



General Assembly

Distr.
GENERAL

A/HRC/WG.6/4/SAU/2
20 November 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Working Group on the Universal Periodic Review
Fourth session
Geneva, 2-13 February 2009

**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

Saudi Arabia

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	23 Sept. 1997	Yes (art. 22, general)	Individual complaints (art. 14): No
CEDAW	7 Sept. 2000	Yes (arts. 9 (2) and 29 (1), general)	-
CAT	23 Sept. 1997	Yes (arts. 20 and 31 (1))	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): No
CRC	26 Jan. 1996	Yes	-
CPD	24 June 2008	None	-
CPD-OP	24 June 2008	None	Inquiry procedure (arts. 6 and 7): Yes

Core treaties to which Saudi Arabia is not a party: ICESCR, ICCPR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ³	Yes
Refugees and stateless persons ⁴	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵	Yes, except Additional Protocol III
ILO fundamental conventions ⁶	Yes, except Conventions No. 87, 98, 138
UNESCO Convention against Discrimination in Education	Yes

1. In 2008, the Committee on the Elimination of Discrimination against Women (CEDAW) was concerned about the general reservation made upon ratification of the Convention and urged Saudi Arabia to consider the withdrawal of its general reservation.⁷ CEDAW also requested Saudi Arabia to withdraw its reservation concerning article 9.⁸ The Committee on the Rights of the Child (CRC) reiterated, in 2006, its previous recommendation that Saudi Arabia review the general nature of its reservation with a view to withdrawing it, or narrowing it.⁹ In 2003, the Committee on the Elimination of Racial Discrimination (CERD) was also concerned about the broad and imprecise nature of Saudi Arabia's general reservation and encouraged it to review the reservation with a view to formally withdrawing it.¹⁰

2. CEDAW welcomed Saudi Arabia's accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol).¹¹ CRC recommended that Saudi Arabia ratify the ICRMW,¹² and to expedite the process of ratification of the Optional Protocols to the Convention on the Rights of the Child.¹³

B. Constitutional and legislative framework

3. While noting with satisfaction that, in practice, international treaties are given precedence over domestic laws,¹⁴ CEDAW encouraged Saudi Arabia to amend its legislation to confirm that international treaties have precedence over domestic laws, to intensify its efforts to raise awareness about the Convention among the general public and to enact a comprehensive gender equality law.¹⁵

4. An ILO Committee of Experts noted in 2007 that the new Labour Code, which came into force on 23 April 2006, contains no reference to equal remuneration for men and women for work of equal value, and that women are restricted in the types of jobs they may do.¹⁶
5. CRC shared the concerns expressed by CERD that the mere statement of the general principle of non-discrimination in domestic law is not a sufficient response to the requirements of the Convention¹⁷. CRC recommended that Saudi Arabia review relevant domestic laws and administrative regulations in order to ensure equality between girls and boys.¹⁸
6. In the aftermath of his visit to Saudi Arabia in 2002, the Special Rapporteur on the independence of judges and lawyers welcomed the issuance of the Law on Criminal Procedure and particularly the inclusion of provisions prohibiting torture and other cruel, inhuman or degrading treatment, and guaranteeing the right to have access to a lawyer at all stages of the legal process. He remained concerned that sometimes the provisions of the code favour the interests of an investigation over the rights of the accused.¹⁹
7. The Committee Against Torture (CAT) considered, in 2002, that express incorporation in Saudi Arabia's domestic law of the crime of torture, as defined in article 1 of the Convention, was necessary to signal the cardinal importance of this prohibition.²⁰

C. Institutional and human rights infrastructure

8. CRC welcomed the establishment of the National Human Rights Association in March 2004 and took note of its mandate to receive complaints regarding alleged human rights violations. Notwithstanding this positive step, the Committee was concerned about the fact that the National Human Rights Association has not been able to attain a fully independent status.²¹ CEDAW noted the establishment, by royal decree in 2004, of a human right commission²² which is tasked with the implementation of the human rights commitments of Saudi Arabia.²³
9. CEDAW called upon Saudi Arabia to ensure that the national machinery for the advancement of women has the necessary visibility and decision-making, as well as coordination powers to enable it effectively to fulfil its mandate in promoting gender equality.²⁴
10. While taking note of the coordination activities of the Saudi National Commission for Childhood, CRC recommended that Saudi Arabia provide all coordination mechanisms with adequate resources.²⁵

D. Policy measures

11. CEDAW called upon Saudi Arabia to ensure that the Convention becomes an integral part of the legal education and training of judicial officers, and to enhance women's awareness of their rights.²⁶ It also encouraged Saudi Arabia to develop a national action plan for the promotion of gender equality.²⁷
12. A 2006 UNDP report noted that the eighth five-year development plan (2005-2009) underscored a national commitment by, inter alia, integrating all the Millennium Development Goals (MDGs) and seeking to promote the role of women and youth in national development processes.²⁸
13. An ILO Committee of Experts noted in 2007 that the authorities requested assistance to adopt and pursue a national policy for the promotion of equality in employment and occupation

covering all workers, with a view to eliminating discrimination on the grounds listed in the Convention concerning Discrimination in Respect of Employment and Occupation (No. 111).²⁹

