



Submission to the Universal Periodic Review of Saudi Arabia
Human Rights Watch

July 2023

Introduction

Although at its last UPR Saudi Arabia supported many recommendations, it continues to commit widespread violations of basic human rights within and beyond its borders. The Saudi government has announced important reforms, for example on women's rights, but the reforms remain inadequate and the government's ongoing and historic repression of independent civil society and critical voices impedes progress. Human rights activists and dissidents are in prison or on trial for peaceful criticism. Authorities failed to hold high-level officials accountable for the murder of Saudi journalist Jamal Khashoggi in 2018. Saudi Arabia engages in reputation laundering to deflect from the country's poor human rights record. Saudi Arabia continues to violate international humanitarian law in Yemen, where its airstrikes have killed and wounded thousands of civilians since 2015.

Yemen

Saudi Arabia failed to implement all the supported recommendations in its 2018 UPR, calling on the government to respect international humanitarian and human rights law and take all possible measures to protect civilians.¹ Since then, the coalition has carried out unlawful attacks in Yemen, including on residential neighborhoods, critical infrastructure, and detention facilities.²

Since March 2015, Human Rights Watch has documented dozens of [unlawful attacks](#) by the Saudi and United Arab Emirates (UAE)-led military coalition in Yemen, some of which may amount to war crimes. These strikes have killed and wounded scores of civilians and destroyed critical civilian infrastructure. The coalition has blocked access to humanitarian aid and critical life-saving goods, even though the vast majority of the population [is in need of humanitarian assistance](#).

In October 2021, Saudi Arabia, alongside the UAE, successfully lobbied Human Rights Council member states to end the mandate of the UN Group of Eminent Experts, the international, impartial, and independent body that reported on rights violations in Yemen. Airstrikes [increased by 43 percent](#) in the months following the dissolution of the body, according to the Yemen Data Project. The coalition's investigative body, the Joint Incidents Assessment Team (JIAT), continues to fail to [credibly investigate](#) coalition violations.

While the Coalition appears to have not conducted airstrikes since March 2022, just before the start of a UN-backed truce, civilian infrastructure that the coalition attacked remains damaged and destroyed, including schools, hospitals, and water and food infrastructure. Neither Saudi Arabia nor any coalition state has ensured

¹ A/HRC/40/4/Add.1, Recommendations 122.71 (France), 122.72 (Peru), 122.81 (Poland) and 122.73 (Germany), A/HRC/40/4/Add.1 Recommendation 122.73 (Germany)

² [Yemen: Latest Round of Saudi-UAE-Led Attacks Targets Civilians | Human Rights Watch \(hrw.org\)](#)

credible accountability for its wrongdoing nor provided reparation to its victims.

Recommendations

- Conduct transparent and impartial investigations into credible allegations of laws-of-war violations. Make public information on the intended military targets of airstrikes that resulted in civilian casualties and make public all military actors involved in such strikes.
- Provide reparations to civilians and their families for deaths, injuries, and property damage resulting from wrongful strikes, as well as other violations of international humanitarian law.
- Provide significantly more funding for reconstruction and rehabilitation of infrastructure that was damaged or destroyed by Saudi attacks, regardless of the lawfulness of those attacks.

Freedoms of Expression, Association, and Belief

Although Saudi Arabia supported recommendations during its previous UPR to ratify the International Covenant on Civil and Political Rights (ICCPR)³, the government has failed to implement these recommendations.

Dozens human rights defenders and activists are serving long prison sentences for criticizing authorities or advocating for political and rights reforms. Some of these detainees, including women, received decades-long sentences for alleged crimes based solely on their peaceful social media activity. In August 2022, a Saudi appeals court [increased](#) the sentence of Saudi doctoral student Salma al-Shehab from 6 to 34 years based solely on her Twitter activity. In January 2023, the Specialized Criminal Court [resentenced](#) her to 27 years in prison, followed by a 27-year travel ban.

Saudi authorities continue to target, arbitrarily detain, torture, and ill-treat political dissidents, human rights activists, academics, and religious leaders. Prominent Saudi women's rights activist Loujain al-Hathloul was [released](#) from prison in February 2021 after spending 1,001 days in detention. She remains [banned](#) from travel and has a suspended sentence of nearly three years on charges that define her women's rights activism as crimes under Saudi Arabia's [terrorism](#) regulations.

