

Maat for Peace's Report on the Universal Periodic Review (UPR) of Saudi Arabia

First: Joining International Human Rights Treaties

Saudi Arabia accepted 16 recommendations related to joining the main international human rights treaties in the UPR 3rd cycle¹. The most prominent of these recommendations relate to joining the two international covenants on human rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights, in addition to International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Maat has noted that the Kingdom pointed out that a State committee was studying the International Covenants in preparation for joining them. Maat also reviewed the report of the Human Rights Commission in Saudi Arabia for 2021, stating that the Commission had expressed its opinion on accession to five regional and international human rights treaties and conventions², including the two main international conventions on human rights, the International Convention for the Protection of All Migrant Workers, and the International Convention for the Protection of All Persons from Enforced Disappearance. Until January 2023, the Kingdom was still examining the issue of joining the previously mentioned treaties and conventions, and Saudi Arabia stated that in its combined tenth and eleventh periodic reports submitted to the Committee on the Elimination of Racial Discrimination in January 2023, and it said that the study of joining international human rights treaties and conventions is a right granted to sovereign states in accordance with international law³.

Recommendations

- We encourage the Kingdom to consider acceding to the International Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights;
- We encourage the Kingdom to clarify the latest developments reached by the committee formed to study the Kingdom's potential accession to other human rights treaties that it has not yet ratified.

Second: Institutional Framework for Human Rights

The institutional framework for human rights in Saudi Arabia includes a group of institutions and bodies that work to promote human rights, topped by the Human Rights

¹ Report of the Working Group on the Universal Periodic Review, Kingdom of Saudi Arabia, https://www.upr-info.org/sites/default/files/documents/2019-08/saudi_arabia_addendum_en.pdf

² The annual report of the Human Rights Commission, pg. 26, <https://tinyurl.com/5xfub22n>

³ The combined report of the tenth and eleventh periodic reports submitted by the Kingdom of Saudi Arabia, on the following link: <https://tinyurl.com/muzfkppn>



Commission and the Supreme Council for Family Affairs, which consists of technical committees such as the Childhood and Elderly Committee and the Women's Committee⁴. One of the goals set by the Council in its Strategic Plan is to increase the empowerment of women and non-profit organizations in line with Saudi Arabia's Vision 2030⁵.

Returning to the Human Rights Commission, it was established under a resolution by the Council of Ministers No. 2007 of 2005 and its system was later revised to increase its independence as outlined in a subsequent resolution by the same Council No. 237 of 2016, which transferred the commission to the King's control after being initially under the Executive Authority. A royal decree was issued on June 30, 2020, to ensure that the Human Rights Commission's membership fairly represented both genders and included 13 members with equal footing⁶.

On September 22, 2022, the Saudi king ordered the dismissal of the head of the Human Rights Commission and the appointment of a woman as his successor. Since then, Maat has noticed an increased activity for by commission represented in intensifying cooperation with Office of the United Nations High Commissioner for Human Rights and conducting training courses in the Kingdom to raise awareness about women's rights and the work of civil society. Although Saudi Arabia has accepted some recommendations in the UPR 3rd cycle related to establishing a national institution that complies with the Paris Principles on the status of national human rights institutions. However, the Commission still does not comply with these principles accordingly, it is not a member of the Global Alliance of National Human Rights Institutions⁷.

Recommendations:

- Amending the composition of the Human Rights Commission to ensure its compliance with the Paris Principles relating to national human rights institutions;
- Starting procedures for the Human Rights Commission to obtain accreditation from the Global Alliance of National Human Rights Institutions.

Third: Fair Trial and Criminal Justice

Saudi Arabia accepted 8 recommendations in the UPR 3rd cycle related to the right to a fair trial and criminal justice⁸.

