directive to all schools to obtain pre-authorization permission from guardians in order to provide medical assistance in emergencies.<sup>115</sup>

66. JS4 stated that promotion of human rights education in all curriculum levels has not been implemented. On the contrary, speakers at a major government-led conference in 2012 on women's rights were predominantly religious male scholars who emphasized the concept of guardianship and gender segregation.<sup>116</sup>

## 10. Minorities and indigenous peoples

67. JS1 noted that in 2011 and 2012, minorities witnessed a major crackdown against several protests calling for the realization of rights and freedoms in Shia dominated areas in the Kingdom. The Shia, Ismaili and other religious minorities, constituting about 15 per cent of the population, continue to face systematic state-led discrimination. Citizens belonging to religious minorities are prohibited from enrolment in security sectors, academia, as well as in political offices. Shia clerics are not appointed to the courts.<sup>117</sup> JS1 noted the failure to protect the rights of more than five million migrant workers of different faiths residing in the Kingdom.<sup>118</sup>

68. STP and AI noted that since February 2011, hundreds of members of the minority Shi'a community have been arrested and detained on suspicion of taking part in or supporting demonstrations in the Eastern Province or of expressing views critical of the state; at least a dozen protesters have reportedly been shot dead and others injured. It called on the government to end discrimination, intimidation, harassment and detention without charge or trial of members of the Shi'a community and to uphold their right to peaceful assembly.<sup>119</sup> STP noted religious minorities are systematically discriminated in several areas of society like education. STP recommended the release of all Shiite political detainees; investigation of accusations of torture in prisons; building mosques and allowing religious minorities to practice religion freely.<sup>120</sup>

## 11. Migrants, refugees and asylum-seekers

69. AI noted that migrant workers, a third of the population, are inadequately protected by labour laws and vulnerable to exploitation and abuse by employers; women domestic workers are at particular risk of sexual violence and other abuses.<sup>121</sup> AI called on the government to reform national labour laws so that migrant workers have adequate protection against abuses by employers and the state.<sup>122</sup>

70. HRW documented multiple abuses facing some laborers, including non-payment of wages, excess working hours, and poor living conditions. The restrictive *kafala* (sponsorship) system, which ties migrant workers employment visas to their employers, fuels exploitation and abuse. Workers were unable to escape from abusive conditions or to return home after completion of their contracts because of denial of permission from the employer to leave the country.<sup>123</sup> JS3, JS4 and HRW recommended abolishing the *kafala* system; extending labor protections to domestic and agricultural workers.<sup>124</sup>

71. JS4 noted that migrant workers are at higher risk of unlawful imprisonment due to lack of knowledge of local norms and laws and communication barriers.<sup>125</sup> JS4

recommended improving the access of women migrant workers to meaningful redress mechanisms.<sup>126</sup>

## 12. Human rights and counter-terrorism

72. RWB stated that the struggle against terrorism and regional political unrest are still used as a pretext to restrict basic freedoms.<sup>127</sup>

73. The use of special courts under the Minister of the Interior also continues to concern Alkarama.<sup>128</sup> AI, HRW, JS1 and JS3 noted that these courts established to hear terrorism cases is characterized by secrecy and ambiguity. It is essentially an emergency court in which defendants are tried after years of detention.<sup>129</sup>

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *Civil society*

AI	Amnesty International, London, (UK);
Alkarama	Alkarama, Geneva, (Switzerland);
CRIN	Child Rights International Network, London, (UK);
ECLJ	European Centre for Law and Justice, Strasbourg, (France);
GIECP	Global Initiative to End All Corporal Punishment of Children, London, (UK);
HRW	Human Rights Watch, New York (USA);
IPA	International Publishers Association, Geneva, (Switzerland);
RWB	Reporters Without Borders, Geneva, (Switzerland);
STP	Society for Threatened Peoples, Göttingen, (Germany);
JS1	Joint submission No. 1 by a coalition of regional and national human rights Non-Governmental Organizations (NGOs) of the Cairo Institute for Human Rights Studies (CIHRS), Cairo (Egypt), Adala Center for Human Rights, Saudi Arabia and the Association for Civil and Political Rights in Saudi Arabia (ACPRA);
JS2	Joint submission No. 2 by Front Line Defenders Dublin, (Ireland) and the Adala Center for Human Rights, (Saudi Arabia);
JS3	Organization for Defending Victims of Violence (ODVV), and Institute of the World Horizons Landscape (Global horizon Institute) Tehran, Iran;
JS4	Joint submission No. 4 by Al-Adala Center for Human Rights, and International Federation for Human Rights (FIDH), Paris (France); and the Coalition for Equality without Reservation, Saudi Arabia, Geneva, (Switzerland).