14. CRC welcomed the adoption of the National Plan of Action for Children 2005-2015 and Saudi Arabia's efforts to promote the status and the rights of the most vulnerable population groups.³⁰ It also recommended expediting the adoption of the national poverty reduction strategy and paying particular attention to children when implementing it.³¹

15. CERD recommended that Saudi Arabia institute training programmes on human rights and understanding among ethnic groups for law enforcement officials, including policemen, military and prison staff, and members of the judiciary.³²

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³³</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2003	June 2003	-	Fourth to fifth reports overdue since 2006
CEDAW	2007	April 2008	-	Combined third and fourth report due in 2013
CAT	2001	June 2002	-	Second to third reports overdue from 2002 to 2006 respectively
CRC	2003	March 2006	-	Third and fourth reports due in 2011

16. CRC noted with satisfaction Saudi Arabia's efforts to address various concerns and recommendations made upon the consideration of its initial report, and urged it to make every effort to address the recommendations issued in the concluding observations.³⁴

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on violence against women, its causes and consequences (4-13 February 2008).
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on extrajudicial, summary or arbitrary executions, requested in 2005; Special Rapporteur on trafficking in persons, requested in 2005; Special Rapporteur on the question of torture, requested in 2006 and 2007; Special Rapporteur on freedom of religion or belief, requested on 29 June 2006 and reminder letter sent in April 2008; Working Group on arbitrary detention, requested in 2008.
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on violence against women expressed appreciation for the cooperation and assistance extended by the Government, particularly the Human Rights Commission which was in charge of coordinating the visit.
<i>Follow-up to visits</i>	-

<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, a total of 47 communications were sent to the Government. In addition to particular groups, these communications concerned 99 individuals, including ten women. During the same period, Saudi Arabia replied to 13 communications (27 per cent).
<i>Responses to questionnaires on thematic issues</i> ³⁵	Saudi Arabia responded to 1 of the 12 questionnaires sent by special procedures mandate holders ³⁶ in the period under review, within the deadlines. ³⁷

3. Cooperation with the Office of the High Commissioner for Human Rights

17. In January 2004, Saudi Arabia organized an international conference on human rights in times of war and peace to which OHCHR and international non-governmental organizations were invited.³⁸

18. Saudi Arabia made voluntary contributions to support the work of OHCHR in 2004, 2006, 2007,³⁹ 2008;⁴⁰ it contributed to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery in 2006⁴¹ and 2008,⁴² and to the United Nations Voluntary Fund for Victims of Torture in 2008.⁴³

B. Implementation of international human rights obligations

1. Equality and non discrimination

19. In 2008, CEDAW was concerned that neither the Constitution nor other legislation embodies the principle of equality between women and men, and neither contains a definition of discrimination against women.⁴⁴ It called upon Saudi Arabia to incorporate fully into the legislation the principle of equality between women and men, as well as a definition of discrimination on the basis of sex.⁴⁵

20. CEDAW noted with concern that the concept of male guardianship over women (*mehrem*), severely limits women's exercise of their rights under the Convention, and urged Saudi Arabia to take immediate steps to end this practice.⁴⁶

21. The Special Rapporteur on violence against women, its causes and consequences, noted that the lack of women's autonomy and economic independence, practices surrounding divorce and child custody, the absence of a law criminalizing violence against women and inconsistencies in the application of laws and procedures continue to prevent many women from escaping abusive environments.⁴⁷ CRC recommended that Saudi Arabia take measures to break down stereotypical attitudes about the roles and responsibilities of women and men.⁴⁸

22. CEDAW, CRC, and CERD noted with concern that certain provisions of the Nationality Code continue to discriminate against Saudi women married to non-Saudi nationals⁴⁹. CEDAW and CRC recommended that Saudi Arabia review its legislation on nationality in order to ensure that nationality can be transmitted to children through both the maternal and paternal line without distinction⁵⁰.

23. In 2007, an ILO Committee of Experts referred to the lack of effective inspection, complaints mechanisms and enforcement for issues of discrimination.⁵¹ It also noted that religious discrimination in employment and occupation appears to be occurring in practice and it encouraged the Government to take concrete measures to address such discrimination.⁵²

24. CRC commended Saudi Arabia for its efforts to ensure that children with disabilities have better opportunities in society, and recommended that it mainstream the rights-based approach to all national policies and programmes for children with disabilities.⁵³

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

25. CRC urged Saudi Arabia to critically review its legislation with a view to abolishing the imposition of capital and corporal punishment on persons having committed crimes when under 18 years of age at the sole discretion of the judge, and amend its laws with a view to prohibit any form of corporal punishment for persons under 18 deprived of their liberty.⁵⁴ The Special Rapporteur on extrajudicial, summary or arbitrary executions transmitted communications to the Government concerning death sentences imposed on male and female child offenders,⁵⁵ as well as in cases where death sentences have been passed based on confessions obtained under torture, and in criminal proceedings falling short of international fair trial standards.⁵⁶