⁴ family affairs council, https://www.fac.gov.sa/web/main_page

⁵ Family Affairs Council strategic plan: https://www.fac.gov.sa/web/main_dept/34#

⁶ A royal decree to form the Council of the Human Rights Commission in its fourth session for a period of four years, <https://sabq.org/saudia/tqwzc8>

⁷ Global Alliance of National Human Rights Institutions, members, <https://ganhri.org/membership/>

⁸ Ibid, , https://www.upr-info.org/sites/default/files/documents/2019-08/saudi_arabia_addendum_en.pdf

With regard to the right to a fair trial, the Basic Law of the State includes guarantees for the right to a fair trial, and the law guarantees the independence of judges who are not subject to no authority other than the provisions of Sharia and laws in force. Nevertheless, some reports claimed that the judiciary was under pressure, especially with regard to the rulings issued by the Specialized Criminal Court, and the reports stated that the infrequent acquittals of defendants by this court were the reason for this occurrence. Other allegations also revealed that the Specialized Criminal Court and the Office of the Public Prosecutor were not fully independent as they were required to coordinate their decisions with the executive authorities, including the Council of Ministers.

The Committee on the Elimination of All Forms of Discrimination against Women, in its concluding observations on the periodic report of Saudi Arabia, also emphasized the persistence of obstacles to women's access to justice, and among these obstacles; Women's lack of knowledge of their rights and existing complaints mechanisms, fear of reprisals and stigmatization, law enforcement officials and legal practitioners may not be well-versed in women's rights or take them seriously, Women and girls must obtain permission from a male guardian to file complaints. Some views have claimed that these practices have undermined women's access to justice and are still in practice.

In the field of criminal justice, Saudi Arabia still faces various criticisms especially with regard to the expansion of death penalty sentences. However, according to the Human Rights Commission, a royal decree was issued on April 26, 2020 to abolish the death penalty against children who were sentenced to death when they were under 18⁹. Maat commends this step, which will likely benefit children. According to reports, the penalty that will be imposed on children in this case would increase to 10 years and the children will spend them in correctional homes for minor children¹⁰. In the implementation of the royal decree, Saudi Arabia reduced the death penalty against three children in February 2021 to ten years¹¹, which is an implementation of the set of recommendations accepted by the Kingdom in the UPR 3rd cycle.

Recommendations

- We continuously encourage the reforms initiated by Saudi Arabia related to the reform of the criminal justice system;
- Removing all obstacles to women's access to justice;
- Reconsidering the revision of national laws to limit the death penalty to the most serious crimes.

⁹ The Saudi Human Rights Commission. abolishing the death penalty against minors and replacing it with imprisonment in "reform houses", <https://arabic.cnn.com/middle-east/article/2020/04/27/saudi-arabia-decree-abolition-execution-juvenile>

¹⁰ Ibid

¹¹ Saudi Arabia Drops Death Sentence Against Child Protestors, <https://www.hrw.org/news/2021/02/11/saudi-arabia-drops-death-sentence-against-child-protestors>



Fourth: Combating Human Trafficking

The Kingdom of Saudi Arabia accepted all the seven recommendations it has received on combating human trafficking during the UPR 3rd cycle. Maat noted that the Kingdom has taken various steps and procedures to implement these recommendations, including the National Action Plan to Combat Human Trafficking Crimes 2021-2023¹², adopted by the Committee for Combating Human Trafficking Crimes, which is based on the four pillars of trafficking: prevention, protection, litigation, and partnership. Following the UPR 3rd cycle, the Commission for Human Rights and Social Development held workshops with the embassies of a group of countries workers in Saudi Arabia, India, Vietnam, Indonesia, Sri Lanka, and Pakistan, where they discussed issues related to labor rights and combating human trafficking. It also provides civil society and stakeholders with data on human trafficking.

According to official data, there were 1,454 potential victims of trafficking in 2022, 942 of whom were victims of forced labor, 130 of sex trafficking, and 382 of forced begging and 'slavery-like practices'. The majority of such victims were citizens from Asia and Africa. Maat also appreciates that the Kingdom, in cooperation with the International Organization for Migration, established the Victims Assistance Fund to provide victims and potential victims of human trafficking with assistance in 2020, thus contributing to economic, social, and psychological rehabilitation¹³.

In a related context, the government leveraged the initiative of the Unified Translation Center to provide interpretation and translation services to courts and judicial facilities to protect the rights of non-Arabic-speaking victims in court proceedings; however, there is no indication that trafficking victims have used this initiative. Reports claim that civil lawsuits seeking compensation against traffickers rarely result in settlements or the victim obtaining compensation¹⁴. In general, despite previous efforts to implement recommendations for human trafficking, Maat has concerns regarding reports that drew attention to the failure to impose proportionate penalties on trafficked persons. These provisions did not include imprisonment for long periods, which may encourage these people to repeat these practices¹⁵.

