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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Saudi Arabia**

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## **Introduction**

1. The Kingdom of Saudi Arabia is presenting its second report as part of the universal periodic review in accordance with General Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 16/21, and Human Rights Council decision 17/119. The report identifies the human rights progress accomplished in the Kingdom during the period 2009–2013.

### **I. Methodology followed for the preparation of the report**

This report was prepared in accordance with the steps described below.

#### **A. Information-gathering**

2. The objective fact-finding approach was followed, i.e., information was checked and verified for accuracy, in the interest of portraying the Kingdom's human rights situation in a transparent manner.

3. The requisite information was obtained from the relevant sources and is adapted for inclusion in the report in the light of the general guidelines for the universal periodic review.

4. In keeping with the general guidelines (relating to the process), much of the detail and information reflecting the human rights progress made has been omitted. Annexes have instead been used to clarify some of the elements excluded from the report due to considerations of length.

#### **B. Consultation**

5. The information was examined and discussed directly in face-to-face meetings and seminars, and indirectly via other means of communication, with governmental bodies, national (civil society) institutions and associations, academics and active members of the human rights community.

6. The Human Rights Commission held 24 meetings in 9 urban centres with civil society representatives and persons interested in human rights, thus reinforcing the principle of national consultation and participation.

### **II. Normative and institutional framework for human rights**

7. In explaining the normative and institutional framework for human rights, the initial report spelt out the general principles for the protection and promotion of human rights through binding provisions of law. The present report further clarifies some of those principles in order to reflect the true human rights situation in the Kingdom. It also makes reference to new laws and institutions established as part of this framework.

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## **Laws (see annex 1)**

### **A. The Basic Law of Governance**

8. The Kingdom is governed by sharia law, pursuant to which Muslim rulers are mandated to apply its established principles and rules to the promotion and protection of human rights, as prescribed in the Holy Koran, the Sunnah of the Prophet and Islamic jurisprudence, which is renewed with every generation in pace with the latest developments in human evolution over time and place. Justice, equality and consultation are key among these principles. Article 55 of the Basic Law of Governance provides that: “The King shall oversee the application of sharia, laws and the general policy of the State.” Allegiance to the King is pledged on the basis of the Koran and the Sunnah, pursuant to article 6 of the Basic Law: “Citizens shall pledge allegiance to the King on the basis of the Book of God Almighty and the Sunnah of His Prophet.” Sharia law also establishes that society as a whole carries responsibility, ruling out any approximation of the State to a religious theocracy as opposed to a civil State.

9. The Kingdom is the cradle and centre of Islam, the land of the Two Holy Mosques and the direction of prayer for 1.5 billion Muslims. The Koran and the Sunnah, the authoritative sources for all Muslims, are its constitution and its governance is based on the application of sharia law. It does not have its own particular interpretation of Islam. Jurisprudence does not imply varying interpretations of Islam; strictly speaking, it is an intellectual exercise in which sharia scholars are bound by specific criteria and rules. Within a defined framework, Muslims follow the rulings most appropriate to them at all times and in any place, without prejudice to the principles (rules of conduct) that protect and promote human rights. In that these principles prohibit and criminalize the violation of human rights, interpretative judgements falling within their framework are simply a systematic endeavour to protect and promote these rights, as indicated in article 26 of the Basic Law of Governance, which provides that: “The State shall protect human rights in accordance with sharia law.”

### **B. The Trafficking in Persons (Offences) Act**

10. Derived from sharia principles, which forbid all forms of trafficking in persons, the Trafficking in Persons (Offences) Act, promulgated pursuant to Royal Decree No. M/40 of 14 July 2009, is consistent with the international and regional standards in place for combating such trafficking, which it defines as “the employment, recruitment, transfer, harbouring or receipt of persons for the purpose of exploitation” (art. 1). The Act prohibits all forms of trafficking in persons described in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in addition to other forms not covered under the Protocol, i.e., for the purpose of medical experimentation or begging (art. 2). It also defines a child as “anyone under 18 years of age” (art. 1). The Act describes the various kinds of trafficking in persons offences, for which it also prescribes penalties of up to 15 years’ imprisonment and a fine of up to 1 million riyals. These penalties are increased in certain cases where the victim is one of a particularly vulnerable group. The Act further underlines the principle that no consideration can be given to a plea that the victim consented to any of the offences for which it provides in article 5.

### **C. The Enforcement Act**

11. This Act vests in the judiciary the authority to enforce judgements in cases involving financial and family matters. The enforcement judge has jurisdiction to impose and

supervise mandatory enforcement measures and settle all enforcement disputes, irrespective of their value. He likewise has jurisdiction to make enforcement-related decisions and orders and may also call upon the competent entities for assistance. The Act further vests the enforcement judge with the authority to enforce judgements, decisions and notarized deeds made in a foreign country.

#### **D. The Arbitration Act**

12. This Act is designed to speed up due process and facilitate litigation procedures. It makes provision for different kinds of dispute settlement bodies and opens the way for constructive contributions from legal and judicial experts working outside the judiciary. It has a major impact on money flow and business, sustains the economy and alleviates strain on the judicial authorities.

#### **E. The Mortgage Act**

13. This Act is concerned with the registration of real property whereby the mortgagee (creditor) acquires a right in kind over specific real property, thereby taking precedence over all creditors in satisfaction of his claim. It also has the effect of boosting the economy, enhancing the factors of financial growth and opening up prospects for the achievement of prosperity and decent livelihoods.

#### **F. The Regulation on domestic workers and persons of similar status**

14. This Regulation governs the relationship between employers and domestic workers by spelling out the rights and obligations of both parties in the relationship. Crucially, it states that employers must not assign domestic workers to perform work other than that agreed in the contract, nor work that is hazardous to health, demeaning or for a third party. It also obliges employers to pay workers the agreed wage at the end of every month, without delay, and to provide a written receipt of that payment. Employers are further required to provide suitable accommodation for domestic workers and to ensure that they enjoy a daily rest period of not less than nine hours and a mutually agreed weekly rest period. Workers are entitled to paid leave in the event of sickness and to one month's paid leave after completion of two years of service with the employer. The Regulation also contains provisions stating that domestic workers must respect the teachings of Islam, the rules and regulations in place in the Kingdom and the specificity and culture of Saudi society, and that they are under obligation to perform the work agreed in the contract of employment concluded with the employer. It likewise sets out the penalties applicable to the parties in the relationship should either of them contravene its provisions.

#### **G. International human rights conventions**

15. On 28 June 2010, the Kingdom acceded to:
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; and
  - The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, both of which were adopted by General Assembly resolution 54/263 of 25 May 2000.
16. On 28 May 2013, it also acceded to:

- The International Labour Organization (ILO) Convention No. 138 on the minimum age for admission to employment and work, adopted in 1973.

## Institutions

### A. The National Anti-Corruption Commission

17. Established pursuant to Royal Decree No. A/65 of 19 March 2011, this Commission reports directly to the King. It enjoys legal personality and has financial and administrative autonomy, guaranteeing that the conduct of its activities is fully impartial and uninfluenced by any party. Its objective is to protect integrity, promote the principle of transparency and combat all forms, manifestations and modes of financial and administrative corruption. Its remit includes monitoring the activity of all government entities, without exception, and private-sector companies in which the State has a stake of 25 per cent or more.

### B. The Standing Committee on Trafficking in Persons

18. The Committee was established at the seat of the Human Rights Commission, pursuant to Cabinet Decision No. 244 of 13 July 2009, and comprises representatives of the Ministries of the Interior, Foreign Affairs, Justice, Social Affairs, Labour, and Culture and Information. It is a key national mechanism for implementing the Trafficking in Persons (Offences) Act and has numerous functions, including:

- Following up on victims to ensure that they come to no further harm;
- Developing a policy of actively seeking out victims and training law enforcement officers in victim identification techniques;
- Coordinating with the competent authorities in order to return victims to their homes in the country of which they are nationals or, where requested, to their place of residence in any other country;
- Recommending, if the situation so requires, that a victim should be permitted to remain in the Kingdom and have his status regularized so that he is able to work.

## III. Protection and promotion of human rights on the ground<sup>1</sup>

### A. International human rights instruments and treaties<sup>2</sup>

19. The Kingdom considers, on an ongoing basis, all of the international human rights treaties to which it is not a party in the light of the provisions of sharia law, which affirm the principle of openness to the human rights experiences of others and commitment to the Islamic cultural identity and values. In studying those treaties, the main criterion is to establish that they would be effectively implemented in line with the sharia principle concerning the fulfilment of contracts: "Believers, fulfil your undertakings."<sup>3</sup> The initial findings of the studies conducted were that all of the principles for the protection and promotion of human rights are practised on the ground in the Kingdom by virtue of the

<sup>1</sup> تم تصنيف الموضوعات الفرعية بناء على مواضيع التوصيات المقدمة للمملكة في الاستعراض الأول

<sup>2</sup> التوصيات : (1.7،6،3،2)

<sup>3</sup> سورة المائد 1

application of sharia law. Accession to the two Optional Protocols to the Convention on the Rights of the Child, referred to in paragraph 15, was nonetheless recommended. As to the matter of the Kingdom's accession to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, it remains under constant consideration; recommendations have been made to the regulatory (legislative) authority and referred to the Human Rights Commission, which formed a committee of sharia, legal and other experts in the areas of the two Covenants, pursuant to Commission Board Decision No. 1/116 of 18 July 2012. The committee meets periodically at the seat of the Human Rights Commission.