26. CERD was concerned at allegations that a disproportionate number of foreigners are facing the death penalty and encouraged Saudi Arabia to cooperate fully with the Special Rapporteur on extrajudicial, summary and arbitrary executions.⁵⁷

27. CRC was concerned about reports of extrajudicial and summary floggings of teenagers suspected of behaviour deemed immoral and acts of police brutality.⁵⁸ It noted with concern that corporal punishment is lawful and widely used in the home and that it is a lawful penal sanction.⁵⁹ It urged Saudi Arabia to take all necessary steps for the immediate abolition of extrajudicial and summary floggings of teenagers as well as other forms of cruel, inhuman or degrading punishments imposed on persons having committed a crime when under the age of 18 years, and recommended taking legislative measures to prohibit all forms of corporal punishment in all settings.⁶⁰ The Special Rapporteur on the question of torture transmitted a number of communications concerning allegations of corporal punishment, including public floggings, eye gouging, flogging of school children, and allegations of a rape victim, who was sentenced to 200 lashes.⁶¹ CAT was concerned about the sentencing to, and imposition of, corporal punishments by judicial and administrative authorities, including, in particular, flogging and amputation of limbs⁶² and recommended that Saudi Arabia re-examine its imposition of corporal punishments.⁶³

28. In 2002, CAT recommended that Saudi Arabia ensure that all places of detention or imprisonment conform to standards sufficient to guarantee that no person is thereby subjected to torture or cruel, inhuman or degrading treatment or punishment.⁶⁴

29. CAT was concerned about allegations of prolonged pre-trial detention beyond the statutory limits prescribed by law, at the limited degree of judicial supervision of pre-trial detention⁶⁵ and about reports of incommunicado detention.⁶⁶ The Working Group on Arbitrary Detention adopted a number of Opinions where it concluded that the Government deprived individuals of their liberty in contravention of the Universal Declaration of Human Rights.⁶⁷

30. While noting that a domestic violence law was being drafted and social protection committees had been established, CEDAW was concerned about the incidents of violence against women, the absence of specific laws relating to violence against women, and the lack of prosecution and punishment of perpetrators of violence against women, including domestic violence.⁶⁸ It called upon Saudi Arabia to enact legislation to ensure that violence against women is a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and that perpetrators are prosecuted and punished, and

recommended that Saudi Arabia implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public.⁶⁹ A 2005 UNDP report indicated that forms of violence against women are inflicted by the *motawa* (volunteer religious advocates) in Saudi Arabia or by religious groups that set themselves up as guardians of the propriety of women's clothing and conduct.⁷⁰

31. CRC noted with concern that reportedly domestic violence remains a serious problem and urged Saudi Arabia to take legislative measures to prohibit all forms of physical and mental violence against children; carry out public education campaigns about the negative consequences of ill-treatment of children and domestic violence in general; establish effective procedures and mechanisms to receive, monitor and investigate complaints; investigate and prosecute cases of ill-treatment; provide adequate care, recovery and reintegration for victims and train professionals working with and for children in the identification, reporting and management of ill-treatment cases.⁷¹

32. CEDAW and CRC recommended that Saudi Arabia review its domestic legislation in order to enact a comprehensive anti-trafficking law; strengthen its bilateral and multilateral cooperation with countries of origin and transit; develop and adopt a comprehensive multidisciplinary national plan of action to prevent and combat sexual exploitation of and trafficking in children; and strengthen its efforts to provide adequate assistance and social reintegration services for sexually exploited and/or trafficked children.⁷²

3. Administration of justice and the rule of law

33. In 2006, CRC took note of Saudi Arabia's intention to raise the minimum age of criminal responsibility, but was deeply concerned that it was still seven years. It noted with appreciation that Saudi Arabia has established special juvenile courts and that persons under 18 years of age were held in separate detention facilities and entitled to be represented by a lawyer.⁷³ CRC urged Saudi Arabia to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, and to take the appropriate legal measures to convert them into penalties in conformity with the Convention.⁷⁴

34. CAT recommended that Saudi Arabia ensure that the *Mutaw'en* officials exercise a clear and precise jurisdiction, in conformity with the Convention and other applicable rules of non-discrimination, in a manner regulated by law and subject to review by ordinary judicial authority.⁷⁵

35. CAT also recommended that Saudi Arabia ensure that all persons who have been victims of a violation of their rights under the Convention have access, in law as well as in practice, to the means of obtaining full redress, including compensation, and that the persons who may be responsible for such violations are promptly and impartially investigated, and thereupon punished.⁷⁶ CAT further recommended that Saudi Arabia ensure, in practice, that persons detained in custody are able to exercise prompt access to legal and medical expertise of choice, to family members and, in the case of foreign nationals, to consular personnel.⁷⁷