Recommendations:

- Consider activating the Human Trafficking Victims Fund, which would grant victims of trafficking all the rights assigned to them;
- Increase efforts to prosecute human trafficking offenses and seek appropriate penalties for convicted traffickers, which should include lengthy prison sentences and heavy fines..

Fifth: Decent Work for Citizens and Migrant Workers

¹² National Action Plan, <https://www.ncct.gov.sa/en/national-action-plan>

¹³ Victim Assistance Fund, <https://www.ncct.gov.sa/index.php/ar/sndwq-msadt-aldhaya>

¹⁴ 2023 Trafficking in Persons Report: Saudi Arabia, <https://tinyurl.com/4tt5njfh>

¹⁵ 2023 Trafficking in Persons Report: Saudi Arabia, <https://www.state.gov/reports/2023-trafficking-in-persons-report/saudi-arabia/>

The Kingdom of Saudi Arabia accepted all the 11 recommendations it has received on decent work and migrant workers during the UPR 3rd cycle. As of February 2023, there were approximately 10.9 million foreign workers making up 75% of the total workforce in Saudi Arabia. It should be noted that this number does not include unregistered workers nor family members of migrant workers residing in the Kingdom¹⁶.

The Basic Law of Governance in Saudi Arabia guarantees the right to work. Article (28) thereof stipulates that: "The State shall facilitate job opportunities for every able person, and enact laws to protect the worker and the employer." In a related context, Article (1) of the Civil Service Law stipulates that "Competency shall be the basis of selecting the employees to occupy the public office." Article (4) of the Law also defines the conditions for filling a public position. The Ministry of Civil Service launched an electronic recruitment website for government jobs, "Jadarah", which sorts out candidates for government jobs without any discrimination among citizens other than their level of meeting required qualifications. The website announces candidates and their grades with full transparency. Those who are not nominated have the right to complain to the Ministry or the administrative courts. These measures contributed to lowering unemployment levels. In September 2022, the Statistics Authority in the Kingdom of Saudi Arabia announced a decrease in the unemployment rate in Saudi Arabia to about 9.7%, which is the lowest unemployment rate since 2001, when the unemployment rate reached about 8.3%.

This decline coincided with the participation of Saudi women in the labor market. According to Maat's experts, this decline was because of the entry of new investments from different and qualitative sectors, which resulted in a group of jobs. In addition, the government supported small and medium enterprises, which improved the labor market. Nevertheless, Maat noticed that the Corona pandemic affected small and medium enterprises; out of 918 companies, 46% lost their sales revenues, while 67% reported that sales losses might lead to closure¹⁷.

Concerning migrant workers, the International Labor Organization welcomed the Kingdom's initiative, entitled "Improving the Contractual Relationship", launched in November 2020, to reduce restrictions imposed on migrant workers in the Kingdom¹⁸. Despite media reports stating the abolition of the Kafals (sponsorship) system¹⁹, the Ministry of Labor and Social Development issued a statement clarifying that it had not issued any statement regarding the abolition thereof. However, it highlighted the various initiatives it has launched to improve working conditions for migrant workers. In the context of implementing the technical recommendation of the International Labor Organization, the Ministry of Human Development

¹⁶ Ibid

¹⁷ Arab Human Development Report for the year 2022, pg. 73, <https://arab-hdr.org/wp-content/uploads/2022/06/UNDP-Arab-HDR-text-AR-103122.pdf>

¹⁸ The ILO Regional Office welcomes the Saudi announcement on reforms for migrant workers , https://www.ilo.org/beirut/media-centre/news/WCMS_760161/lang--ar/index.htm

¹⁹ Labor and Social Development: The Ministry did not issue a decision to cancel the Kafala system. <https://www.hrsd.gov.sa/media-center/news/415368>

and Labor conducted inspections of labor establishments. In 2020, these visits reached more than 900,000. It documented more than 123,000 violations in these facilities. But there is a lack of data regarding the procedures for these violations and the penalties prescribed.

Recommendations

- Consider joining all basic labor organization conventions, in a way that contributes to the promotion of decent work for all;
- Publication of data related to irregularities in labor establishments and the penalties prescribed for them.