20. The Human Rights Commission expresses an opinion on human rights-related bills of law, reviews existing laws and makes proposals concerning their amendment, pursuant to article 5, paragraph 2, of its Statute. It also examined the report prepared by the National Society for Human Rights on the harmonization of Saudi laws with international human rights conventions. On the basis of the activities described above, a number of amendments have been made to various laws, pursuant to royal decrees, as well as to regulations, pursuant to ministerial decisions and circulars, relating to the judiciary, women, children and migrant workers, as will be described in this report.

## **B. Combating discrimination and promoting freedom of opinion and expression<sup>4</sup>**

21. Sharia law guarantees the freedom to choose a religion: "There shall be no compulsion in religion. True guidance is now distinct from error."<sup>5</sup> It also requires fair treatment of all human beings: "God commands you to render back your trusts to those to whom they are due; and, when you judge between people, judge with justice."<sup>6</sup> It does so, moreover, even where there is disagreement: "Do not allow your hatred for other men to turn you away from justice. Deal justly; justice is nearer to piety."<sup>7</sup> Article 8 of the Basic Law of Governance thus provides that: "Governance in the Kingdom of Saudi Arabia is based on justice, consultation and equality, in accordance with sharia law."

22. The freedom of non-Muslims in the Kingdom to worship in private places is assured by law and in practice. Directives and regulations have been issued to permit non-Muslim residents of the Kingdom to engage in worship in their homes and within the premises of diplomatic missions. These directives have been circulated to all concerned agencies. Residential complexes are also regulated in a manner that enables non-Muslim residents to engage in worship. Article 37 of the Basic Law of Governance provides that: "Homes are inviolable and may not be entered or searched without the permission of the occupants, except in the cases prescribed by law." Article 41 of the Code of Criminal Procedure affirms this fact: "No criminal investigation officer may enter or search any inhabited premises except in the cases provided for by law, pursuant to a warrant stipulating the reasons for the search, issued by the Bureau of Investigation and Prosecution."

23. The Kingdom is a destination for Muslims throughout the world; every year, over 7 million Muslims travel to the country to perform the major and minor pilgrimages. Any non-Muslim travelling to the Kingdom does so for trade or work purposes on the basis of a fixed-term contract. Article 41 of the Basic Law of Governance provides that: "Residents of

<sup>4</sup> التوصيات (21، 5، 33)

<sup>5</sup> البقرة : 256

<sup>6</sup> النساء : 58

<sup>7</sup> المائدة : 8

the Kingdom of Saudi Arabia shall abide by its laws, observe the values of Saudi society and respect its traditions and sensibilities.” This matter is now an object of understanding and a catalyst for further cooperation by all.

24. All citizens of the Kingdom are Muslims and there is no Muslim in the country who rejects the Revelation (the Koran and the Sunnah) as the authority for life. Anyone who states that there is a religious minority in the Kingdom contradicts the living reality, as does anyone who claims that they are discriminated against. Islam sets out the law governing all aspects of Muslims’ lives. It thus defines shared national values, or what are known as the rules of public order and public morality. The Kingdom’s legislation and laws contain not even a hint of provisions that discriminate against anyone; on the contrary, discrimination is a punishable offence. Article 12 of the Basic Law of Governance states that: “The consolidation of national unity is a duty. The State shall prohibit any activity that leads to disunity, discord and division.”

25. Under sharia law, any scorn or abuse of religious beliefs is prohibited and anyone proven to have engaged in practices of that ilk is held to account. All prophets and messengers — prayers and peace be upon them — must also be revered and held in high esteem. On 7 December 2011, the Ministry of Islamic Affairs issued a charter for imams and preachers, according to which they must neither offend nor discredit individuals or religious groups. The charter also prescribes sanctions, which include the removal of any imam or preacher who contravenes its provisions, and the Ministry has indeed terminated the services of a number of imams and preachers whose sermons advocated hatred or called for harm to be inflicted. The Ministry of Education has likewise sanctioned teachers who practised forms of discrimination in the school setting. The Ministry of Islamic Affairs has introduced a comprehensive programme for promoting compromise and combating immoderation and extremism through specialized seminars. A total of 29,951 such seminars and 30 specialized courses have been organized for the benefit of 2,515 imams and preachers. An agreement was also signed with the King Abdulaziz Centre for National Dialogue on the provision of training for some 40,000 mosque imams in how to discharge their role of disseminating a culture of tolerance in society through sermons, talks and other activities.

26. The laws of the Kingdom notably prohibit religious discrimination at work. Article 61 of the Labour Code provides that: “Employers shall refrain from any word or deed that is offensive to the dignity of workers or their religion.” Employers are also obliged to allow workers the time needed for them to exercise their rights as provided for in the Code, without deducting any amount from their wages for that time. Article 104 additionally provides that employers must permit workers to perform their religious duties.

27. The Kingdom’s laws guarantee freedom of expression and of opinion to every human being and protection for other rights, human rights being interdependent and interrelated, in such a way as to have no adverse impact on giving effect to this right. Hence, they adopt the principle of formally restricting freedom of expression in conformity with the relevant international standards. Article 39 of the Basic Law of Governance thus requires the media and all other vehicles of expression to employ courteous language and prohibits whatever might undermine human dignity and rights. As monitoring of the media output shows, the latitude for freedom of expression has become noticeably broader during the last three years in particular. Various measures have been taken to promote freedom of opinion and expression, including support for the publication of several newspapers, especially online, and the establishment of an independent radio and television authority and an independent public authority for the audiovisual media, which in turn encouraged the establishment of several television channels and radio stations. The King Abdulaziz Centre for National Dialogue continues to hold discourses in which representatives from across the whole spectrum of society participate. The most recent of these was its sixth

discourse entitled “Cultural activity on social networking sites”, in which users of such sites participated.

## C. The judiciary and criminal procedures<sup>8</sup>

### Judicial and legislative reforms

28. Initiated by the Custodian of the Two Holy Mosques, King Abdullah bin Abdulaziz, and adopted in 2007, the project for the development of the judiciary has clearly yielded results, some of which were featured in the initial report. A number of laws relating to various parts of the judicial process were promulgated, as described in paragraphs 12 and 13 of that report, and the Ministry of Justice produced a strategic plan for speeding up the pace of litigation and judgement enforcement. It also prepared several draft laws, approval of which is expected shortly, in particular: the Code of Sharia (Civil) Procedure, as amended; the Code of Practice for Lawyers, as amended; the Alternative Penalties Act; the Bar Association Act; the Experts Act; the Notarization Act; the Regulation on judges’ assistants; and the Statute of the Alimony Fund. Numerous measures were also taken at the Ministry of Justice to develop its administrative and technological structure and procedural modus operandi (see annex 2).

29. The Ministry of Justice has continued its efforts to build and develop judicial capacities through training for judges, whose enrolment in training programmes amounted to 35 per cent of their number in 2011 and 25 per cent thereof in 2012. The target figure for their enrolment in training programmes in 2013 is 90 per cent. In collaboration with such government entities and academic bodies as the Higher Institute for Judicial Studies, the Human Rights Commission and the Naif Arab University for Security Studies, the Ministry of Justice organized numerous training courses and workshops with a focus on judicial matters, including 12 human rights seminars and workshops, held in Riyadh, Jeddah, Jawf, Abha, Dammam and Baridah, and 5 workshops on strengthening the role of the judiciary.

30. Concerning attention devoted to strengthening arbitration and the practice of law and the role of both in enhancing due process, as at 30 June 2013, 1,513 courts were registered with the Ministry of Justice, 2,700 lawyers were licensed to practice and 1,300 trainees were signed up. Through the judicial engagement programmes overseen by the Ministry of Justice, judicial personnel participated in a number of regional and international activities and various meetings with official delegations and international organizations took place. The Ministry of Justice publishes a peer-reviewed scientific journal (*al-Qada’iyah*) on contemporary judicial research and studies, which, together with a journal dealing with justice-related matters (*al-`Adl*) and a series of information booklets on the judicial culture, serves as an important vehicle for informing the work of the judiciary, as a practical means of capacity-building for judges, judges’ assistants, law practitioners, arbitration staff and experts, and as a platform for dialogue among judges.

31. In order to strengthen the principle of public hearings and fair trials, the Human Rights Commission set up a unit with specialist and expert staff whose job it is to attend trial hearings. In 2012, they attended 350 hearings in several of the country’s courts, enabling the Commission to identify a number of positive features, notably the fact that the Ministry of Justice shoulders the fees payable to counsel for accused persons who are unable to meet those fees; the presence of representatives from the National Society for Human Rights;<sup>9</sup> and the presence of the media and persons interested in human rights. It

<sup>8</sup> (48)، (30)، (29)، (28)، (27)، (26)، (25)، (24)، (23)، (22) التوصيات

<sup>9</sup> إحدى مؤسسات المجتمع المدني



also noted some negative features, which were promptly addressed by the Ministry of Justice. These included the cases of one accused person who had entered the courtroom with shackled feet and two accused persons who had not received the prosecution's pleadings. The Commission worked with the competent authorities to deal immediately with these cases. Public hearings are a principle of law in the Kingdom, as provided for in the Code of Criminal Procedure, unless the Court exceptionally decides to the contrary for considerations of security or the preservation of public morality, or if necessary in order for the truth to emerge, which is in conformity with international fair trial standards.