36. The Special Rapporteur on the independence of judges and lawyers noted that the independence of the judiciary was given high priority by the Government and the judiciary, and that the establishment of an independent prosecution department was an important step in ensuring the impartiality of prosecutions. However, he recommended that the prosecution be placed under the supervision of the Ministry of Justice.⁷⁸ CAT recommended that Saudi Arabia

ensure that the composition of the judiciary fully conforms to the standards imposed by the Basic Principles on the Independence of the Judiciary.⁷⁹

4. Right to privacy, marriage and family life

37. CEDAW urged Saudi Arabia to prescribe and enforce a minimum age of marriage of 18 years for both women and men, and to introduce legislative reforms to provide women with equal rights in marriage, divorce, the custody of children and inheritance, and called upon Saudi Arabia to end the practice of polygamy.⁸⁰ A 2005 UNDP report noted the practice of marriages of convenience (*misyar*), in which a wife is contracted to a man in exchange for his payment of a dowry but without his commitment to house or support her permanently.⁸¹

38. While acknowledging with appreciation the *kafalah* system, CRC was concerned that its application does not ensure the full enjoyment of all rights provided by the Convention and that the placement of children in institutional care is not always used as a measure of last resort.⁸²

5. Freedom of movement

39. CEDAW called upon Saudi Arabia to finalize its review of the ban of women from driving, which is a limitation of their freedom of movement, and which also contributes to the maintenance of stereotypes.⁸³

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

40. CRC was concerned about hate speech against religious minorities in schools and mosques and recommended taking effective measures to prevent and eliminate all forms of discrimination on the grounds of religion or belief and promoting religious tolerance and dialogue in society.⁸⁴ Allegations concerning arrests, beatings, and detentions of Christian worshippers,⁸⁵ Ahmadiyya believers,⁸⁶ and allegations of imprisonment, flogging, death sentences passed for alleged blasphemy and apostasy have also been transmitted to the Government.⁸⁷ CERD was concerned about reports that persons of some racial or ethnic origins are unable to manifest their religious beliefs in Saudi Arabia.⁸⁸ A 2007 ILO report indicated that migrant workers who are not Muslim must refrain from public display of religious symbols.⁸⁹

41. The Special Representative of the Secretary-General on human rights defenders noted with concern that human rights defenders working on issues of political reform and democratic rights are targeted in Saudi Arabia.⁹⁰ In particular, a number of communications have been transmitted to the Government concerning allegations of arrests, harassment, and imprisonment of human rights activists petitioning and issuing statements demanding political reforms and greater rights for women.⁹¹

42. CEDAW expressed concern that the level of representation of women in public and political life is very low, and encouraged Saudi Arabia to take sustained measures to accelerate the increase in the participation and representation of women in the Shura and other elected and appointed bodies in all areas and at all levels of public and political life.⁹² A 2005 UNDP report noted that in Saudi Arabia there was no female representation in the Parliament.⁹³ In 2007, an ILO Committee of Experts noted that there were no women in the courts.⁹⁴ The Special Rapporteur on violence against women noted that women are particularly excluded from decision-making positions. There are for instance no women members of the Cabinet, the Majlis el Shura, or of the Board of the Human Rights Commission.⁹⁵ A 2005 UNDP report indicated that municipal elections were held for the first time in 2005, a progressive step that was

undermined by the exclusion of women and by restrictions on the proportion of council members chosen by election.⁹⁶

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

43. An ILO Committee of Experts noted in 2008 that for many years it has expressed its concern about the failure of the Government to comply with Article 25 of the Convention concerning Forced or Compulsory Labour (No. 29), particularly in light of the special problems faced by migrant workers in Saudi Arabia.⁹⁷ It also noted with regret that the new Labour Code contains no prohibition on forced labour and no penalties, and that it continues to exclude agricultural workers and domestic workers, an exclusion that has particular significance for migrant workers who are often employed in those sectors.⁹⁸

44. CEDAW was concerned that the participation of women in the workforce is still very low, and recommended that Saudi Arabia take immediate steps to increase women's participation in the workforce.⁹⁹ A 2005 UNDP report noted that Saudi Arabia had severe restrictions on women's right to work.¹⁰⁰

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

45. While commending the efforts made by Saudi Arabia to improve the health-care infrastructure, CEDAW expressed concern that women may require the permission of their male guardian to access health facilities.¹⁰¹ It called upon Saudi Arabia to take all necessary measures to improve women's access to health care and health-related services and information, and recommended that special attention is paid to the health needs of women from rural areas and non-Saudi nationalities.¹⁰²

46. A 2006 UNFPA report mentioned that a 2003 Saudi Arabia Ministry of Health directive prohibits pregnant domestic workers from accessing health services unless accompanied by the father. Women who are unaccompanied by the fathers and in need of emergency care are required to be held in "specially designated rooms" to prevent escape.¹⁰³