<sup>2</sup> The following abbreviations have been used for this document: The International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the International Convention for the Protection of all Persons from Enforced Disappearance (CPED), the Optional Protocols of the Convention Against Torture (OP-CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination Against Women (OP-CEDAW), the Convention on the Rights of the Child (CRC), and the International Convention on the Elimination of all Forms of Racial Discrimination (CERD).

<sup>3</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 2.

<sup>4</sup> Amnesty International (AI), p. 1.

<sup>5</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 5.

<sup>6</sup> Alkarama, p. 5.

- 7 International Publishers Association, p.4.
- 8 Amnesty International (AI), p. 1, 4.
- 9 Amnesty International (AI), p. 1, 2.
- 10 Amnesty International (AI), p. 1.
- 11 Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 2 and International Publishers Association, p.1.
- 12 European Centre for Law and Justice (ECLJ), p.1.
- 13 Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 6.
- 14 Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 2.
- 15 Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 2,6 and Human Rights Watch (HRW), p. 2.
- 16 Alkarama, p. 1,2. See also Human Rights Watch (HRW), p. 2.
- 17 Alkarama, p. 1,2. See also Human Rights Watch (HRW), p. 2.
- 18 Human Rights Watch (HRW), p. 1.
- 19 Human Rights Watch (HRW), p. 2 and Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 2,6.
- 20 Alkarama, p. 5.
- 21 Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 2.
- 22 Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 2 and International Publishers Association, p.1, 4.
- 23 International Publishers Association, p.1, 4.
- 24 Child Rights International Network (CRIN), p. 2 and Global Initiative to End All Corporal Punishment of Children, p. 2, 3. There are three types of offences – qisas (punished by retaliation), hadd (for which the prescribed penalty is mandatory), and ta'zir (for which the punishment is discretionary).
- 25 Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 2, and Global Initiative to End All Corporal Punishment of Children, p. 1,2.
  
- 26 European Centre for Law and Justice (ECLJ), p.1.
- 27 Reporters Without Borders (RWB),p. 2.
- 28 Amnesty International (AI), p. 1, 2.
- 29 Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 5.
- 30 Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6.
- 31 Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6.
- 32 Amnesty International (AI), p. 1, 2.
- 33 Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 2.
- 34 Amnesty International (AI), p. 1, 2.
- 35 Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 2.
- 36 Amnesty International (AI), p. 1, 3.
- 37 Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 11 and European Centre for Law and Justice (ECLJ), p. 2 and Amnesty International (AI), p. 5.
- 38 Human Rights Watch (HRW), p. 4.
- 39 Amnesty International (AI), p. 5.
- 40 Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6 and Human Rights Watch (HRW), p. 4.
- 41 Human Rights Watch (HRW), p. 4.

- <sup>42</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 4.
- <sup>43</sup> European Centre for Law and Justice (ECLJ), p. 2.
- <sup>44</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 5 and Human Rights Watch (HRW), p. 4.
- <sup>45</sup> Amnesty International (AI), p. 1, 4.
- <sup>46</sup> Human Rights Watch (HRW), p. 2 and Amnesty International (AI), p. 5.
- <sup>47</sup> Amnesty International (AI), p. 3.
- <sup>48</sup> Amnesty International (AI), p. 5.
- <sup>49</sup> Child Rights International Network (CRIN), p. 1, 5 and the Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6.
- <sup>50</sup> Human Rights Watch (HRW), p. 2.
- <sup>51</sup> Child Rights International Network (CRIN), p. 1, 5 , Human Rights Watch (HRW), p. 2 and Amnesty International (AI), p. 5.
- <sup>52</sup> Child Rights International Network (CRIN), p. 1, 5 and the Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6.
- <sup>53</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 6.
- <sup>54</sup> Amnesty International (AI), p. 3, 5.
- <sup>55</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 7.
- <sup>56</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 5.
- <sup>57</sup> Human Rights Watch (HRW), p. 2.
- <sup>58</sup> Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6, Amnesty International (AI), p. 3, 4 5, p. 4 and Reporters Without Borders (RWB),p. 3.
- <sup>59</sup> Amnesty International (AI), p. 5.
- <sup>60</sup> Child Rights International Network (CRIN), p. 2.
- <sup>61</sup> Global Initiative to End All Corporal Punishment of Children, p. 1, 2, 3.
- <sup>62</sup> Amnesty International (AI), p. 2.
- <sup>63</sup> Human Rights Watch (HRW), p. 2.
- <sup>64</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 4, 6.
- <sup>65</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 1, 4.
- <sup>66</sup> Alkarama, p. 3 and Amnesty International (AI), p. 5.
- <sup>67</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 3,4.
- <sup>68</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 3, 4 and Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 5.
- <sup>69</sup> Alkarama, p. 3, 4 and 5.
- <sup>70</sup> Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 5.
- <sup>71</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 5.
- <sup>72</sup> Human Rights Watch (HRW), p. 1.
- <sup>73</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 3.
- <sup>74</sup> Human Rights Watch (HRW), p. 2.
- <sup>75</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 5.
- <sup>76</sup> Amnesty International (AI), p. 2, 3.
- <sup>77</sup> Human Rights Watch (HRW), p. 2.
- <sup>78</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 3, 6.

