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Report of the Working Group on the Universal Periodic Review**

Saudi Arabia

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I. Introduction

1. The Kingdom of Saudi Arabia takes this opportunity to reaffirm its commitment to continue its endeavours to protect and diligently promote human rights at the national and international levels and to participate in an active and constructive manner in the Human Rights Council.

2. The Kingdom emphasizes its cooperation with, and support for, the UPR mechanism in view of the tangible results that the latter is achieving and which are helping to promote and protect human rights throughout the world in conformity with the basic principles of objectivity and transparency. The interactive and cooperative nature of this process ensures that it will continue to provide increasing opportunities to achieve its desired goals and aspirations while, at the same time, respecting national cultures and benefiting from them to promote and protect the universality and interdependence of human rights in accordance with the provisions of Human Rights Council resolution 21/3 of 20 September 2012.

3. The 225 recommendations made to the Kingdom at the seventeenth session of the Working Group were carefully considered by the Board of the Kingdom's Human Rights Commission which includes a number of experts in sharia, law and the various fields of human rights. They were subsequently discussed by a committee consisting of high-level representatives of more than 16 government agencies and several civil society institutions, including the National Society for Human Rights, were also consulted. The recommendations were then submitted to a group of specialists and academics concerned with human rights so that they could express their views thereon. It is noteworthy that 88 of these recommendations, to which reference will be made in accordance with the thematic classification adopted in the report, were fully or partly endorsed and are being implemented.

II. The Kingdom's views and conclusions concerning the recommendations made to it

4. The Kingdom's Basic Law of Governance is derived from the Islamic sharia in accordance with article 7 of the said Law which stipulates that: "Governance in the Kingdom of Saudi Arabia shall derive its authority from the Book of Almighty God and the Sunna of His Messenger by which this and all other laws of the State shall be governed". Article 26 of the Law further stipulates that: "The State shall protect human rights in conformity with the Islamic sharia". Before setting forth its views on the recommendations, the Kingdom wishes to make the following clarifications:

- **Its full or partial endorsement of the recommendations is in keeping with the principles and precepts of the Islamic sharia, which protect human rights and criminalize any violation thereof, and with the provisions of the laws in force;**
- **Partial endorsement signifies its approval of only part of the recommendation, as will be made clear in the following sections of the report, or its approval of the objective of the recommendation while holding a differing opinion concerning the manner of its implementation or the requisite time frame therefor;**
- **Its non-endorsement of some recommendations may be attributable to their incompatibility with the principles and precepts of the Islamic sharia, their failure to reflect the current situation, their coverage of matters falling outside the scope of the Review or their inclusion of false allegations.**

5. The Kingdom's views and conclusions concerning the recommendations made to it, in accordance with their thematic classification, are as follows:

A. Accession and commitment to international human rights treaties and withdrawal of reservations thereto

6. As indicated in paragraph 19 of its national report, the Kingdom conducts an ongoing periodic study of international human rights treaties and instruments in order to assess the appropriateness or feasibility of accession thereto. In this connection, the Kingdom wishes to point out that it has acceded to the ILO Minimum Age Convention, 1973 (No. 138). With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Elimination All Forms of Discrimination against Women and ILO Conventions Nos. 87 and 98, the sharia and the Kingdom's legislation contain adequate provisions to ensure achievement of the purpose of these conventions. The Kingdom wishes to emphasize the fact that that the principle of reservations to international conventions is a right recognized by international law. Moreover, the Kingdom believes that the reservations that it has made to the treaties that it has signed or to which it has acceded are not incompatible with the aims and purposes of those treaties. Accordingly:

The recommendations that have been endorsed in this section are:

138.1; 138.3; 138.11; 138.12; 138.17; 138.18.

The recommendations that have been partially endorsed are:

138.7; 138.9; 138.10; 138.19; 138.20; 138.23; 138.32.

The recommendations that have not been endorsed are:

138.2; 138.4; 138.5; 138.6; 138.8; 138.13; 138.14; 138.15; 138.16; 138.21; 138.22; 138.24; 138.25; 138.26; 138.140.