32. In the interest of supporting the correction and social rehabilitation of convicted persons and limiting the damage caused by imprisonment, it being one of the most damaging penalties, the Kingdom's judiciary has tended to opt for alternative penalties to imprisonment. In so doing, it draws on the breadth of sharia law, on which its rulings are based, and on the educational perspectives of sharia whereby punishment is a tool for correction and rehabilitation. This approach was reaffirmed by the preparation of a draft law on alternative penalties, which defines the scope of the offences subject to its provisions and establishes implementing and procedural mechanisms for ensuring that it is properly applied. The draft law has been submitted to the Shura Council for consideration and approval.

33. The Kingdom's judicial system is geared towards upholding judicial principles, with the new Judiciary Act conferring upon the Supreme Court the responsibility for establishing judicial principles most in line with international standards. The Court has embarked on this task as a preliminary to their dissemination, although the codification of sharia provisions remains under ongoing consideration; special research chairs have been established at various academic institutions in order to study the matter.

#### **Safeguards in criminal cases**

34. Statutory safeguards guaranteeing the rights of accused persons throughout all stages of criminal proceedings are included in all of the Kingdom's criminal laws. The inspiration for these is derived from a number of principles provided for in sharia law and upheld in that light by the Basic Law of Governance, the aim being that they should together provide the framework for fair trials in accordance with the relevant international standards. Additional safeguards are in place, moreover, for certain penalties, in particular capital punishment, for which the sentencing requirements are more stringent with respect to the availability of conclusive evidence, ascertainment of the grounds and conditions, and the absence of impediments.

35. Capital punishment is imposed only for the most serious crimes and in the narrowest of circumstances and is not carried out until after the case has proceeded through every level of court. The case must be heard jointly in the court of first instance by three judges, whose ruling must be unanimous. It is then taken to the court of second instance, i.e., the court of appeal, where the ruling, even if uncontested, is scrutinized by a criminal division composed of five judges. If the ruling is upheld by the court of appeal, it must go to the Supreme Court to be scrutinized by five judges. If the Supreme Court upholds the ruling, the stages of the judicial process are complete.

36. No authority in the State is empowered to modify or suspend the penalties of retribution and doctrinal punishment prescribed, respectively, for *qisas* or *hadd* offences, as they are categorically provided for in sharia law, with no leeway for interpretation. These penalties are confined to specific offences for which no conviction can be handed down unless the evidence is so conclusive as to leave no room for doubt, which is in keeping with the Kingdom's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Furthermore, they were prescribed by Islam in order to preserve life, safeguard the supreme interests of society and deter any attempt to

violate those interests. Killing thus incurs a *qisas* penalty as a just retaliation equivalent to the offence committed.

37. In this regard, it is a feature of the liberality and breadth of sharia law that a person convicted of killing may be pardoned by the authorities (the King) in the case of *ta`zir* offences (for which the penalties are discretionary) or, in the case of *qisas* offences, by the next of kin, it being an irrevocable personal right of theirs to do so. It is emphasized, however, that a person convicted of killing may, if the next of kind are minors, request that their wishes concerning enforcement of the sentence be determined only after they have attained majority. It also takes only one of the next of kin, irrespective of their numbers, to issue a waiver in order for the death penalty to be set aside on the strength of the words of God Almighty: "If anyone saves a life, it shall be as if he saved the lives of all humankind."<sup>10</sup> Through the reform committees attached to provincial authorities, determined and frequently successful efforts are made, on the basis of Royal Decree No. KH/8/547 of 8 February 2000, to appeal to the relatives of a person who has been killed to pardon the killer. In offences involving banditry (*hirabah*), the death penalty is not a requirement per se and may be substituted by exile, i.e., imprisonment.

38. The Code of Criminal Procedure comprises numerous safeguards guaranteeing the rights of accused persons from the time of their arrest and throughout the procedures for their detention, investigation and trial. The Code is also currently being amended in order to bring its provisions into line with the new Judiciary Act. Once the amendments are approved, the concerned entities will be running a variety of education and awareness campaigns targeting those responsible for enforcing the Act and other segments of the public.

#### **Administration of juvenile justice**

39. Under the Kingdom's present juvenile justice system, the juvenile divisions of the criminal courts are composed of three judges, as opposed to one judge under the system that was in place prior to enactment of the new Judiciary Act. In establishing whether or not a person has attained puberty, court judgements rely on the person having one of the evident physical signs of puberty that qualifies him as competent to perform religious obligations, dispose of assets and be held criminally accountable, which is consonant with the provisions of the Convention on the Rights of the Child and the Kingdom's obligations thereunder. Establishing evidence of puberty is a doctrinal matter in which the most appropriate interpretation is permitted, taking into account circumstances and factors arising out of modern-day shifts. It should be mentioned that new child protection laws have been passed in which a child is defined as "anyone under 18 years of age", as made clear in the report.

40. Under the laws and regulations to which juvenile offenders are subject, a number of statutory measures guaranteeing age-appropriate treatment must be applied, as follows:

- In all cases, juveniles must be delivered into the care of an observation centre (juvenile home) immediately on arrest;
- Juveniles may not be detained except by order of a juvenile court judge;
- Police officers must be dressed in civilian clothing when arresting juveniles;
- The use of restraints (handcuffs) on juveniles is prohibited;

<sup>10</sup> المائدة: 32

- Investigations and trials involving juveniles must take place at the observation centre, in the presence of their guardian and an expert;
- The requisite medical and psychological tests must be conducted as soon as the juvenile is placed in the observation centre and a report on the juvenile's health, psychological and social condition must be submitted to the case supervisor before any trial begins;
- Juveniles must be enrolled in appropriate school and training programmes at the observation centre.

41. Separate juvenile divisions established at the Bureau of Investigation and Prosecution (public prosecution service) began operating in 2010. Competent to handle juvenile cases, they carry out monitoring to ensure that juveniles are fully cared for and protected during the investigation stage and they appoint investigators who are trained in the theory and practice of dealing with juveniles.

#### **Safeguards against torture and impunity**

42. All forms of torture are prohibited under the Kingdom's laws. Article 2 of the Code of Criminal Procedure provides that persons under arrest must not be subjected to any physical or mental harm, nor to any torture or degrading treatment. Article 102 of the Code provides that: "Interrogation must be carried out in such a manner as not to affect the will of the accused in making his statements. He may not be made to take oath, nor be subjected to any coercive measures ...". The oversight of prisons and places of detention by the Bureau of Investigation and Prosecution (public prosecution service) is an essential safeguard for ensuring that prisoners and detainees are not tortured. In accordance with articles 38 and 39 of the Code of Criminal Procedure, competent officers from the Bureau regularly visit prisons, listen to complaints from prisoners and detainees and take statutory measures if they detect any violation of prisoners' rights. A total of 98 offices have been opened throughout the Kingdom to carry out these tasks and they are responsible for ensuring that the safeguards provided for in the Code of Criminal Procedure are implemented. During 2011, these offices conducted 20,301 visits to prisons and places of detention.

43. The Human Rights Commission continually makes unannounced visits to prisons, places of detention and observation centres, for which no authorization is required from the competent authority. Those visits enabled it to make a number of observations concerning the prisons and the conditions of some of the prisoners and detainees, which were addressed by the competent entities and followed up by the Commission. In 2012, the number of visits conducted by the Commission amounted to 300. The National Society for Human Rights also conducted 88 visits to prisons and detention centres in various urban centres and was permitted to carry out its work without constraint. These visits helped it to identify three cases of ill-treatment, which it reported, and those who inflicted the ill-treatment were disciplined.

44. In order to strengthen prison monitoring arrangements through engagement of the competent entities and civil society organizations, the Ministry of the Interior took the step of establishing permanent offices at a number of its prisons. These include offices belonging to the Bureau of Investigation and Prosecution, the Human Rights Commission and the National Human Society for Human Rights. The personnel in these offices receive complaints from prisoners and detainees, which they treat as urgent and endeavour to deal with immediately. Closed-circuit television monitors have also been installed in interrogation rooms in order to make doubly sure that interrogation procedures are proper. Approval of the Imprisonment and Detention Act, as amended in accordance with the laws

of the Kingdom and its relevant obligations under the Convention on the Rights of the Child, is anticipated in the near future.