47. CRC remained concerned about the situation of children living in poverty in Saudi Arabia,¹⁰⁴ and, noting that malnutrition rates were relatively high, recommended improving the nutritional status of infants and children paying particular attention to children in rural areas¹⁰⁵. It also recommended that Saudi Arabia continue its efforts to prevent HIV/AIDS,¹⁰⁶ and to promote adolescent health.¹⁰⁷

9. Right to education and to participate in the cultural life of the community

48. While acknowledging the significant progress made in the area of women's education, CEDAW, as well as CRC were concerned about the high rate of illiteracy among women.¹⁰⁸ CEDAW was also concerned about the discrimination against women in relation to their access to certain fields of studies.¹⁰⁹ CRC regretted the distinction between male and female roles in the curricula resulting in discrimination against girls.¹¹⁰ CEDAW encouraged Saudi Arabia to make every effort to improve the literacy level of girls and women.¹¹¹ A 2005 UNDP report indicated that equality between the two sexes in higher education has been achieved.¹¹² A 2008 World Bank report noted that in higher education female students outnumber male students.¹¹³

49. CRC recommended that Saudi Arabia continue to take measures to increase enrolment and retention rates in intermediate and secondary education, and provide access to early childhood education.¹¹⁴

10. Migrants, refugees and asylum-seekers

50. CEDAW was concerned about the status and situation of female domestic migrant workers as they were not covered by the current labour code, and often not aware of their rights, and, in practice, could not easily file complaints and gain redress in cases of abuse.¹¹⁵ It called upon Saudi Arabia to grant in law and practice female domestic migrant workers, including their children, the rights provided for in the Convention, and to adopt a labour law concerning domestic workers as a priority.¹¹⁶ The Special Rapporteur on violence against women examined the situation of migrant domestic workers during her visit to Saudi Arabia in 2008, and expressed that without sufficient monitoring mechanisms they are left to the mercy of their sponsors, often with no knowledge of any rights they may have in their host country.¹¹⁷ The Special Rapporteur on the human rights of migrants transmitted allegations to the Government concerning exploitative working conditions, sexual violence, and human rights abuses in the criminal justice system with respect to migrant workers.¹¹⁸

51. CRC urged Saudi Arabia to end as a matter of priority the arrest and imprisonment of unmarried non-Saudi (migrant) women who become pregnant, including victims of sexual violence, and recommended that Saudi Arabia develop and implement policies and practices to better protect and serve children of migrant workers.¹¹⁹

52. A 2007 UNHCR report noted that UNHCR will encourage the Government to assume greater responsibility for the protection of refugees and others of concern in accordance with international law.¹²⁰ The report also indicated that Saudi Arabia is estimated to have some 70,000 stateless persons.¹²¹ CRC was concerned about the inadequate legal framework governing the treatment of refugees and asylum-seekers, and recommended that Saudi Arabia take all feasible measures to ensure full protection and care, as well as access to health and social services and to education, of asylum-seeking and refugee children.¹²² CAT was concerned about cases of deportation of foreigners that seemed to have been in breach of the obligations imposed by article 3 of the Convention¹²³ and recommended that Saudi Arabia ensure that its law and practice reflect these obligations.¹²⁴

53. In 2003, CERD was concerned about allegations of substantial prejudice against migrant workers, in particular those coming from Asia and Africa and invited Saudi Arabia to report on the situation, in particular, of women domestic workers.¹²⁵

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

54. CEDAW noted with satisfaction that Saudi Arabia was in the process of drafting new legislation on the implementation of women's rights that it planned to compile, in writing, the provisions of Sharia on personal status.¹²⁶ CEDAW also congratulated Saudi Arabia on the establishment of institutional mechanisms for the advancement and the protection of women from violence.¹²⁷ The Special Rapporteur on violence against women noted that a number of positive developments have taken place in women's status, such as in the area of access to education.¹²⁸ CEDAW urged Saudi Arabia to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and to promote women's full enjoyment of their human rights.¹²⁹

55. CRC welcomed a bill concerning the protection of children from abuse and neglect and the adoption, in 2002, of the Safety of Camel-Racing Regulation and the Royal Decision to form a mechanism to end child abuse.¹³⁰ It also commended Saudi Arabia on measures taken to

improve the health situation of children and the progress achieved in the elimination and prevention of infectious diseases and breaking the silence around HIV/AIDS.¹³¹

56. CRC commended Saudi Arabia for its notable investments in education, for its efforts to treat all children equally with respect to educational services, and that primary education is compulsory for all children and free of all direct and indirect costs.¹³² It noted with appreciation Saudi Arabia's efforts to address the special educational needs of Bedouin children.¹³³

57. CERD had noted with satisfaction that measures have been taken to put an end to the practice of employers retaining the passports of their foreign employees, in particular domestic workers.¹³⁴

58. CERD noted¹³⁵ and CAT welcomed the establishment of a standing commission to investigate accusations concerning the subjection of any person to torture or other cruel, inhuman or degrading treatment or punishment during the arrest, detention and investigation of suspects.¹³⁶