Sixth: Rights of Women and Children

Saudi Arabia accepted 48 recommendations in the UPR 3rd cycle related to the rights of women and children. Regarding women's rights, Maat observed different measures taken by the Kingdom of Saudi Arabia following the UPR 3rd cycle. These include addressing the male guardianship system and promoting gender equality.

Restricting the Male Guardianship System: Saudi Arabia abolished some of the restrictions on male guardianship. It allows women over 21 years of age to obtain a passport and travel without a guardian. It also grants women over 18 the right to register their son's birth certificate. The Personal Status Law also included guarantees to protect women from coercion into marriage, such as proof of the consent of both spouses and the prohibition of the legal guardian's approval of a woman's marriage without her consent. The law defines marriage as the legal age for children, which is 18 years. Nevertheless, various reports have indicated that the law does not set a clear definition of the consent between spouses referring to the difficulty of proving it²⁰.

Gender Equality: In implementing the recommendations of gender equality and women's empowerment, Maat noted that women in the Kingdom have access to senior positions in government institutions and the administrative apparatus. Women in the Kingdom held leadership positions in many ministries and institutions; Maat noticed an increase in the percentage of women in senior and middle management positions from 28.6% in 2017 to 39% in 2021. Women's economic participation in Saudi Arabia increased from 17.4% in 2017 to 36% by the end of 2022, an increase of 107%. The Kingdom also established the Gender Balance Center in September 2021²¹, and in this context, the share of women in the labor market increased to 40% at the end of 2022 compared to about 21% in 2017. such efforts were reflected in Saudi Arabia's ranking in international indices as the Women's Index, Business Activities, and Law, issued by the World Bank Corporation²². Despite this progress, women's political participation in the Kingdom is still limited, as they are not represented in the Saudi Council of Ministers and represent 19.8% of the total members of the Saudi Shura Council. Only

²⁰ personal status system, <https://tinyurl.com/sjuk5ed9>

²¹ General / The Institute of Public Administration launches the Center for Gender Balance to empower human capabilities and achieve equal opportunities in work environments.

<https://sp.spa.gov.sa/viewfullstory.php?lang=ar&newsid=2302549>

²² Executive Summary Women, Business and the Law, p. 8, <https://tinyurl.com/2s3huarn>

154 Saudi female diplomats work in the Saudi Ministry of Foreign Affairs. According to a survey conducted by the King Abdulaziz Center for National Dialogue (KACND) in 2022, 95% of women are satisfied with their lives compared to their satisfaction five years ago, and 95% of about 2,500 women reported that they expect women's rights to be strengthened soon in the Kingdom of Saudi Arabia.

Concerning promoting children's rights, Saudi Arabia launched an initiative to protect children in the cyber world. It aims to confront electronic threats targeting children. Saudi Arabia launched it in cooperation with many international organizations²³. It also issued a national policy to prevent child labor and provide a safe environment, where the children of the Kingdom and foreign workers enjoy safety and protection.

The Kingdom also launched, through the King Salman Humanitarian Aid and Relief Center (KSRelief), child care programs, which aim to rehabilitate child soldiers and those affected by the war through offering rehabilitation programs ensuring their social reintegration and provision of mental health, social and educational services. Nevertheless, children in the Kingdom still face obstacles that prevent achieving the best interests of the child. According to the Global Initiative to End All Forms of Corporal Punishment Against Children, corporal punishment remains at schools and in home in the Kingdom²⁴. According to statistics from the Saudi Ministry of Interior, 82% of the incidents of violence against children Children related to violence inside schools in Saudi Arabia²⁵.

Recommendations:

- Consider increasing women's political participation and women's representation in decision-making positions;
- Consider ending all forms of corporal punishment against children in the Kingdom of Saudi Arabia;
- Consider launching more initiatives to raise awareness of the seriousness of violence against children at home and in educational facilities.

²³ General / His Highness the Crown Prince's initiative to protect children in the cyber world constituted a qualitative shift... The developments in the digital environment require a serious stance to protect children, <https://www.spa.gov.sa/2366889>

²⁴ Country Report for Saudi Arabia, <http://www.endcorporalpunishment.org/wp-content/uploads/country-reports/SaudiArabia.pdf>

²⁵ "School Violence" .. A 400% Increase Threatens Education in Saudi Arabia, National Society for Human Rights, <https://tinyurl.com/2ve57krb>