45. **Impunity:** Article 25 of the Code of Criminal Procedure provides that, in discharging their duties as provided for by law, criminal investigation officers are subject to oversight by the Bureau of Investigation and Prosecution, which may request the competent authorities to consider any violation or omission by any such officer and seek disciplinary action against him, without prejudice to the right to initiate criminal proceedings. Articles 171 and 172 of the Internal Security Forces Act also provide that anyone proven to have inflicted ill-treatment or engaged in coercion in his line of duty, including by carrying out any kind of torture or mutilation, or to have denied personal liberties or administered an exemplary punishment, is liable to be disciplined by dismissal from service or imprisonment for a term of up to six months, or both, depending on the seriousness of the act. Any person with a private or personal injury claim arising out of the above violations may seek redress from the culprit before the competent bodies. Pursuant to Cabinet Decision No. 1 of 28 November 2011, the jurisdiction of the Control and Investigation Board to investigate and prosecute ill-treatment offences carried out in the line of duty was transferred to the Bureau of Investigation and Prosecution. The Enforcement Act, referred to in paragraph 11, comprises articles relating to the prevention of impunity; article 89, for instance, states that: “Public servants and persons of similar status shall be liable to imprisonment for a term of up to seven years if they prevent or impede enforcement, which is considered a breach of trust offence.” A draft law is also being prepared to combat abuse of authority.

46. The National Anti-Corruption Commission is tasked with combating impunity (for financial and administrative violations and offences) and its Statute includes a number of provisions for enhancing the safeguards against impunity, including those contained in article 3, pursuant to which violations and wrongdoings involving financial and administrative corruption, such as abuse of influence or power, are referred to the control authorities or to the investigation authorities, as the case may be. The matter must also be reported to the person in charge of the entity to which the offending official is attached. The Commission may be briefed about the course of the investigation and monitor the process.

## D. Measures for the protection and promotion of the rights of women and children<sup>11</sup>

### 1. Women

47. Sharia law guarantees equality of the sexes on the basis of the principle of the complementarity of rights and duties. Hence, albeit that men inherit more than women in 4 instances, women inherit more than men in 14 instances. Furthermore, a man who inherits more than a woman is required to maintain the woman, whereas there is no requirement for a woman to do the same and, although the testimony of a man equals the testimony of two women in some cases, the testimony of a woman takes precedence over that of a man in others. These are examples of the complementary equality of men and women. It must also be stressed that in no case does this principle undermine a woman’s independence of personality when it comes to her financial obligations and legal capacity to exercise her rights.

48. **Political and public participation:** Pursuant to Royal Decree No. A/44 of 12 January 2013, article 3 of the Shura Council Act was amended to enable women, who had

<sup>11</sup> (44)، (36)، (20)، (19)، (18)، (17)، (16) التوصيات

until then participated in the work of the Council as advisors only, to acquire full membership of the Council and occupy a minimum of 20 per cent of the seats. The members of the new session of the Shura Council were designated pursuant to Royal Decree No. A/45, promulgated on 12 January 2013, and included 30 women.

49. Approval has been given for women to stand for and be elected to membership of municipal councils as from the next session in 2014. Saudi women hold high public office and are now important partners in influential political decision-making, serving as they do in leadership positions as ministers, deputy ministers and senior officials.

50. Chapter IV, section II, of the Enforcement Act includes provisions on enforcement in matters of personal status and addresses the topics of custody, maintenance, visits and marital issues. In the interests of family conciliation, mediation sections were set up in the courts and in non-governmental organizations (NGOs) in order to resolve problems and ensure family welfare. These sections play a ground-breaking role in bringing about domestic harmony.

51. Women are involved in a number of civic bodies and NGOs, such as chambers of commerce, literary clubs and social services associations. Various girl scout groups have been established and are actively engaged in delivering a number of humanitarian services during the main pilgrimage season and also throughout the year in the case of the minor pilgrimage. Several women's sports clubs have likewise been established and the Red Crescent Society has provided skills-development training for nearly 12,000 women in voluntary field activities.

52. **Employment:** The number of women employed in government jobs rose by 7.95 per cent in a single year (2010–2011) and the number working in education amounted to 228,000, as against 224,000 men. The number of women employed as teaching faculty and lecturers at universities has increased from 11,000 to 13,000. Women's sections have recently been established in a number of government bodies, including the Bureau of Investigation and Prosecution, the National Anti-Corruption Commission, the Ministry of Justice, the Board of Grievances and labour offices, as well as in certain security sectors. For its part, the Ministry of Labour has issued a number of decisions designed to accelerate the recruitment of women in various private-sector spheres (including women's shops, retailing and factories). In conjunction with the Human Resources Development Fund, it has also introduced programmes to promote women's employment, including in those spheres. Programmes have likewise been developed for telecommuting, part-time work and productive families in order to suit women who have either no desire or no time to work outside the home. The National Organization for Joint Training also set up a training programme to prepare girls for entry to the job market and employment, which is run by the Ministry of Labour, the Technical and Vocational Training Corporation and the Human Resources Development Fund.

53. **Education:** The Kingdom's efforts in women's education have continued through the establishment of gargantuan education projects and action to enhance the trajectories of education and expand opportunities in the newest areas of specialization. The results yielded by these efforts include the following:

- In 2011, the number of women enrolled in institutions of higher education amounted to 473,725, as against 429,842 males, whereas in 1961 only 4 women were enrolled, and the number of women graduating from these institutions amounted to 59,948, as against 55,842 males;
- A new university campus for girls, Princess Nora bint Abdulrahman University, was opened, comprising 15 colleges specializing in theoretical, scientific and medical areas of study, a teaching hospital, specialist laboratories, a centre for nano- and other scientific research, a 1,000-unit residential complex for the families of workers

and members of the teaching faculty, and accommodation for 12,000 students. The University has capacity for 40,000 students;

- At King Saud University, a girls' campus with 12 faculties and capacity for 30,000 students was established, while at Imam Muhammad bin Saud Islamic University, the King Abdullah City for Girl Students was established, with 11 faculties and capacity for 30,000 students;
- A diverse range of specialist subject areas, such as media, politics, engineering and law, has been introduced for women;
- The international scholarship programme established by the Custodian of the Two Holy Mosques has given women the opportunity to complete their higher education in a number of specialist subject areas; the number of female scholarship students abroad stands at 24,581 and the growth in uptake of international scholarships is noticeably higher among female students than among males, amounting to 389.4 per cent for females and 30.47 per cent for males during the period 2007–2011.

54. **Health:** The Ministry of Health rolled out a number of measures and programmes for providing effective maternal health care, inside and outside urban areas, during the pre-pregnancy, antenatal and postnatal periods and in emergencies. The aim is to reduce the maternal mortality rate and increase the number of pregnant women receiving medically supervised care. These programmes also included action to:

- Introduce health passports as a way of monitoring the health of mother and child throughout pregnancy, delivery and thereafter until the child is five years old;
- Implement a tetanus immunization programme for pregnant women, 96.6 per cent of whom were consequently immunized, thus achieving the minimum target of 90 per cent set for the end of the Eighth Development Plan;
- Apply the new antenatal care model, train supervisors in the provinces, provide printed versions of the model, amended in accordance with the standards of the World Health Organization, and circulate them to the provinces, the aim being to ensure that a minimum of 98 per cent of expectant mothers are cared for by qualified health professionals. A proportion of 97 per cent was achieved a decade ago;
- Increase the proportion of births attended by skilled health professionals, which currently stands at 97 per cent, with the result that the maternal mortality rate has fallen to 14 deaths per 100,000 live births, compared with 32 per 100,000 live births in 1983;
- Introduce intensive safe delivery training programmes for midwives throughout the Kingdom.

55. **Raising awareness of women's rights:** Government entities and civil society organizations together ran a national campaign to raise women's awareness of the laws and measures in place to protect their rights, particularly with respect to, inter alia, social welfare services and personal status procedures for the registration of marriages, divorces and births. In parallel with these efforts, such NGOs as Mawwadah, which is concerned with women's affairs, implemented a number of voluntary programmes for providing legal, social and psychological advice to women.

56. **Saudi women married to non-nationals:** Pursuant to Cabinet Decision No. 406 of 12 November 2012, approval was given for the sponsorship of children of Saudi women married to non-nationals to be transferred to their mother if they are resident in the Kingdom. If they are abroad, their mother is entitled to send for them and the State shoulders the cost of their resident permits. They are also permitted to work in the private sector without any transfer of the sponsorship. They receive the same schooling and

medical treatment as any Saudi and are included in the Saudization percentages for the private sector. Saudi women married to non-nationals are further permitted to bring their spouse to the Kingdom if he is abroad or, if he is resident in the Kingdom and so wishes, to have his sponsorship transferred to her. The spouse is also permitted to work in the private sector, provided that he has a recognized passport. In addition, pursuant to Cabinet Decision No. 152 of 25 March 2013, female international scholarship students married to non-nationals are awarded the same monthly allowance as women married to Saudi men.

## 2. Children

57. Approved pursuant to Shura Council Decision No. 74/154 of 17 January 2011, the Child Protection Act is designed to protect children against all forms of violence, achieve the best interests of the child, heighten public awareness of the child's right to life, prohibit any activities that might damage the child's health or physical integrity, and make an effective contribution to the fulfilment of the Kingdom's obligations under the Convention on the Rights of the Child, to which it acceded in 1996. The Children's Act defines a child as "anyone under 18 years of age" and also prohibits the employment of children under 15 years of age. The Act was approved by the Cabinet on 24 December 2012.