A Saudi court [sentenced](#) Yemeni blogger Mohamad al-Bokari to jail and then deportation to Yemen for a social media post supporting equal rights for all, including for gay people, in Saudi Arabia.

³ A/HRC/40/4/Add.1, Recommendation 122.3 (Mexico, France, Morocco, Latvia, Estonia, Portugal, Costa Rica, Ukraine, Romania and New Zealand), 122.4 (Côte d'Ivoire) (Afghanistan) (Tunisia)

With few exceptions, Saudi Arabia does not tolerate public worship by adherents of religions other than Islam and systematically discriminates against Muslim religious minorities, notably Twelver Shia and Ismailis, including in public education, the justice system, religious freedom, and employment. A 2021 Human Rights Watch [review](#) of Education Ministry-produced school textbooks found that some practices associated with Shia and Sufi Islamic traditions remain stigmatized as un-Islamic and prohibited.

Recommendations

- Ratify the ICCPR.
- Release all people including activists, dissidents and human rights defenders imprisoned for their peaceful exercise of free expression or based on charges that do not resemble recognizable crimes.
- Permit religious minorities to teach and practice their religious beliefs without intimidation.

Criminal Justice System

At its previous UPR, Saudi Arabia supported the recommendation to guarantee due process and ensure that the law enforcement system is not abused.⁴ Nevertheless, abuses in Saudi Arabia's criminal justice system are [rampant](#), including long periods of [detention](#) without charge or trial, denial of legal assistance, and courts' reliance on [torture](#)-tainted confessions as the sole basis for convictions. Since its last UPR, Saudi authorities have detained scores of men and women for their peaceful calls for reform and exercising their rights to free speech.

Saudi Arabia applies its interpretation of Sharia (Islamic law) as its national law. The government has also promulgated some laws and regulations that subject certain broadly-defined offenses to criminal penalties. Saudi authorities [announced](#) in February 2021 that justice reforms, including the country's first written penal code for discretionary crimes – crimes whose punishments are not specified in Sharia law – would be introduced in 2022. Further details have yet to be officially published. In the absence of a written penal code, some Saudi judges have set out to [prove](#) that a defendant engaged in a certain act, which they then classify as a crime, rather than proving the defendant committed a specific crime set out in law.

Existing laws, including the [counterterrorism law](#) and the [anti-cybercrimes law](#), include vague and overly broad provisions that have been widely interpreted and abused. The government has repeatedly used both laws to arrest, detain and punish people for peaceful political expression.

⁴ A/HRC/40/4/Add.1, Recommendation 122.49 (Czechia)

Saudi courts have [sentenced](#) people to flogging for sex outside marriage, drinking alcohol, and other offenses. Charges for consensual private adult relationships disproportionately impact women, whose pregnancy serves as evidence of the so-called crime; rape victims have faced prosecution when they report violence against them. In April 2020, Saudi Arabia introduced some criminal justice revisions that included ending flogging for *ta'zir* (discretionary) crimes.

Human Rights Watch research has shown that authorities conduct arbitrary [arrests](#) and do not always inform suspects of the crime with which they are charged. Authorities generally do not allow lawyers to assist suspects during interrogation and sometimes impede them from examining witnesses and presenting evidence at trial. Judges have convicted and sentenced defendants, on allegedly forced confessions obtained under torture which have been retracted in court.

Saudi authorities have [failed](#) to credibly investigate allegations that authorities tortured Saudi women's rights activists and others detained, including with electric shocks, beatings, whippings, and sexual harassment.

Recommendations

- Adopt a written penal code that complies with international human rights law and amend the Law of Criminal Procedure to comply with international human rights law.
- Enact and amend laws to reinforce protections against arbitrary arrest and detention, abuses of due process, and fair trial violations.
- Ensure that children are only detained as a measure of last resort and for the shortest possible time.
- Amend the 2017 counterterrorism law and the 2014 cybercrime law to remove provisions that criminalize peaceful speech; bring both into compliance with international human rights law.
- End all use of torture and other ill-treatment, investigate allegations, and provide reparation to victims.

