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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review *

Saudi Arabia

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services. Additional detailed information submitted by Saudi Arabia is available on the OHCHR website.

**RESPONSES OF THE KINGDOM OF SAUDI ARABIA TO THE
RECOMMENDATIONS MADE TO IT WITHIN THE
FRAMEWORK OF THE UNIVERSAL PERIODIC
REVIEW ON 10 FEBRUARY 2009**

Recommendation 1

1. The Kingdom of Saudi Arabia accepts this recommendation.
2. The implementation of this recommendation forms part of the Kingdom's ongoing policy of conducting a periodic review of all international human rights instruments with a view to considering accession thereto through a comprehensive study of the provisions of those instruments by the Human Rights Commission in collaboration with all the governmental authorities concerned and the relevant civil society organizations and after ensuring that all the obligations provided for therein, including legislative requirements and control and implementation mechanisms, have been met.

Recommendation 2

3. The Kingdom accepts this recommendation on the basis that its implementation will form part of the comprehensive periodic review referred to in the response to Recommendation 1 above.

Recommendation 3

4. The Kingdom accepts this recommendation.
5. The implementation of this recommendation will form part of the comprehensive periodic review referred to in the response to Recommendation 1 above.

Recommendation 4

6. The Kingdom is not currently considering accession to the Statute of the International Criminal Court.

Recommendation 5

7. The Kingdom accepts this recommendation.
8. The Kingdom is making its utmost endeavour to fulfil all its international obligations in the field of human rights by, inter alia, taking all the measures needed to protect rights in regard to freedom of opinion and expression concerning which explicit provisions have been made in the Basic Law of Governance, the Press and Publications Act and other relevant laws and regulations.

Recommendation 6

9. The Kingdom accepts this recommendation.
10. The implementation of this recommendation forms part of the comprehensive periodic review referred to in the response to Recommendation 1 above and Recommendation 7 below.

Recommendation 7

11. The Kingdom accepts this recommendation.

12. The review of domestic legislation to ensure its consistency with the provisions of the international human rights instruments to which the Kingdom is a party forms part of the comprehensive periodic review conducted by the competent authorities in the Kingdom to ensure fulfilment of all the Kingdom's obligations under those instruments. That review covers the existing legislation as well as the promulgation of any new legislative enactments required. To this end, the legislative authorities are currently studying a number of enactments relating to the promotion of human rights, including the Child Protection Act, the Protection from Harm Act, the Civil Society Institutions Statute, the Enforcement of Judicial Judgements Act, the Prevention of Embezzlement of Public Property and Misuse of Authority Act and the Domestic Workers Ordinance. Consideration is also being given to fundamental modifications to some legislative instruments such as the Code of Criminal Procedure and the Code of Civil (Shari'a) Procedure and, in this regard, the Kingdom is seeking to benefit from all the observations and recommendations made during the discussion of its periodic reports in the Human Rights Council or the mechanisms relating to the human rights instruments to which the Kingdom is a party.

Recommendation 8

13. The Kingdom accepts this recommendation.

14. The Kingdom of Saudi Arabia, acting through the Human Rights Commission in accordance with its Statutes and in collaboration with the National Society for Human Rights and a number of governmental and non-governmental bodies, is making concerted efforts to promote, protect and disseminate awareness of human rights in the Kingdom in accordance with international human rights standards in all fields and to help to ensure the application of those standards in accordance with the provisions of the Islamic Shari'a. The Kingdom is also in the process of launching a public awareness and educational project to promote a culture of human rights among all sections of society.

Recommendation 9

15. The Kingdom accepts this recommendation.

Recommendation 10

16. The Kingdom accepts this recommendation.

Recommendation 11

17. The Kingdom accepts this recommendation.

18. In the light of the Kingdom of Saudi Arabia's belief in the importance of dialogue among nations and peoples, the Custodian of the Two Holy Mosques, King Abdullah bin Abdul Aziz, launched an initiative calling for dialogue among all mankind. This began with a conference held at Makkah during the period from 30/5 to 2/6 1429 AH (5-7 June 2008) which was attended by a large number of Muslim scholars from various theological and jurisprudential schools of thought. This meeting gave rise to the "Makkah Appeal" which invited peoples, governments and organizations throughout the world, regardless of their religions and cultures,

to pursue the path of mutual understanding and dialogue in order to meet the challenges facing mankind.