58. In 2011, the National Commission for Childhood rolled out a number of national programmes intended to accomplish the objectives of the National Strategy for Children. The programmes notably include:

- A foundation programme aimed at channelling attention towards the betterment of early childhood education (kindergarten and primary grades);
- A child-friendly media initiative designed to establish a professional relationship and sustainable partnership with media institutions in order to increase awareness of, and engagement and general interest in, children's issues;
- A capacity-building initiative directed at improving the capacities of the leaderships with direct oversight of children's programmes in the various government sectors and enabling them to tackle existing and anticipated challenges in this domain;
- A protection initiative intended to promote increased prevention of violence against children at the national level by training teachers and educators in how to identify and address cases of violence, in addition to coordinating efforts for the preparation of a project to produce a checklist of comprehensive national measures for dealing with cases of neglect and abuse;
- A childhood partners' initiative, which is a key tool for implementing the National Strategy for Children and is aimed at achieving full interagency collaboration in the area of childhood.

59. The National Commission for Childhood is currently preparing a master's degree programme on children's rights, which is to be implemented in conjunction with the Ministry of Higher Education and its various institutions. The programme is designed to enhance the skills of those in charge of children's programmes in the governmental and non-governmental sectors and enable them to direct and spearhead children's programmes and activities in such a way as to achieve the objectives of the entities with which they are associated.

60. The number of kindergartens has increased and their services are now of a higher standard. In 2011, there were 2,323 kindergartens catering to 141,422 children, compared with 1,521 in 2009 catering to 106,301 children.

61. **Child health:** Several indicator targets for child health care were achieved; by the end of 2011, a coverage of 98.2 per cent had been reached with respect to immunization

against the target diseases and the under-5 mortality rate had fallen by two thirds, in line with the Millennium Development Goals.

62. **Care of orphans and children of unknown parentage:** The Kingdom continues to promote its experience of caring for orphans, both through the governmental departments which exercise that function and through organizing and supporting the efforts of specialized civil society organizations. At the governmental level, 24 orphanages are currently working to deliver the requisite care and provide a suitable educational environment for boy and girl orphans of all ages. A regulation on social homes, the intention of which is to enhance the effectiveness of this work, is presently under consideration. The General Department for Orphan Care also runs two programmes:

- **The foster families programme:** Under this programme, families undertake the full care of orphans on a permanent basis, providing them with psychological security and emotional satisfaction and refining their social customs and values, the child being a member of the foster family in accordance with the sharia rules governing this matter;
- **The friendly family programme:** This programme is designed to cater to orphans for whom no opportunity to be fostered has arisen and who are instead looked after on a part-time basis by families wishing to undertake such care. The system is that the family is coupled with one or more orphans living in a social home and takes the orphan into its home as a guest for a set period of time, such as for holidays (feast days, weekends or summer holidays). After the holiday or set period ends, the child then returns to the home or institution where he or she lives.

63. At the non-governmental level, the competent bodies supervise NGOs and private residential homes involved in orphan care and provide them with various support tools and services. Several NGOs in the Kingdom are breaking new ground at the regional level, including:

- The Charitable Foundation for Orphan Care, established pursuant to Cabinet Decision No. 14 of 18 March 2003;
- The Charitable Society for Orphan Care (Insan), established pursuant to Royal Decree No. 8/427 of 14 October 1998, which has taken care of some 30,000 orphans over the past decade at an annual cost of approximately 600 million riyals.

### 3. Protection from violence

64. The Ministry of Social Affairs is currently preparing an implementing regulation on the procedural mechanisms for application of the Child Protection Act. This Act complements the draft law on protection from abuse, which prohibits all forms of abuse against all of the groups most vulnerable to violence, particularly women and children, and establishes national mechanisms for protecting these groups. Expectations are that the draft law will be passed in the near future. The Ministry has also undertaken the following:

- Signed memoranda of cooperation with a number of civil society organizations and charitable societies for the provision of sheltered accommodation for groups at risk of violence;
- Signed a memorandum of cooperation with King Abdulaziz City for Science and Technology for the implementation of a national strategy to combat domestic violence and deliver awareness programmes;
- Set up a call centre for receiving reports of violence against women, which is reached by dialling 1919;



- Implemented Cabinet Decision No. 366 of December 2008, which prescribes measures for curbing the problem of domestic violence, including the accelerated opening of social protection units throughout the Kingdom.

65. In 2010, the Family Safety Programme launched child helpline 1161111 with the aim of raising public awareness of children's rights. This project is seen as a community-based channel of communication through which children and those involved in their upbringing can talk through their concerns and problems. The personnel working for the project provide appropriate advice, make any necessary referrals to the competent bodies and follow up on the handling of cases. Fifteen governmental bodies and NGOs are engaged in this project.

66. Sixty-four violence protection centres have been set up at health facilities in order to deal with cases of violence and record them in the national register of cases of violence and abuse. The personnel running these centres are required to attend ongoing training courses designed to equip them for identifying cases of violence and abuse.

67. Working in cooperation with the Family Safety Programme, the Ministry of Education established procedural mechanisms for identifying and reporting cases of violence in schools, through the child helpline, and appointed its own coordinators for the provinces and governorates. Programmes were also launched to raise awareness of children's rights. These included programmes for curbing violence, preventing cruelty to children, promoting the culture of dialogue, ensuring personal protection, and giving voice to girl students.

(a) *Rights of migrant workers*<sup>12</sup>

68. The promulgation of various ministerial decisions and the implementation of monitoring mechanisms have increased protection for the rights of migrant workers, in particular as follows:

- An electronic mechanism for protection workers' wage was created, consisting in a continuously updated database showing wage payments made to workers in the private sector and the compliance of employers with the contractual agreement concerning the time and amount of wage payments. The wage protection mechanism covers all enterprises registered with the Ministry of Labour in the different sectors and activities. Now up and running, the database is of benefit to all segments and groups of workers;
- The Regulation on recruitment companies was issued with the aim of regulating the activities of intermediaries in the recruitment of technically or professionally qualified workers or experts. It also governs the provision of labour services and the rights and duties of the parties to this process. The Ministry of Labour licensed 10 recruitment companies to engage in this activity in accordance with the Regulation. Other companies are in the process of acquiring licences;
- Employers are required to provide health insurance for all workers, covering access to health care and occupational injuries.

69. A high-level committee was established to consider, from a humanitarian perspective, regularizing the status of the Burmese community in the Kingdom. The members of this community were thus granted normal residence permits free of charge and access to all social, health and education services, in addition to job opportunities. Through the Ministry of Labour, institutions and companies were also given incentives to encourage

<sup>12</sup> (التوصيات (19، 41، 42، 43، 44، 45)

their recruitment of Burmese workers. Over half a million members of the Kingdom's Burmese community are expected to benefit from this vast programme.

70. On 29 March 2011, 1,000 jobs were created at the Ministry of Labour for inspectors to implement its role of monitoring the labour market and carrying out inspections. The Ministry also established a work academy running intensive training programmes for labour inspectors of both sexes with the aim of building their performance and capacities. In 2012, inspectors carried out 102,499 field inspections, the outcome of which was that 6,081 cases involving violations of the Labour Code, labour regulations and labour-related decisions were taken to the Primary Commission for the Settlement of Labour Disputes. Of these cases, 1,513 were resolved by the chambers of the Higher Commission for the Settlement of Labour Disputes, which handed out fines amounting to a total of 11,140,500 riyals.

71. There are no discriminatory restrictions on remittances sent by migrant workers to their home countries, which amounted to 94.4 billion riyals in 2009, 98.1 billion riyals in 2010, 101 billion riyals in 2011 and 105 billion riyals in 2012.

72. In 2011, the Ministry of Labour began implementing the ban on outdoor work in the heat of the sun between midday and 3 p.m. from 1 July until the end of August each year.

73. **Domestic service:** In addition to the approval of the Regulation on domestic workers and persons of similar status, referred to in paragraph 14 of the report, a number of awareness measures were adopted with the aim of protecting and promoting the rights of persons in this category. As part of a programme for the dissemination of a human rights culture, the Human Rights Commission implemented a series of information campaigns designed to increase public awareness of the rights of domestic workers. The Ministry of Labour also organized information programmes, including a documentary film entitled "Partners in development", to enhance awareness of the labour laws among citizens and migrant workers and anchor the concept of being well treated.

(b) *Combating human trafficking*<sup>13</sup>

74. In the context of implementing the Trafficking in Persons (Offences) Act, the competent authorities, such as the Standing Committee on Trafficking in Persons, the Human Rights Commission and the National Society for Human Rights, detected a number of trafficking in persons offences. The offenders were apprehended by the security authorities and a number of court judgements were awarded against them. During 2010 and 2011, a total of 32 convictions for human trafficking offences were handed down and the number of victims of detected offences stood at 51.

75. Having coordinated with civil society organizations, the Human Rights Commission provides shelter for human trafficking victims being dealt with by the 12 protection committees attached to those organizations. These committees are located throughout the Kingdom and provide financial assistance for victims, in addition to a range of social, psychological, legal and educational services.