59. A 2006 UNDP report noted that with a population of 22.7 million, 6.1 million of whom are expatriates, Saudi Arabia faces a particular human development challenge that involves a gradual shift away from dependence on expatriate labor, and creating an environment for sustainable employment opportunities for new entrants in the labor market, especially the youth and women.¹³⁷

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

60. In 2006 Saudi Arabia committed itself to make every endeavour to contribute to the Human Rights Council's deliberation and activities for the protection and promotion of human rights.¹³⁸

B. Specific recommendations for follow-up

61. The Special Rapporteur on violence against women issued some preliminary recommendations to the Government following her visit to the country. With respect to developing an effective strategy to combat violence against women, the Special Rapporteur noted that much remains to be done, such as a legal framework based on international human rights; the establishment of robust and independent institutions, including a national machinery for women with prerogatives to intervene in cases of violence against women; positive action policies and plans towards women's empowerment through effective participation in all spheres of society including decision making and leadership; and training and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public.¹³⁹

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

62. CRC recommended that Saudi Arabia continue to seek assistance, inter alia, from OHCHR in relation to the independence of the national human rights institution;¹⁴⁰ from OHCHR and UNICEF in relation to the dissemination of the Convention;¹⁴¹ from UNICEF in relation to the issue of violence against children;¹⁴² from UNICEF and UNAIDS with regard to health issues;¹⁴³ from UNHCR in relation to refugee children;¹⁴⁴ and from UNODC, OHCHR and UNICEF with regard to reforming the administration of juvenile justice.¹⁴⁵

63. A 2006 UNDP report noted that UNDP will assist the Government, inter alia, by helping in the formulation of a draft youth strategy and by building capacities of women and youth for a more effective participation in societal growth through training of trainers, workshops and programmes benefiting women from all sectors of society including rural women.¹⁴⁶

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No.105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁷ Concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW) (CEDAW/C/SAU/CO/2), paras. 9-10.

⁸ *Ibid.*, para. 28.

⁹ Concluding observations of the Committee on the Rights of the Child (CRC/C/SAU/CO/2), para. 8.

- ¹⁰ Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD/C/62/CO/8), para. 9.
- ¹¹ CEDAW/C/SAU/CO/2, para. 23.
- ¹² CRC/C/SAU/CO/2, para. 70.
- ¹³ CRC/C/SAU/CO/2, para. 76.
- ¹⁴ CEDAW/C/SAU/CO/2, para. 11.
- ¹⁵ *Ibid.*, para. 12.
- ¹⁶ ILO Committee of Experts on the Application of Conventions of Conventions and Recommendations, Doc. 092007SAU100, paras. 1 and 3.
- ¹⁷ CRC/C/SAU/CO/2, para. 27, CERD/C/62/CO/8, para. 10.
- ¹⁸ CRC/C/SAU/CO/2, para. 28.
- ¹⁹ E/CN.4/2003/65/Add.3, para. 96.
- ²⁰ Concluding Observations of the Committee against Torture (CAT/C/CR/28/5), para. 4 (a).
- ²¹ CRC/C/SAU/CO/2, para. 13.
- ²² For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.
- ²³ CEDAW/C/SAU/CO/2, para. 7.
- ²⁴ CEDAW/C/SAU/CO/2, para. 20.
- ²⁵ CRC/C/SAU/CO/2, paras. 11 and 12.
- ²⁶ CEDAW/C/SAU/CO/2, para. 12.
- ²⁷ *Ibid.*, paras. 17 and 18.
- ²⁸ UNDP Country programme document for Saudi Arabia (2007-2011), New York, 2006, DP/DCP/SAU/1, p. 2, available at: http://www.undp.org.sa/pages/Off_Doc_Agr/CPD_2007_2011.pdf.
- ²⁹ ILO Committee of Experts on the Application of Conventions of Conventions and Recommendations, Doc. 062007SAU111, para. 3.
- ³⁰ CRC/C/SAU/CO/2, para. 3.
- ³¹ *Ibid.*, para. 60.
- ³² CERD/C/62/CO/8, para. 13.
- ³³ The following abbreviations have been used for this document:
- | | |
|-------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
- ³⁴ CRC/C/SAU/CO/2, paras. 5 and 6.
- ³⁵ The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.
- ³⁶ See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of

human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

³⁷ Questionnaire on the right to education of persons with disabilities A/HRC/4/29, para. 47)..

³⁸ OHCHR Annual Appeal 2005, p. 93.

³⁹ OHCHR 2007 Report on activities and results, P.170

⁴⁰ OHCHR 2008 Report on activities and results (forthcoming).

⁴¹ A/62/180, p. 17

⁴² OHCHR 2008 Report on activities and results (forthcoming).

⁴³ Ibid.

⁴⁴ CEDAW/C/SAU/CO/2, para. 13.

⁴⁵ Ibid., para. 14.

⁴⁶ Ibid., para. 15.

⁴⁷ United Nations Press Release, "United Nations Human Rights Expert on Violence against Women Concludes Visit to Saudi Arabia", 13 February 2008.

⁴⁸ CRC/C/SAU/CO/2, para. 66.