The Custodian of the Two Holy Mosques then gave an international dimension to his initiative by convening the “World Conference on Dialogue”, held at Madrid in July 2008, which was attended by a large number of followers of world religions and cultures under the generous patronage of the Custodian of the Two Holy Mosques, King Abdullah bin Abdul Aziz, and H.M. King Juan Carlos of Spain. This Conference issued the Madrid Declaration which affirmed, *inter alia*, the unity of origin and equality of human beings notwithstanding differences of colour, race and culture and called for respect for divinely-revealed religions, preservation of their status, condemnation of defamation of their symbols and opposition to the use of religion to incite racial discrimination.

In continuation of this process, at the request of the Custodian of the Two Holy Mosques, the General Assembly of the United Nations in New York held a high-level meeting on 12-13 November 2008, attended by a large number of heads of State, in which it was stated that the religions through which Almighty God sought to bring happiness to mankind should not be turned into instruments to cause misery, since human beings were created as equals and partners on this planet.

It is noteworthy that this initiative remains a matter of considerable personal concern to the Custodian of the Two Holy Mosques and will be followed by practical steps and future plans to achieve its goal of promoting mutual understanding and tolerance among all nations.

Recommendation 12

19. The Kingdom accepts this recommendation.

Recommendation 13

20. The Kingdom accepts this recommendation within the framework of the organizational and regulatory procedures pertaining thereto.

21. In recent years the Kingdom has been visited on several occasions by a number of non-governmental organizations including, most recently, Human Rights Watch.

22. The Kingdom’s Government is involving national non-governmental organizations in many human rights-related fields and civil society institutions recently contributed to the Kingdom’s UPR report which was presented to the Working Group at its fourth session.

Recommendation 14

23. The Kingdom accepts this recommendation.

Recommendation 15

24. The Kingdom accepts this recommendation.

25. The Government of the Kingdom is cooperating with the international human rights mechanisms by, for example, diligently replying to all the allegations received from the Special Rapporteurs at the Office of the High Commissioner and, if necessary, inviting them to visit the

Kingdom. The last such visit, by the Special Rapporteur on violence against women, took place in 2008.

Recommendation 16

26. The Kingdom accepts this recommendation.

27. The Kingdom wishes to point out that all the criminal elements of human exploitation constitute offences under the provisions of the Islamic Shari'a. The Kingdom has drafted a Prevention of Human Trafficking Act meeting international standards in regard to prevention, protection, prosecution, rescue, rehabilitation and reintegration which is in the final stages of promulgation.

Recommendation 17

28. The Kingdom accepts this recommendation.

29. The Kingdom emphasizes that gender equality is in conformity with the Islamic Shari'a.

30. The Kingdom emphasizes that violence against women is a criminal act under the provisions of the Islamic Shari'a and special legislation to protect persons from harm is currently being studied.

Recommendation 18

31. The Kingdom accepts this recommendation in accordance with the commitments that it has undertaken under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Recommendation 19

32. The Kingdom accepts this recommendation within the limits of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination.

Recommendation 20

33. The Kingdom accepts this recommendation in accordance with the commitments that it has undertaken under the CEDAW Convention.

34. The Kingdom emphasizes that there are no statutory requirements that necessitate guardianship or make a woman's enjoyment of her rights conditional on approval. In the Kingdom women conduct all their affairs in full independence and the Shari'a notion of the tutelage link between men and women is not a legal stipulation; on the contrary, it is a devotional matter in which every individual, whether male or female, is free to define the notion of tutelage in accordance with his or her school of Shari'a jurisprudence. This is the difference between the Shari'a notion of tutelage and the concept of guardianship, which cannot constitute a statutory stipulation since Islam guarantees a woman's right to conduct her affairs and enjoy her legal capacity.