(c) *Economic, social and cultural rights*<sup>14</sup>

76. **Housing:** Efforts have been directed towards providing suitable housing for every citizen and include in particular:

- Establishment of the Ministry of Housing, pursuant to Royal Decree No. A/81 of 26 March 2011;

<sup>13</sup> التوصيات (16)، (37)

<sup>14</sup> التوصيات (12، 38، 39)

- Support for housing projects to the tune of 15 billion riyals, pursuant to Royal Decree No. A/21 of 23 November 2011;
- Approval for the construction of 500,000 housing units and the allocation of 250 billion riyals for the purpose, pursuant to Royal Decree No. A/63 of 19 March 2011;
- Additional capital support for the Real Estate Development Fund to the tune of 40 billion riyals, pursuant to Royal Decree No. A/18 of 24 February 2011;
- An increase in the maximum housing loan available from the Real Estate Development Fund from 300,000 to 500,000 riyals, pursuant to Royal Decree No. A/64 of 19 March 2011;
- Implementation of 47 projects by the Ministry, which brought the number of housing units to over 17,187,000;
- Award of developed land to citizens and loans for building on the land, pursuant to Royal Decree No. 20562 of 12 April 2013;
- Action by a number of civil society organizations, including the King Abdullah bin Abdulaziz Foundation for Development Housing Dedicated to His Parents, the Sultan bin Abdulaziz Al-Saud Foundation and the Prince Salman Charity Housing Trust, to secure housing for disadvantaged persons in the Kingdom's provinces.

77. **Health:** Further efforts have been made to promote the right to health; some 54 billion riyals were allocated to health services in the budget for 2013, which is 16 per cent more than in the budget for 2012. Items covered in the budget include completion of the construction and equipment of primary health centres throughout the Kingdom, projects for the construction of 19 hospitals and medical centres, furnishing and completion of several health facilities, and the development of existing hospitals. Pursuant to Royal Decree No. A/66 of 18 February 2011, the sum of 16 billion riyals was approved for the Ministry of Health to establish state-of-the-art medical cities and centres across the Kingdom, which will provide 4,700 beds. The Kingdom has also made such outstanding leaps in the field of medicine that it is now a medical travel destination for patients with certain conditions, such as conjoined twinning; 31 procedures have been carried out in order to separate conjoined twins born to both Saudis and non-Saudis.

78. **Employment:** Promulgated on 22 April 2011, Royal Decree No. A/91 is concerned with improving employment conditions for literacy programme teachers working under contract. Pursuant to Royal Decree No. 1895/MB of 27 February 2011, teachers were given tenure in the government sector and, pursuant to Royal Decree No. A/23 of 24 February 2011, a cost-of-living allowance amounting to 15 per cent of their salary was established for their benefit. Pursuant to Royal Decree No. A/61 of 19 March 2011, jobseekers receive an allowance of 2,000 riyals as part of an incentive programme, which also includes finding them job positions and enrolling them in training programmes in order to equip them for jobs guaranteed to provide them with a decent livelihood. The Ministry of Labour introduced several programmes in addition, including, in 2012, the Nitaqat programme, which is designed to promote Saudization of companies and businesses.

79. **Social welfare:** The Kingdom's efforts to promote the welfare of disadvantaged groups are exemplified by its provision of the school subsidy, food assistance, help with the cost of basic services (water and electricity), health insurance, home furnishing schemes and support for productive family projects. Allowances and assistance were provided to the tune of over 24.5 billion riyals in 2011 and over 26.5 billion riyals in 2012.

80. **Education:** The Kingdom supports all stages of the education process, which is the building block for development and human rights. In 2012, there were 5,145,165 students and 33,280 schools in the whole of the public education system and the enrolment rate in

primary education rose to 96.6 per cent. The literacy rate among those in the 15–24 age group similarly rose, to 98.3 per cent, in 2012, when it was also agreed to establish an independent commission to evaluate public education with the aim of improving its diversity, quality and outputs.

81. **Promotion of cultural participation:** Pursuant to Royal Decree No. A/26 of 23 February 2011, support amounting to 10 million riyals is provided for literary clubs. The Regulation on literary clubs covers the right to stand for membership of their governing boards, elect board members and vote at general assemblies. Intellectual property rights are protected under the Kingdom's laws and any violation thereof is a punishable criminal offence. The judgements handed down in this regard, which amounted to 364 in 2011, 464 in 2012 and 132 as at July 2013, ordered fines, the removal of licences and the confiscation and destruction of counterfeit and adulterated materials. The Ministry of Culture and Information carries out inspections in order to protect intellectual property rights and, in April 2011, a workshop was organized by King Abdulaziz City for Science and Technology, the King Abdulaziz Foundation for Giftedness and Creativity and King Saud University to raise awareness of the laws and measures protecting intellectual property.

(d) *Human rights cooperation*<sup>15</sup>

82. The Statute of the Human Rights Commission<sup>16</sup> provides for “cooperation with national, regional and international human rights organizations and institutions so as to achieve the objectives of the Commission and develop its relations”. In that context, the Kingdom permitted several human rights organizations and prominent figures to conduct missions to the country and deploy their human rights experience and capacities in order to gain a first-hand grasp of the human rights situation. These included the visit made in 2010 by the United Nations High Commissioner for Human Rights, who met with the Custodian of the Two Holy Mosques, King Abdullah bin Abdulaziz, the Minister of Justice and a number of ministers and officials in charge of various entities, including the Human Rights Commission. She described her meeting with the Custodian of the Two Holy Mosques as the most important in the region. The Human Rights Commission has also frequently visited the headquarters of the Office of the High Commissioner for Human Rights (OHCHR) to discuss human rights cooperation between OHCHR and the Kingdom (see annex 3).

83. A memorandum of understanding on technical cooperation between the Kingdom, represented by the Human Rights Commission, and OHCHR was signed in 2012 and includes such important objectives as building the Kingdom's capacities in the field of international human rights law, with particular reference to United Nations mechanisms and the work of the competent international organizations, the preparation and development of toolkits to provide guidance for human rights personnel, and the organization of human rights seminars and workshops.

84. In 2013, a memorandum of understanding was concluded between the Kingdom, represented by the Ministry of Foreign Affairs, and the United Nations concerning the deployment of human rights advisers to build the Kingdom's capacities in the field of international human rights law, with particular reference to United Nations mechanisms in the framework of the young professionals programme.

85. The Kingdom responds to requests for information received from United Nations human rights mechanisms, including OHCHR and special procedures mandate holders. It

<sup>15</sup> التوصيات (13، 14، 15، 34، 35)

<sup>16</sup> الصادر بقرار مجلس الوزراء رقم 207 وتاريخ 12 سبتمبر 2005م

takes account of the recommendations made by treaty bodies and special procedures within the scope of its obligations and has implemented many of those recommendations. Indeed, most of the laws, measures and accomplishments pertaining to the promotion and protection of human rights, as described in this report, are in keeping with such recommendations. The Human Rights Commission has set up a standing committee to respond to requests for information and comments received from treaty bodies and special procedures mandate holders, the aim being to examine and deal with the situations raised and provide an objective reply to those requests and comments.

86. Having looked into allegations that human rights activists had been detained and made subject to a travel ban, the committee found that the persons concerned were suspected of involvement in issues unconnected with the defence of human rights, as explained to various special procedures mandate holders. Travel ban orders, moreover, can be made only by a court or as provided by law and must state the reasons for the ban. They are issued against suspects in security and criminal cases and cases involving private claims, effectively strengthening the fight against impunity.

87. **At the national level:** The Human Rights Commission organized a number of conferences, seminars and workshops for human rights personnel (in both governmental and non-governmental bodies), the aim being to build their technical capacities and thus enable them to exercise objectivity in their work, in accordance with international standards, among them the Declaration on Human Rights Defenders of 1998. In the light of sharia law and in support of non-governmental activity and ensuring that it is institutionalized, knowledge-based and objective, students' clubs, including human rights clubs, have been established, fostering the capacity of students for understanding, protecting and promoting human rights and claiming their own rights. Expectations are that the Civil Society Institutions Act and the Voluntary Work Act will be enacted soon.

88. The National Society for Human Rights publishes reports on the human rights situation in the Kingdom, highlighting the shortcomings preventing full effect being given to human rights, as well as the causes of these shortcomings, on the basis of complaints received and violations detected. They assess the human rights progress achieved and present appropriate conclusions and recommendations. The Society also prepares studies and publishes information and data on specific cases. Recently, in 2012, it published its third report on human rights in the Kingdom, the theme of which focused on the leadership's aspirations and the substandard performance of the authorities. Various human rights associations and institutions likewise prepare studies and reports and organize interactive and information seminars and activities on promoting and protecting the rights with which they are concerned. No obstacles or barriers are placed in their way and they are assured of protection and legal redress under the law in the event of any kind of violation of their rights.

(e) *Disseminating a human rights culture and education*<sup>17</sup>

89. The second phase of the programme for the dissemination of a human rights culture, promulgated by Royal Decree No. 8628/MB of 13 October 2009, was implemented in conjunction with a number of government entities, each of which devised its own plan centred on a number of principles. Essentially, these were that plans should promote implementation of the Kingdom's obligations under the conventions it has ratified, relate to the problems of human rights violations and misconduct, and concentrate directly on the substance of human rights and on human rights standards. This was as a preliminary to a comprehensive national plan for wide-scale dissemination of a human rights culture.