⁴⁹ CEDAW/C/SAU/CO/2, para. 27; . CRC/C/SAU/CO/2, para. 38; CERD/C/62/CO/8, para. 14.

⁵⁰ CEDAW/C/SAU/CO/2, para. 28;. CRC/C/SAU/CO/2, para. 39.

⁵¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Doc. 062007SAU111, para. 10.

⁵² Ibid., para. 9.

⁵³ CRC/C/SAU/CO/2, paras. 53 and 54.

⁵⁴ Ibid., para. 75.

⁵⁵ E/CN.4/2006/53/Add.1, pp. 196 – 197; A/HRC/8/3/Add.1, pp 343 – 346.

⁵⁶ A/HRC/8/3/Add.1, pp. 335 – 337 and 349.

⁵⁷ CERD/C/62/CO/8, para. 18.

⁵⁸ CRC/C/SAU/CO/2, para. 42.

⁵⁹ Ibid., para. 44.

⁶⁰ CRC/C/SAU/CO/2, paras. 43 and 45.

⁶¹ E/CN.4/2006/6/Add.1, para. 398; A/HRC/4/33/Add.1, para. 239; A/HRC/7/3/Add.1, paras. 194 and 198.

⁶² CAT/C/CR/28/5, para. 4 (b).

⁶³ Ibid., para. 8 (b).

⁶⁴ Ibid., para. 8 (d).

⁶⁵ Ibid., para. 4 (d).

⁶⁶ Ibid., para. 4 (e).

⁶⁷ Opinions adopted by the Working Group on Arbitrary Detention, E/CN.4/2006/7/Add.1, Opinion No. 25/2004, pp. 16-20; No. 34/2005, pp. 90 - 92; No. 35, pp. 92 – 95. Opinions adopted by the Working Group on Arbitrary Detention, A/HRC/4/40/Add.1, No. 9/2006, pp. 54 - 55; and No. 12/2006, pp. 63 – 65. Opinions adopted by the Working Group on Arbitrary Detention, A/HRC/7/4/Add.1, No. 36/2006, pp. 10 - 12; No. 37/2006, pp. 12 - 14; No. 4/2007, pp. 64 - 65; No. 9/2007, pp. 78 - 81.

⁶⁸ CEDAW/C/SAU/CO/2, para. 21.

⁶⁹ Ibid., para. 22.

⁷⁰ UNDP, The UNDP Arab Human Development Report 2005, New York, 2006, p.117, available at:

<http://arabstates.undp.org/>.

⁷¹ CRC/C/SAU/CO/2, paras. 50 and 51.

⁷² CEDAW/C/SAU/CO/2, para. 24; CRC/C/SAU/CO/2, para. 72.

⁷³ Ibid.,para. 73.

⁷⁴ Ibid., para. 33.

⁷⁵ CAT/C/CR/28/5, para. 8 (g).

⁷⁶ Ibid.,para. 8 (f).

⁷⁷ Ibid., para. 8 (h).

⁷⁸ E/CN.4/2003/65/Add.3, p. 2.

⁷⁹ CAT/C/CR/28/5, para. 8 (i).

⁸⁰ CEDAW/C/SAU/CO/2, para. 36.

⁸¹ UNDP, The UNDP Arab Human Development Report 2005, New York, 2006, p.195, available at:

<http://arabstates.undp.org/>.

⁸² CRC/C/SAU/CO/2, para. 48.

⁸³ CEDAW/C/SAU/CO/2, paras. 15 and 16.

⁸⁴ CRC/C/SAU/CO/2, paras. 40 and 41.

⁸⁵ E/CN.4/2006/5/Add.1, paras. 327 - 330.