Recommendation 21

35. The Kingdom accepts this recommendation.

36. The Kingdom emphasizes that the practice to which the recommendation refers does not exist in the Kingdom since the Kingdom's legislation and regulations strictly prohibit any discrimination between the various sections of society:

(a) In keeping with this policy, the Kingdom has promulgated a number of legislative instruments such as the new Press and Publications Act which prohibits the establishment of organizations which are of a racist character or which support or advocate racial discrimination or propagate ideologies based thereon. Under the Act, it is also a punishable criminal offence to issue pamphlets or material inciting hatred or encouraging the funding of racist activities, which are contrary to the law;

(b) In the Kingdom it is prohibited to use the Internet to advocate discrimination, commend or in any way encourage criminal acts or instigate aggression against others. It is also prohibited to engage in any form of defamation or calumny of individuals (Ordinance Regulating the Use of the Internet);

(c) Police officers and law enforcement officials receive periodic training in the prevention of all forms of discrimination and a number of specialized training courses have been held to meet the needs of the security and military sectors.

Recommendation 22

37. The Kingdom accepts this recommendation.

Recommendation 23

38. The Kingdom accepts this recommendation in accordance with its commitments undertaken under the Convention on the Rights of the Child.

39. Corporal punishment is prohibited in all governmental and private schools as well as in nursery schools and child care institutions. Under the regulations any form of violence against children, including violence by parents, even for disciplinary purposes, constitutes a criminal offence.

Recommendation 24

40. The Kingdom accepts the second part of the recommendation "identify and implement legal and procedural machinery to monitor and sanction cases of torture in keeping with national legislation and international commitments" while rejecting the first part of the recommendation the subject matter of which does not constitute a current practice, particularly as the Kingdom is a party to the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment as well as the Convention on the Rights of the Child.

Recommendation 25

41. The Kingdom accepts this recommendation.

42. The Kingdom emphasizes that the Code of Criminal Procedure guarantees the right to a fair trial. Moreover, all persons working in the criminal justice system, including police officers, investigators and judges, undergo training courses to ensure that they perform their duties in the manner prescribed by law.

Recommendation 26

43. The Kingdom accepts this recommendation.

Recommendation 27

44. The Kingdom accepts this recommendation.

Recommendation 28

45. The Kingdom accepts this recommendation.

Recommendation 29

46. The Kingdom accepts this recommendation.

47. The Kingdom emphasizes that its Code of Criminal Procedure guarantees the provision of separate accommodation for juveniles as well as the full right of access to legal counsel. The requisite procedures are currently being completed for promulgation of the Child Protection Act, which contains provisions concerning juvenile delinquents.

Recommendation 30

48. The Kingdom accepts this recommendation.

Recommendation 31

49. The Kingdom accepts this recommendation.

Recommendation 32

50. The Kingdom accepts this recommendation.

Recommendation 33

51. Practice of the observances of other faiths and protection of all minorities in the Kingdom are guaranteed in accordance with the provisions of the legislation and regulations prohibiting all forms of religious discrimination in all fields:

(a) In the Kingdom non-Muslims have a fully guaranteed right to worship and engage in their religious observances in their private premises. This in no way detracts from the freedom of religion of non-Muslims in the Kingdom, nor does it indicate any lack of respect for other faiths;

(b) Personal freedom of religion and belief for the Kingdom's non-Saudi residents is not prohibited by the Kingdom's laws and no one has the right to interfere in their individual religious observances or compel them to renounce their beliefs;