<sup>17</sup> التوصيات (40، 9)

90. The Human Rights Commission organized several seminars and workshops in different cities, including a workshop for judges, members of the Bureau of Investigation and Prosecution (public prosecution service) and lawyers in 2011; seminars on trafficking in persons in 2011 and 2012; and a special workshop on international human rights conventions in 2010. Various information and awareness materials, brochures and advice leaflets have also been published on the topics of women, children and domestic workers. The Commission is involved in regular exhibitions, such as the book exhibition and the National Heritage and Culture Festival at Janadriyah, and in activities organized to commemorate international days, such as Human Rights Day and International Women's Day.

91. The General Presidency of Youth Welfare harnesses the responsiveness of young persons, who make up the largest segment of Saudi society, to enhance their human rights awareness and educate them in human rights through clubs, activities and sports events. At games, races and other stadium events, for instance, it uses the screens, billboards and so on to disseminate Koranic verses, prophetic traditions, catchphrases and messages aimed at increasing awareness concerning the promotion and protection of human rights.

92. **Human rights education:** The National Human Rights Education Committee was established, comprising 10 governmental bodies; a national plan for human rights education was approved and circulated, together with a human rights education handbook, to all institutions, schools and universities; a guide to the human rights matrix in the school curricula was issued; diagnostic surveys of the human rights content in the curricula were conducted; training programmes were developed for persons involved in human rights education; separate human rights materials were prepared for higher education establishments; and international humanitarian law was included as a subject in the higher education programme syllabuses. A number of human rights education principles were also adopted, including those of:

- Promoting human rights education through extracurricular and information activities;
- Deriving curricula content from such human rights principles as equality, justice and tolerance;
- Incorporating into the curricula "general concepts" in human rights teaching.

(f) *International initiatives and contributions*<sup>18</sup>

93. The Kingdom launched several initiatives designed to spread peace and tolerance and to protect and promote human rights. In so doing, it capitalized on its pioneering role and global standing and drew impetus from the prudent approach encapsulated in the words of the Custodian of the Two Holy Mosques, King Abdullah bin Abdulaziz: "We will harness the best of human nature to overcome the worst of human nature."

94. In order to bolster the initiative for interreligious and intercultural dialogue started by the Custodian of the Two Holy Mosques, King Abdullah bin Abdulaziz, scientific research chairs on interreligious dialogue were established and a number of conferences held in order to explore the best ways of giving effect to this initiative. These included the Geneva Conference organized by the Muslim World League in September 2009. The initiative culminated in the opening of the King Abdullah bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue Centre (KAICIID Dialogue Centre), in Vienna, in November 2012. The aim of the Centre is to achieve understanding, peaceful

<sup>18</sup> التوصيات (32، 46، 47، 49، 50، 51، 52، 53)

coexistence and tolerance among peoples through dialogue and to turn interreligious and intercultural differences into a basis for understanding and not confrontation.

95. The Kingdom convened the Fourth Extraordinary Session of the Islamic Summit Conference on 14 and 15 August 2012, in Mecca, to order to work on strengthening Islamic solidarity. A number of recommendations ensued from the Conference, concerning in particular the need to develop the school curricula so as to instill the deep-rooted values of Islam concerning tolerance, understanding and dialogue; tackle extremism disguised as religion and doctrine; deepen the dialogue among the schools of Islamic thought; promote moderation, compromise and tolerance; call on the member States of the Organization of Islamic Cooperation to engage in the programmes and activities of the KAICIID Dialogue Centre in Vienna; and call for the establishment of a centre for dialogue among the Islamic schools of thought, to be headquartered in Riyadh.

96. The Arab Peace Initiative, launched in 2000 by the Custodian of the Two Holy Mosques, King Abdullah bin Abdulaziz, constitutes a basis for the achievement of a comprehensive peace in the current conflict in the Middle East region, with a focus on United Nations resolutions, primarily Security Council resolutions 242 (1967) and 338 (1973). The Kingdom continues to pursue its endeavours to support the international efforts to accomplish peace, despite all the obstacles placed in the way by Israel, primarily its persistent settlement activity and acts of detention, repression and displacement carried out against the Palestinian people, in addition to its unjust blockade of the Gaza Strip, demolition of homes and denial of the most fundamental humanitarian and political rights to Palestinians.

97. The Kingdom introduced a number of initiatives to combat terrorism and reject all actions conducive to terrorism, firstly by fostering intellectual security through educational channels and materials and continuing on through to effectively tackling terrorist operations, striking a balance between counter-terrorism and human rights protection (see annex 4). In 2011, the Kingdom signed an agreement with the United Nations on the establishment of the United Nations Counter-Terrorism Centre, welcomed in General Assembly resolution 66/10, which also encouraged Member States to collaborate with the Centre. In that light, the Kingdom made a voluntary contribution of \$10 million dollars in order to fund the Centre for three years.

98. The Kingdom's economic and development assistance to developing countries has risen to a total of \$103 billion, benefiting 95 developing countries around the world. Through the Saudi Fund for Development, the Kingdom has provided soft loans, mainly to support priority socioeconomic projects in the recipient countries with a view to achieving sustainable development. Between the time of the Fund's establishment and 2011, these loans amounted to a total of 35 billion riyals from which 80 developing countries in Africa, Asia and other regions of the world benefited.

99. The Kingdom participated in the high-level meeting of the General Assembly on the appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons, held at United Nations headquarters in New York on 13 and 14 May 2013. It made a financial contribution of US\$ 100,000 in support of the efforts and activities of the United Nations Office on Drugs and Crime.

#### **IV. National priorities and initiatives**

100. The Ninth Development Plan made provision for protecting integrity, fighting corruption and limiting the adverse repercussions of corruption on the investment climate and the socioeconomic aspects of the Development Plan, corruption being one of the factors jeopardizing development and human rights. The National Anti-Corruption

Commission was accordingly established as a government agency tasked with protecting integrity and fighting corruption and vested with broad powers in order to achieve that aim. Focus was also placed on awareness-raising in order to promote self-control. In addition to making use of monitoring mechanisms, which include receiving complaints and reports notified in person or via the hotline and conducting visits, the National Anti-Corruption Commission identified corruption offences by tracking the indicators of corruption, such as breakdown in services, lengthiness of government procedures, delays in project implementation and disrepair of facilities, roads and so forth. It also enlisted citizens as important partners in the war on corruption by offering financial rewards to anyone reporting a corruption offence. The information media likewise played their part; every time a suspected corruption offence has been detected, the Commission issues a statement for dissemination in all of the newspapers and other information media, thereby promoting the principle of transparency on which it operates as a matter of course. The Kingdom also ratified the United Nations Convention against Corruption, in January 2013.

101. Every year, the Kingdom hosts over 7 million pilgrims of all nationalities and groups. This poses a major challenge requiring ongoing concerted efforts, given that over 3 million persons gather at the same time and in the same place to perform the duty of pilgrimage. There is a growing rise in pilgrim numbers, moreover, as well as constant development of the infrastructure, public transport networks and expansion projects for the Two Holy Mosques and the ritual sites. The ceremony remains unaffected, however, and the duty of pilgrimage is facilitated for those who wish to perform that duty. Pilgrims also hail from differing environments and a diverse range of cultural settings. The Kingdom therefore makes tremendous efforts to protect rights that might be adversely affected by these challenges. Indeed, since its foundation in 1932, service to pilgrims has been one of its priorities. Every year since that date, the level of protection and services provided for pilgrims has been scaled up. Work is currently under way on a major expansion of Mecca's Grand Mosque, at a total cost of 40 billion riyals over six years. New roads have also been constructed, together with hundreds of modern hospitals equipped with state-of-the-art medical technology and staffed by qualified personnel. Almost 5 billion riyals have been spent on erecting fire-proof tents, setting up Red Crescent centres and deploying a modern mechanism for environment conservation, in addition to securing a decent amount of food and drinks to cater for such an enormous number of persons and providing health services, free of charge.

## V. Best practices

102. Additional efforts have been made concerning the rights of prisoners, promoting the principle that prisons are places of correction and rehabilitation. In short, prisoners of both sexes are permitted to leave prisons and places of detention for set periods of time, out of humanitarian considerations, for the following reasons:

- To receive treatment or anaesthesia in private hospitals or to be present for the completion of any medical procedures involving their dependents;
- To facilitate the prisoner's registration in institutes or universities and enable him to undergo the tests required for that purpose;
- To marry or to act in the completion of a dependent's marriage contract or attend a relative's marriage;
- To make home visits to parents and relatives who are unable to visit the prisoner;
- To attend the burial of a relative or to receive mourners.

Other measures taken in addition include:



- The introduction of a “window of communication” system for facilitating communication between prisoners and their relatives, whether visual or by telephone or electronic mail (see annex 5);
- In some provinces, the construction of model prison facilities housing training centres and vocational workshops;
- The construction of self-contained housing units for family visits, i.e., units where a prisoner’s family can come and stay together with the prisoner for a three-day period. These also include well-arranged rooms for once-monthly visits by a prisoner’s spouse.

103. All deceased persons are unconditionally exempted from payment of any housing loan instalments owed to the Real Estate Development Fund and all borrowers from the Fund may be exempted from payment of two instalments for a period of two years. The Ministry of Finance compensates the Fund for the amount of the exemptions. All such loans are non-profit (interest-free).