Death Penalty

Saudi courts continue to impose the death penalty for a multitude of offenses despite supporting the recommendation to forgo the application of the death penalty, or at least restrict it to the most serious crimes.⁵

In March 2022, a Saudi court [sentenced](#) Abdullah al-Huwaihi, now 21, to death for a crime he allegedly committed when he was 14 years old. The conviction, after the

⁵ A/HRC/40/4/Add.1, Recommendation 122.107 (Germany)

Supreme Court had overturned a prior death sentence in his case due to lack of evidence, followed [a grossly unfair trial that Human Rights Watch documented in detail](#).

Despite promises to place a moratorium on executions for non-violent drug-related crimes, Saudi Arabia [executed](#) a Jordanian national in March 2023 for a non-violent drug offence.

On March 12, 2022, Saudi Arabia [executed](#) 81 people, 41 of whom are from the Shia Muslim minority who have long suffered systemic discrimination. It was the country's largest mass execution in decades. Given [rampant](#) and systemic [abuses](#) in Saudi Arabia's criminal justice system, it is highly unlikely the men received fair trials.

On April 23, 2019, the government [announced](#) the mass execution of 37 men, at least 33 were from the country's minority Shia community and had been convicted following unfair trials for various alleged crimes, including protest-related offenses. The Specialized Criminal Court convicted 25 of the 37 men in two mass trials, known as the "Qatif 24 case" and the "Iran spy case," both of which included allegations that authorities extracted confessions through torture.

Recommendations

- Impose a moratorium on death sentences and executions with a view towards abolishing the death penalty.
- Abolish the death penalty for all offenses, starting with offenses that do not meet the "most serious crimes" threshold, especially drug-related offences, and prohibit the execution of child offenders in all cases.

Women's Rights

Saudi Arabia supported several recommendations to guarantee women's rights and eliminate discrimination against women, including by abolishing the male guardianship system.⁶ While Saudi Arabia made some reforms, including allowing women to drive, and to obtain passports and travel abroad from age 21 without guardian permission, the male guardianship system generally remains intact. Saudi women still require a male guardian's approval to marry, to be released from prison, or to obtain certain sexual and reproductive health care.

Moreover, Saudi Arabia's first codified personal status law, issued in March 2022, formally enshrines male guardianship over women. The new codified law

⁶ A/HRC/40/4/Add.1, Recommendations 122.202 (Australia), 122.207 (France), 122.206 (Republic of Korea, Denmark, Iceland and Sweden), 122.209 (Greece), 122.210 (Haiti), 122.240 (Portugal), 122.219 (Uruguay), 122.232 (Gabon), 122.216 (Austria), 122.245 (Ukraine) and 122.217 (Italy)

[discriminates](#) against women in numerous areas. The law requires women to obtain a male guardian's permission to marry, codifying the country's longstanding practice, allows courts to authorize the marriage of a child under 18 if they have "reached puberty" (which for girls is often understood as their first menstruation) and notes that married women and girls must obey their husbands in a "reasonable manner." A husband's financial support is contingent on a wife's "obedience," and she can lose her right to support if she refuses without a "legitimate excuse" to have sex with him, move to or live in the marital home, or travel with him. The law implies a marital right to intercourse, facilitating and excusing domestic violence, including sexual abuse in marriage. While a husband can unilaterally divorce his wife, a woman can only petition a court to dissolve the marriage on limited grounds. Fathers remain the default guardians of children, limiting a mother's ability to participate fully in decisions related to her child's well-being. The law was not made public before it was approved, denying women from pushing for further reforms.

Saudi Arabia still does not allow women to transfer their nationality to their children on an equal basis with men, leaving their children at risk of being denied the official documentation needed to access their rights. Saudi fathers automatically grant their nationality to their children; Saudi mothers have to apply after their children turn 18 and fulfill strict conditions. In 2023, authorities amended the nationality law; the Prime Minister, who is now Crown Prince Mohammed bin Salman, must approve all citizenship applications.

The arrests, torture and travel bans against women's rights activists has had a chilling effect that has prevented women from speaking out.