- <sup>79</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p. 5, 6.
- <sup>80</sup> Global Initiative to End All Corporal Punishment of Children, p. 2, 3.
- <sup>81</sup> Human Rights Watch (HRW), p. 2.
- <sup>82</sup> Amnesty International (AI), p. 1, 3.
- <sup>83</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p. 2, 5 and 6.
- <sup>84</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p. 5.
- <sup>85</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p. 5.
- <sup>86</sup> Amnesty International (AI), p. 1, 3 and Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p. 5, 6.
- <sup>87</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p. 5, 6.
- <sup>88</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 3 and Amnesty International (AI), p. 2.
- <sup>89</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 5.
- <sup>90</sup> International Publishers Association, p.2, 3 and Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6.
- <sup>91</sup> Amnesty International (AI), p. 4.
- <sup>92</sup> European Centre for Law and Justice (ECLJ), p. 2, 3 and 4.
- <sup>93</sup> Human Rights Watch (HRW), p. 3.
- <sup>94</sup> European Centre for Law and Justice (ECLJ), p. 5.
- <sup>95</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 2, 3, Human Rights Watch (HRW), p. 2 and Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 9.
- <sup>96</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p. 1.2 and 6.
- <sup>97</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 5,6.
- <sup>98</sup> Alkarama, p. 3 and 4.
- <sup>99</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 2, 3, Human Rights Watch (HRW), p. 2 and Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 9.
- <sup>100</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 9.
- <sup>101</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 10 and Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 4.
- <sup>102</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 4.
- <sup>103</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 5.
- <sup>104</sup> International Publishers Association, p.2, 3.
- <sup>105</sup> Reporters Without Borders (RWB),p. 1, 2.
- <sup>106</sup> Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 2.
- <sup>107</sup> Reporters Without Borders (RWB),p. 3.
- <sup>108</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 7 and 8 and Joint submission No. 2 (JS2) by Front Line Defenders and the Adala Center, p. 2.
- <sup>109</sup> Human Rights Watch (HRW), p. 4.
- <sup>110</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 11, Human Rights Watch (HRW), p. 3 and European Centre for Law and Justice (ECLJ), p. 2.

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- <sup>111</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 11 and European Centre for Law and Justice (ECLJ), p. 2 and Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 2, 6.
- <sup>112</sup> Human Rights Watch (HRW), p. 4.
- <sup>113</sup> Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6.
- <sup>114</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 3, 4.
- <sup>115</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 3.
- <sup>116</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 2.
- <sup>117</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 10, 11.
- <sup>118</sup> Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 11.
- <sup>119</sup> Amnesty International (AI), p. 4, 5 and Society for Threatened Peoples, (STP), p. 1.
- <sup>120</sup> Society for Threatened Peoples, (STP), p. 1, 2.
- <sup>121</sup> Amnesty International (AI), p. 4.
- <sup>122</sup> Amnesty International (AI), p. 5.
- <sup>123</sup> Human Rights Watch (HRW), p. 5.
- <sup>124</sup> Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 6, Human Rights Watch (HRW), p. 5 and Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 6.
- <sup>125</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 5.
- <sup>126</sup> Joint submission No. 4 by Al-Adala Center for Human Rights, International Federation for Human Rights (FIDH) and the Coalition for Equality without Reservation (JS4), p 6.
- <sup>127</sup> Reporters Without Borders (RWB),p. 1.
- <sup>128</sup> Alkarama, p. 1,2.
- <sup>129</sup> Human Rights Watch (HRW), p. 1, 2 and Amnesty International (AI), p. 1, 2, Joint submission of Cairo Institute for Human Rights (CIHRS), Adala Center for Human Rights and Saudi Arabia Association for Civil and Political Rights in Saudi Arabia (ACPRA) (JS1), p. 3, 4 and Organization for Defending Victims of Violence and Institute of the World Horizons Landscape, (JS3), p. 5.
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