B. Reform of the judicial and legal systems

7. As stipulated in the Basic Law of Governance, the terms of reference of the judiciary and the legal system are derived from the Islamic sharia. The Supreme Court is responsible for determining the judicial principles most consistent with international standards, as already indicated in paragraph 33 of the national report. Furthermore, in order to safeguard every individual's right to life, the Kingdom's legislation designates homicide as a punishable criminal offence. No authority is empowered to modify or abolish the legally established fixed penalties (*hudud*) prescribed in the Islamic sharia.

8. The precepts of the Islamic sharia are characterized by their broad scope, their suitability for every time and place and their responsiveness to changing circumstances. This is borne out by the promulgation of numerous sharia-based enactments, some of which make provision for specific categories of crime and penalties (as in the case of the Repression of Crimes of Trafficking in Persons Act). The Codes of Sharia (Civil) and Criminal Procedure have likewise been amended to make them more consistent with the relevant international standards. The new Code of Criminal Procedure stipulates, inter alia, that judicial hearings must be conducted in public unless, exceptionally, the court decides otherwise on grounds of security or in order to safeguard public morals or if such is necessary for the purpose of discovering the truth. This is in conformity with international standards concerning rules to ensure a fair trial. Accordingly:

The recommendations that have been endorsed in this section are:

138.27; 138.28; 138.29; 138.30; 138.31; 138.33; 138.60; 138.63; 138.69; 138.139; 138.141; 138.142; 138.145; 138.146; 138.147; 138.149; 138.150; 138.153; 138.155; 138.156.

The recommendations that have been partially endorsed are:

138.34; 138.37; 138.39; 138.41; 138.42; 138.43; 138.45; 138.144; 138.148.

The recommendations that have not been endorsed are:

138.38; 138.50.

C. Civil and political rights

9. The Kingdom's legislation guarantees freedom of expression and freedom of choice of religion and belief without prejudice to the country's identity as the focal point to which 1.5 billion Muslims throughout the world turn in prayer. The Kingdom does not have any minorities in the religious sense of the term. In this connection, the Kingdom refers to paragraphs 21, 22, 23, 24, 25 and 27 of its national report.

10. While drawing attention to the fact that the draft Civil Society Institutions Act is currently under study, the Kingdom wishes to emphasize that it does not deem itself to be under any obligation to set a deadline for the promulgation of this or other legislative enactments. Accordingly:

The recommendations that have been endorsed in this section are:

138.48; 138.49; 138.51; 138.53; 138.59; 138.117; 138.154; 138.162; 138.165; 138.168; 138.170; 138.172; 138.173.

The recommendations that have been partially endorsed are:

138.46; 138.47; 138.52; 138.54; 138.137; 138.164; 138.175.

The recommendations that have not been endorsed are:

138.169; 138.171; 138.174; 138.193.

D. Rights of women and children

11. The Kingdom's laws and regulations guarantee equality and designate all forms of discrimination, particularly against women, as punishable criminal offences. However, since acts of discrimination might be committed with impunity within the context of erroneous individual practices, endeavours are being intensified to eliminate such discrimination through the adoption of further policies, regulations and procedural measures under which any form of discrimination against women will be criminalized and punished. The national report highlighted the achievements made in the field of women's rights and particularly in regard to women's participation in public and political life. The Kingdom is aware that the system of male guardianship or tutelage to which reference is made in some of the recommendations is regarded as implying male domination over women. It therefore wishes to reaffirm that its regulations protect women from such domination or any practices conducive thereto and in no way entail any marginalization of women or gender-based differentiation likely to undermine the recognition of women's rights in a manner consistent with the definition of discrimination incorporated in the Convention on the Elimination of All Forms of Discrimination against Women. The Islamic legal concept of *qiwama* (tutelage in the sense of men's obligation to protect and provide for their womenfolk) guarantees women's rights and helps to ensure a properly structured

and cohesive family. If this obligation is abused and exploited as a means to subjugate a woman and violate her rights, there are many ways in which the woman can seek redress at any time, particularly through the judiciary.