## Annexes

### 1. Laws

- Basic Law of Governance, promulgated by Royal Decree No. A/90 of 27 Sha`ban A.H. 1412 (2 March 1992);
- Trafficking in Persons (Offences) Act, promulgated by Royal Decree No. M/40 of 21 Rajab A.H. 1430 (14 July 2009);
- Enforcement Act, promulgated by Royal Decree No. M/53 of 13 Sha`ban A.H. 1433 (3 July 2012);
- Arbitration Act, promulgated by Royal Decree No. M/34 of 24 Jumada I A.H. 1433 (16 April 2012);
- Mortgage Act, promulgated by Royal Decree No. M/49 of 13 Sha`ban A.H. 1433 (3 July 2012);
- Regulation on domestic servants and persons of similar status, adopted at the Cabinet session of 6 Ramadan A.H. 1434 (15 July 2013).

### 2. Measures for developing the administrative and technological structure of the judiciary

- Introduction of 48 e-services on the Internet portal whereby users are able to complete a number of judicial procedures online, such as filing claims, obtaining hearing dates and issuing and checking powers of attorney;
- Establishment of full network connections to 90 of the Ministry's premises, most notably the Judicial Inspectorate at the Supreme Judicial Council;
- Implementation of the first phase of an e-service system whereby judges at 36 courts are able to view the cases under their consideration, post comments and draft judgements online;
- Approval of projects in all provinces for the construction of court buildings and public notary offices, amounting to 143 edifices in all and a growth rate of almost 130 per cent;
- Application of a mechanism whereby judicial officers visit the sick and the incapacitated in their homes to enable them to complete power-of-attorney and attestation procedures;
- Implementation of a mechanism for speeding up the hearing of cases involving prisoners and personal status matters by assigning judges to work extra hours;
- Creation of an agency for dealing with detention and enforcement affairs in order to operationalize the Enforcement Act;
- Establishment of an information centre providing statistical data on cases.

### 3. Key visits conducted as part of international human rights cooperation

- In 2009, Mr. Cornelis Flinterman, chair of the Building Bridges organization and former member of the Committee on the Elimination of Discrimination against

Women, visited the Kingdom and gave a talk at the King Faisal Centre for Research and Islamic Studies to an audience of government officials, lawyers and persons interested in human rights;

- A delegation from Building Bridges visited the Kingdom in May 2011 in order to discuss the programme for technical cooperation in human rights, including training in the rights of women, children and migrant workers, which it is implementing in the States of the Cooperation Council for the Arab States of the Gulf;
- In early 2010, a delegation from Human Rights Watch visited the Kingdom and had meetings with various ministers and officials. It also carried out field trips providing a first-hand view of the human rights situation in a number of provinces;
- A delegation from the Swedish academic institution, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, visited the Kingdom in February 2011 and had meetings with officials, including the President of the Human Rights Commission and the Minister of Justice;
- In 2011 and 2013, the United States Ambassador-at-Large for International Religious Freedom visited the Kingdom, as did representatives of the United States Commission on International Religious Freedom. They had meetings with various officials, such as the Minister of Foreign Affairs, the Minister of Education, the Minister of Justice, the Minister of Culture and Information, the President of the Human Rights Commission and the Under-Secretary for Islamic Affairs, Endowment, Da`wah and Guidance, in addition to officials from the King Abdulaziz Centre for National Dialogue and others. They also visited several of the country's provinces and were able to see for themselves the situation of religious freedoms in the Kingdom;
- In September 2012, a delegation from the United States Department of State Office to Monitor and Combat Trafficking in Persons visited the Kingdom and had meetings with officials from the Human Rights Commission and members of the Standing Committee on Trafficking in Persons in order to discuss cooperation in this domain. The delegation additionally visited the Ministry of Labour and the Bureau of Investigation and Prosecution, where it discussed relevant issues in meetings with officials. It also visited a Riyadh-based welfare office for female domestic workers in order to learn about its work.

#### **4. Key counterterrorism efforts**

The Kingdom performed an effective and influential role in maintaining security and tackling terrorism through adoption of the requisite measures, including security and intellectual strategies for confronting terrorism, the imposition of financial restrictions and the protection and promotion of human rights. Such measures have included:

##### **At the international level:**

- Ratifying all 16 international counterterrorism conventions, in addition to regional conventions and bilateral security agreements with a number of States, including the:
  - Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963);
  - Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970);

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971);
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973);
- International Convention against the Taking of Hostages (New York, 1979);
- International Convention for the Suppression of the Financing of Terrorism (New York, 1999);
- International Convention for the Suppression of Terrorist Bombings (New York, 1997);
- International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 2005);
- Convention on the Physical Protection of Nuclear Material (Vienna, 1980);
- Convention of the Organization of the Islamic Conference on Combating Terrorism, 1999;
- Arab Convention on the Suppression of Terrorism, 1998;
- Convention of the Cooperation Council for the Arab States of the Gulf on Combating Terrorism, 2004;
- Implementing Security Council resolutions adopted under Chapter VII of the Charter of the United Nations and resolutions relevant to combating terrorism and the financing of terrorism, including with respect to the imposition of an assets freeze, travel ban and arms embargo against any individual or entity included in the Consolidated List of the Security Council Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities;
- Cooperating on counterterrorism with States and international organizations, in particular the concerned United Nations committees, fostering international efforts to tackle terrorism, and harnessing and exchanging expertise and research at all local, regional and international levels;
- Establishing special committees for receiving, examining and taking the necessary action on requests transmitted to the Kingdom by States and relevant international bodies;
- Establishing communication channels for coordinating with international organizations and bodies and States in order to cooperate, through the Ministry of Foreign Affairs, in the area of combating terrorism and the financing of terrorism;
- Organizing and participating in global and regional conferences and symposiums on counterterrorism, showcasing the Kingdom's experience in combating terrorism, and benefiting from the experiences of others.

**At the national level:**

- Promoting cooperation and coordination among security and non-security agencies in tackling terrorism;
- Dealing robustly with and pursuing the perpetrators of terrorist crimes and taking legal and judicial measures in accordance with the provisions of sharia law, the laws

of the Kingdom and its international, regional and bilateral obligations in this sphere;

- Placing tight restrictions on the manufacture, import, sale, possession, circulation and acquisition of arms, ammunition, material and replacement parts in accordance with the Kingdom's Arms and Ammunition Act, promulgated in 1981 and updated in 2005, which lays down rules on carrying individual weapons, spells out the procedures and conditions for doing so and prescribes deterrent punishments for anyone in breach of those rules;
- Tightening border control in order to prevent infiltration and smuggling, in that most weapons and explosives seized from terrorist groups were smuggled into the Kingdom from other States, sparking the introduction of stricter border control procedures, supply of the requisite support staff and equipment, and application of the Border Security Act, together with its implementing regulation, to anyone who contravenes its provisions;
- Dealing with the aftermath of confrontations with terrorists, such as the accidental killing of innocent persons and the destruction of property, and taking the necessary action, including the award of allowances to the families of security personnel killed or injured while engaged in combating terrorism;
- Providing humanitarian and social services for detainees in terrorism cases and their relatives, as well as for former detainees, which plays a part in the correction of ideas and behaviour and into which, as at mid-2009, a total of 326,936,927 riyals had been poured;
- Imposing tight restrictions on chemical substances used in the manufacture of explosives, authorizing their importation only after chemical and security experts have examined the request in order to ascertain what the need for them is, and applying the Explosives and Fireworks Act to anyone who contravenes its provisions;
- Promulgating the Cyberspace Crimes and Electronic Transactions Act in order to achieve cybersecurity and protect the public interest and public morality and decency;
- Applying a system whereby passengers are required to declare if they are carrying any cash, convertible instruments or valuable metals worth over 60,000 riyals or the equivalent of US\$ 16,000;
- Regulating the operation of charitable associations working in the country, of which there are 498, the aim being to prevent them from being utilized in the financing of terrorism and to ensure that their humanitarian role is not adversely affected, particularly with respect to the movement and transfer of money abroad;
- Prohibiting the collection of donations by individuals and restricting it to licensed entities;
- Educating the public, safeguarding it against aberrant ideas, and using the media to run awareness programmes explaining the danger of terrorism, which includes disseminating interviews with any terrorist or person responsible for inciting terrorism who has retracted his ideas, in addition to incorporating the subject of counterterrorism into the curricula studied at universities and colleges;
- Establishing a committee, known as the Counselling Committee, in order to fight terrorist ideas by countering them with other ideas and unveiling uncertainties with the assistance of scholars, influential thinkers, social workers and psychologists, and implementing a care programme, run by the Mohammed bin Naif Counselling and

Care Centre, which is designed to rehabilitate prisoners who have almost completed their sentence by offering them guidance, channelling them towards what is in their own good and working to achieve their mental stability so that they emerge from prison prepared to be constructive and not destructive;

- Implementing an aftercare programme for detainees who have been finally released, which consists in providing humanitarian and social services for such persons and communicating with and visiting their family and relatives.

## **5. Window of communication**

A website named “A window for communication” has been set up with the aim of providing interested government entities, human rights organizations and individuals with information about detainees. Services offered through the website include access to data and information on all detainees; online communication between detainees and their relatives; the ability to submit requests for visits, temporary release and family expenditures, as well as reports of missing prisoners; facilities for alerts, notifications, complaints and suggestions; and a news service and other related activities.

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