Recommendations

- Withdraw Saudi Arabia's reservations to the Convention on the Elimination of All Forms of Discrimination against Women.
- Amend the Saudi Nationality Regulation of 1954 to stipulate that a Saudi citizen is any person born to a Saudi father or Saudi mother.
- Abolish the male guardianship system, including by promulgating anti-discrimination legislation that prohibits discrimination against women; ensuring women can access all forms of healthcare, including sexual and reproductive healthcare, without guardian permission or proof of marital status.
- Revise the new personal status law to ensure men and women have equal rights in family matters, including to freely enter into marriage, during marriage, and in divorce, as well as decisions relating to their children. Ensure women are consulted on such changes.

Migrant Workers

At its last UPR, Saudi Arabia supported the recommendation to protect the rights of migrant workers,⁷ however despite introducing some reforms Saudi Arabia has not fully implemented this recommendation.

Workers' migration to and legal residence in Saudi Arabia are subject to the restrictive *kafala* (visa sponsorship) system. Sponsorship laws require migrant workers to have a *kafeel* (sponsor) to enter and stay in Saudi Arabia⁸, otherwise migrant workers can be detained and deported within a week of their detention. These laws also allow sponsors to report workers as "absconding", sometimes falsely, if they do not show up to work, even if they are fleeing abuse. The *kafala* system grants employers' excessive powers over migrant workers and exposes workers to a wide range of abuses, including passport confiscation, wage theft and false absconding charges.

Saudi Arabia introduced reforms to its labor law in March 2021 that allowed some migrant workers to request final exit and exit/re-entry visas and to change jobs without permission from their sponsor/employer in a few narrow circumstances. However, even after the reforms, Human Rights Watch found that workers still face restrictions to change jobs or leave the country. Employers also fail to issue or renew migrant workers' residence permits as required by the law, which can lead to workers facing arrest and prosecution. Workers continue to pay exorbitant recruitment fees which employers are legally obliged to cover. wage theft is rampant.

The Labor Law and the recent reforms exclude domestic workers, who are among the least protected and most vulnerable, denying them important rights and protections. Human Rights Watch found that many employers confiscate domestic workers' passports, confine them, force them to work up to 18 hours a day without a day off, deny them part or full wages, and in some cases, verbally, physically and sexually abuse them.

Outdoor workers are exposed to dangerous levels of extreme heat, a serious health hazard which can have lifelong consequences or cause death. Saudi Arabia's summer work bans that limit work during pre-defined months and times are woefully insufficient. Unexplained and uncompensated deaths of migrant workers continue.

Workers' strikes are outlawed and the right to form workers' committees is restricted to Saudi nationals.

Recommendations

⁷ A/HRC/40/4/Add.1 recommendation 122.256 (Thailand)

⁸ Residency Regulations issued by the Supreme Royal Order No. 17/2/25/1337 dated 11/9/1371

- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the ILO Convention on Decent Work for Domestic Workers, the ILO Convention on Violence and Harassment (C190), and the Protocol of 2014 to the ILO Forced Labour Convention, 1930.
- Dismantle the *kafala* system to ensure that worker's legal status is not tied to an employer, including by ensuring workers can change employers at any time without permission and by removing punishments, like deportation and re-entry bans, for "absconding". Ensure all people have the right to leave the country, including by abolishing "exit visa" procedures.
- Impose strict penalties on employers that fail to issue, or renew at the request of workers, residence permits of workers in a timely manner.
- Enforce the prohibition on the confiscation of workers' passports and investigate alleged abuses of workers by employers,
- Ensure adequate heat protection for workers, including adopting the Wet-Bulb Globe Temperature index and enforcing guidelines that impose work stoppages during extreme heat.
- Ensure all deaths of workers are properly investigated, and families of the deceased have access to compensation.
- Guarantee migrant workers' right to strike, freely associate and collectively bargain.
- Establish a wage insurance fund to ensure workers receive their unclaimed wages and other benefits when employers fail to pay.
- Cooperate with countries of origin to protect workers' rights, including arranging for timely repatriation for workers seeking to return home.
- Amend the labor law to include domestic workers, and the 2013 bylaws on domestic workers to ensure they comply fully with the ILO Convention on Decent Work for Domestic Workers.