12. The Islamic sharia prohibits forced marriage and, under the Kingdom's regulations, a marriage contract is deemed to be null and void in the absence of proof of the full and free consent of either of the spouses. The marriage of minors is an issue that is currently under study and, consequently, it would be inappropriate to specify a minimum age for marriage before learning the outcome of the study. It should be noted, however, that marriage of minors is a rare occurrence. Accordingly:

The recommendations that have been endorsed in this section are:

138.44; 138.55; 138.56; 138.57; 138.58; 138.74; 138.75; 138.92; 138.93; 138.95; 138.96; 138.98; 138.99; 138.100; 138.101; 138.102; 138.103; 138.105; 138.106; 138.107; 138.108; 138.113; 138.114; 138.115; 138.134; 138.138; 138.152; 138.163; 138.176; 138.177; 138.178; 138.179; 138.180; 138.181; 138.184; 138.191; 138.192.

The recommendations that have been partially endorsed are:

138.35; 138.109; 138.110; 138.111.

The recommendations that have not been endorsed are:

138.36; 138.104.

E. Promotion of human rights culture and education

13. All the recommendations made in this section have been endorsed, namely:

138.61; 138.62; 138.64; 138.65; 138.66; 138.67; 138.68; 138.71; 138.97.

F. The death penalty and corporal punishment

14. The death penalty is imposed only for the most serious crimes and, as indicated in paragraphs 34, 35 and 38 of the national report, the Kingdom's regulations, and primarily the Statute of the Judiciary, the Code of Sharia (Civil) Procedure and the Code of Criminal Procedure which are consistent with international standards, incorporate safeguards that ensure a fair trial. In general, the judiciary tends to waive the death penalty in keeping with the precept of the Prophet (peace and blessings be upon him): "Ward off the *hudud* (fixed penalties) with specious argument".

15. To determine criminal responsibility, the Kingdom's judiciary takes account of precise and specific criteria such as age. If the perpetrator of a capital offence meets any of these criteria, he is deemed to have been aware of the nature of his felonious act and, consequently, bears responsibility therefor and deserves the prescribed penalty. This exemplifies the way in which the Islamic sharia established an additional international standard by showing concern for the right to life to which all other rights are subordinate. The death penalty is waived in the case of minors and is never imposed on children. It is noteworthy that the Kingdom's legislation defines a child in a manner consistent with article 1 of the Convention on the Rights of the Child.

16. In addition to the Kingdom's declared position in regard to the recommendations calling for abolition of the death penalty in the first review in 2009, and further to the clarifications that it provided in paragraphs 34, 35, 36 and 37 of the national report, the Kingdom emphasizes the fact that the corporal punishments prescribed in its regulations do not constitute torture or degrading treatment as defined in article 1 of the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Accordingly:

The recommendations that have been endorsed in this section are:

138.123.

The recommendations that have been partially endorsed are:

138.124; 138.125; 138.126; 138.130.

The recommendations that have not been endorsed are:

138.40; 138.118; 138.119; 138.120; 138.121; 138.122; 138.127; 138.128; 138.129.

G. Endeavours to combat discrimination and domestic violence

17. The Kingdom's labour regulations do not require women to seek permission from any other person in order to engage in an occupation. It is noteworthy that any officials who impede the receipt of complaints of domestic violence are held accountable and punished under the provisions of numerous enactments including, in particular, the Protection from Abuse Act. Accordingly:

All the recommendations made in this section have been endorsed, namely:

138.70; 138.94; 138.112; 138.135; 138.136; 138.143; 138.157; 138.183; 138.189; 138.190; 138.215.