- ⁸⁶ A/HRC/7/10/Add.1, paras. 234 - 237.
- ⁸⁷ E/CN.4/2006/5/Add.1, paras. 331 - 333; A/HRC/4/21/Add.1, paras. 272 - 274.
- ⁸⁸ CERD/C/62/CO/8, para. 15.
- ⁸⁹ ILO, Equality at Work: Tackling the Challenges, International Labour Conference, 96th session 2007, Geneva, 2007, p. 34, available at: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf.
- ⁹⁰ E/CN.4/2006/95/Add.5, para. 1424.
- ⁹¹ E/CN.4/2005/101/Add.1, para. 473; A/HRC/4/37/Add.1, paras. 584, 585, and 586; A/HRC/7/28/Add.1, paras. 1738, 1741, 1744, and 1746.
- ⁹² CEDAW/C/SAU/CO/2, paras. 25 and 26.
- ⁹³ UNDP, Human Development Report 2005, New York, 2005, p.44, available at: http://hdr.undp.org/en/media/HDR05_complete.pdf.
- ⁹⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Doc. 062007SAU111, para. 10.
- ⁹⁵ United Nations Press Release, "United Nations Human Rights Expert on Violence against Women Concludes Visit to Saudi Arabia", 13 February 2008.
- ⁹⁶ UNDP, The UNDP Arab Human Development Report 2005, New York, 2006, pp. 3 and 33, available at: <http://arabstates.undp.org/>.
- ⁹⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Doc. 062008SAU029, paras. 1 and 2.
- ⁹⁸ Ibid.
- ⁹⁹ CEDAW/C/SAU/CO/2, paras. 31 and 32.
- ¹⁰⁰ UNDP, The UNDP Arab Human Development Report 2005, New York, 2006, p.185, available at: <http://arabstates.undp.org/>.
- ¹⁰¹ CEDAW/C/SAU/CO/2, para. 33.
- ¹⁰² Ibid., para. 34.
- ¹⁰³ UNFPA, State of the World Population 2006, New York, 2006, p. 54, available at: <http://www.unfpa.org/swp/2006/english/introduction.html>.
- ¹⁰⁴ CRC/C/SAU/CO/2, para. 59.
- ¹⁰⁵ Ibid., paras. 55 and 56.
- ¹⁰⁶ Ibid., para. 56.
- ¹⁰⁷ Ibid., para. 58.
- ¹⁰⁸ CEDAW/C/SAU/CO/2, para. 29; CRC/C/SAU/CO/2, para. 62.
- ¹⁰⁹ CEDAW/C/SAU/CO/2, para. 29.
- ¹¹⁰ CRC/C/SAU/CO/2, para. 65.
- ¹¹¹ CEDAW/C/SAU/CO/2, para. 30.
- ¹¹² UNDP, The UNDP Arab Human Development Report 2005, New York, 2006, p.78, available at: <http://arabstates.undp.org/>.
- ¹¹³ World Bank, MENA Development Report, The Road Not Travelled, Education Reform in the Middle East and North Africa, Washington DC, 2008, p. 30, available at: http://siteresources.worldbank.org/INTMENA/Resources/EDU_Flagship_Full_ENG.pdf.
- ¹¹⁴ CRC/C/SAU/CO/2, para. 63.
- ¹¹⁵ CEDAW/C/SAU/CO/2, para. 23.
- ¹¹⁶ Ibid., para. 24.
- ¹¹⁷ United Nations Press Release, "United Nations Human Rights Expert on Violence against Women Concludes Visit to Saudi Arabia", 13 February 2008.
- ¹¹⁸ E/CN.4/2004/85/Add.1, para. 203.
- ¹¹⁹ CRC/C/SAU/CO/2, para. 70.
- ¹²⁰ UNHCR, Global Appeal Report 2008/2009, Strategies and Programmes, Geneva, 2007, p, 203, available at: <http://www.unhcr.org/ga08/index.html>.
- ¹²¹ Ibid.
- ¹²² CRC/C/SAU/CO/2, paras 67 and 68.
- ¹²³ CAT/C/CR/28/5, para. 4 (g).
- ¹²⁴ Ibid., para. 8 (e).
- ¹²⁵ CERD/C/62/CO/8, para. 17.
- ¹²⁶ CEDAW/C/SAU/CO/2, para. 6.
- ¹²⁷ Ibid., para. 6.
- ¹²⁸ United Nations Press Release, "UN Human Rights Expert on Violence against Women Concludes Visit to Saudi Arabia", 13 February 2008.

¹²⁹ CEDAW/C/SAU/CO/2, para. 16.

¹³⁰ CRC/C/SAU/CO/2, paras. 3(d) and 50.

¹³¹ Ibid., para. 55.

¹³² CRC/C/SAU/CO/2, para. 61.

¹³³ CRC/C/SAU/CO/2, para. 62.

¹³⁴ CERD/C/62/CO/8, para. 6.

¹³⁵ Ibid., para. 4.

¹³⁶ CAT/C/CR/28/5, para. 3 (d).

¹³⁷ UNDP Country programme document for Saudi Arabia (2007-2011), New York, 2006, DP/DCP/SAU/1, p. 2, available at: http://www.undp.org.sa/pages/Off_Doc_Agr/CPD_2007_2011.pdf.

¹³⁸ Pledges and commitments undertaken by Saudi Arabia before the Human Rights Council, as contained in the letter dated April 19, 2006 sent by the Permanent Mission of Saudi Arabia to the United Nations addressed to the President of the General Assembly, p. 1, available at: <http://www.un.org/ga/60/elect/hrc/saudi-arabia.pdf>.

¹³⁹ United Nations Press Release, "United Nations Human Rights Expert on Violence against Women Concludes Visit to Saudi Arabia", 13 February 2008.

¹⁴⁰ CRC/C/SAU/CO/2, para. 14.

¹⁴¹ Ibid., para. 19.

¹⁴² Ibid., para. 51.

¹⁴³ Ibid., para. 56.

¹⁴⁴ Ibid., para. 68.

¹⁴⁵ Ibid., para. 75.

¹⁴⁶ UNDP Country programme document for Saudi Arabia (2007-2011), New York, 2006, DP/DCP/SAU/1, p. 5, available at: http://www.undp.org.sa/pages/Off_Doc_Agr/CPD_2007_2011.pdf.