(c) Discrimination based on religion or belief is prohibited by a number of specialized regulations such as the Labour Law, in which article 61 of the section entitled “Obligations of the Employer” stipulates that: “The Employer shall not require a worker to perform forced labour, nor shall he withhold all or part of the worker’s wage without judicial authorization. He shall treat his workers with due respect and shall refrain from any utterance or act prejudicial to their dignity or their religion”. Article 104 of the Law further stipulates that: “Friday shall be the weekly day of rest for all workers. However, after notifying the competent labour office, the employer may replace this day with any other day of the week for some of his workers and shall enable them to perform their religious obligations. It shall not be permissible to pay financial compensation in lieu of the weekly day of rest”. Furthermore, the Press and Publications Act prohibits the establishment of organizations which are of a racist character or which support or advocate racial discrimination or propagate ideologies based thereon. Under the Act it is also a criminal offence to issue pamphlets or material inciting hatred or encouraging the funding of racist activities;

(d) The authorities in the Kingdom punish anyone who violates the recognized rights of non-Muslims in accordance with the regulations in force.

Recommendation 34

52. The Kingdom accepts this recommendation to the extent to which it is compatible with the relevant regulations.

53. The Kingdom encourages the establishment of institutions that promote human rights and, a few years ago, permitted the establishment of the National Society for Human Rights as a non-governmental organization enjoying full independence and unrestricted freedom to engage in its activities. None of its members have been subjected to any form of harassment or curtailment of their freedom of expression. The adoption of the Civil Society Institutions Statute will make the procedures for the establishment of such organizations clearer and will promote their wider propagation.

Recommendation 35

54. The Kingdom accepts this recommendation.

Recommendation 36

55. The Kingdom accepts this recommendation.

Recommendation 37

56. The Kingdom emphasizes that forced labour is not a systematic practice in its territory since the situation of foreign workers is regulated by the Labour Law which designates such treatment as a criminal offence.

Recommendation 38

57. The Kingdom accepts this recommendation.

Recommendation 39

58. The Kingdom accepts this recommendation.

Recommendation 40

59. The Kingdom accepts this recommendation.

Recommendation 41

60. The Kingdom accepts this recommendation.

61. The Kingdom emphasizes that all foreign workers enjoy all their statutory rights in accordance with the Labour Law and wishes to make it clear that all such workers in the Kingdom are employed under the terms of a temporary contract. Hence, there are no migrant workers in the Kingdom. (It is requested that the term “foreign workers” be used instead of “migrant workers” in the other related recommendations)

Recommendation 42

62. The Kingdom accepts this recommendation.

63. The remittances sent by foreign workers in Saudi Arabia to their families and countries in 2008 were estimated at about 78.5 billion Saudi riyals, equivalent to US\$ 21 billion.

Recommendation 43

64. The Kingdom accepts this recommendation.

65. The new Labour Law makes provision for a mechanism for the submission of complaints by foreign workers covered by the Law. The Department of Expatriate Workers in the Ministry of Labour has assigned a special telephone number for the reception of foreign workers’ complaints concerning violation of their rights by their employers.

66. With regard to a review of article 7 of the Labour Law, a Domestic Workers Ordinance has been drafted and submitted to the Consultative Council for discussion prior to its adoption.

Recommendation 44

67. The Kingdom accepts this recommendation and refers to the response to Recommendation 43.

Recommendation 45

68. The Kingdom accepts this recommendation.

69. The Kingdom regularly publishes information brochures and pamphlets in various languages explaining the rights and obligations of foreign workers and the Kingdom’s Ministry of Labour, in collaboration with the Ministry of Culture and Information, is expanding the scope of the information campaign to include the various information media with a view to reaching the largest possible number of foreign workers in all regions of the Kingdom.

Recommendation 46

70. The Kingdom accepts this recommendation.

Recommendation 47

71. The Kingdom accepts this recommendation.

Recommendation 48

72. The Kingdom accepts this recommendation.

Recommendation 49

73. The Kingdom accepts this recommendation.

Recommendation 50

74. The Kingdom accepts this recommendation.

Recommendation 51

75. The Kingdom accepts this recommendation.

Recommendation 52

76. The Kingdom accepts this recommendation.

Recommendation 53

77. The Kingdom accepts this recommendation.