H. International cooperation in the field of human rights

18. The Kingdom is willing to engage in ongoing positive cooperation with international human rights mechanisms, including the Council's Special Procedures, by permitting visits by Special Rapporteurs and responding positively to their relevant inquiries and requests for information and clarifications. The scheduling of their invitations and the decision as to who should be invited are left to the Kingdom's authorities concerned with human rights. The Kingdom is eager to implement the recommendations that it has endorsed and human rights dialogues in this regard will be conducted within the framework of the United Nations mechanisms. Accordingly:

The recommendations that have been endorsed in this section are:

138.76; 138.77; 138.78; 138.79; 138.81; 138.82; 138.83; 138.87; 138.90; 138.91; 138.221; 138.222; 138.224.

The recommendations that have been partially endorsed are:

138.84; 138.85; 138.88; 138.223.

The recommendations that have not been endorsed are:

138.86; 138.89; 138.225.

I. Endeavours to combat trafficking in persons

19. Within the scope of the implementation of the Repression of Crimes of Trafficking in Persons Act and fulfilment of the Kingdom's international obligations, and in conformity with the principles of the Islamic sharia which prohibits all forms of trafficking in persons, the competent authorities in the Kingdom, such as the National Committee to Combat

Crimes of Trafficking in Persons, the Human Rights Commission and the other government bodies concerned, monitor all crimes of trafficking in persons and punish their perpetrators. The bodies concerned provide the requisite care and assistance, including various social, psychological, legal, educational and training services, for victims of trafficking in persons. Accordingly:

All the recommendations made in this section have been endorsed, namely:

138.72; 138.80; 138.131; 138.132; 138.133; 138.159; 138.160.

J. Workers' rights

20. The Kingdom's regulations protect the rights of workers, regardless of whether they are nationals or foreign residents. It should be noted that there are no migrant workers in the Kingdom, since all foreign workers entering its territory hold fixed-term contracts of employment on the expiration of which they return to their home countries. The term "sponsor" is an incorrect designation that is not used in the Kingdom's regulations, in which the approved term is "employer". The Labour Law and the regulations and decisions issued pursuant thereto contain precise definitions of all the rights and obligations of workers and employers and these texts are constantly being reviewed, in the light of changing labour market conditions, in such a way as to guarantee the rights and obligations of both parties. Accordingly:

The recommendations that have been endorsed in this section are:

138.73; 138.116; 138.158; 138.182; 138.194; 138.197; 138.198; 138.199; 138.200; 138.201; 138.202; 138.203; 138.204; 138.205; 138.206; 138.207; 138.208; 138.209; 138.210; 138.211; 138.212; 138.213; 138.214.

The recommendations that have been partially endorsed are:

138.196.

The recommendations that have not been endorsed are:

138.195.

K. Economic, social and cultural rights

21. All the recommendations made in this section have been endorsed, namely:

138.185; 138.186; 138.187; 138.188.

L. Counter-terrorism

22. The Kingdom's innovative counter-terrorism initiative is distinguished by the delicate balance that it maintains between combating terrorism and protecting human rights. This is one of the intrinsic principles of the Islamic sharia, from which the Kingdom derives its regulations. Moreover, existing regulations and bills of law are subject to periodic review and study by the Human Rights Commission in order to ensure their conformity with international standards since article 5, paragraph 2, of the Commission's Statute stipulates that the Commission "shall express its opinion on bills of law relating to human rights and shall review existing legislation and propose amendments thereto in accordance with the established procedure". These legislative enactments are also subject to review by national human rights and civil society institutions. The Kingdom assumes that the intended meaning of the term "jihadism", to which reference is made in recommendation 138.218, is

terrorism. The Kingdom wishes to draw attention to its contributions and initiatives in the field of counter-terrorism, as outlined in paragraph 97 of its national report, and rejects the false allegations detracting from its endeavours to combat and confront terrorism. Accordingly:

The recommendations that have been endorsed in this section are:

138.216; 138.217; 138.218; 138.220.

The recommendations that have not been endorsed are:

138.219.

M. Other recommendations

23. Four recommendations were made on matters not falling within the above thematic categories. Three of these recommendations have been endorsed:

138.151; 138.166; 138.167.

24. The recommendation that has not been endorsed is:

138.161.
