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UNIVERSAL PERIODIC REVIEW

Report of the Working on the Universal Periodic Review *

Saudi Arabia

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of Saudi Arabia was held at the 9th meeting on 6 February 2009. The delegation of Saudi Arabia was headed by Dr. Zaid bin Abdul Muhsin Al-Husain. At its meeting held on 10 February 2009, the Working Group adopted the present report on Saudi Arabia.

2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Saudi Arabia: Germany, Madagascar and Qatar.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Saudi Arabia:

(a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/SAU/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/SAU/2);

(c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/SAU/3).

4. A list of questions prepared in advance by Canada, Czech Republic, Denmark, Finland, Germany, Latvia, Lithuania, Netherlands, United Kingdom of Great Britain and Northern Ireland, and Sweden was transmitted to Saudi Arabia through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Saudi Arabia stated that the principles of the Universal Periodic Review of human rights coincide with the principles of its faith, including Almighty God's precept to cooperate in righteousness and piety: "Help one another in righteousness and piety, but do not help one another in sin and transgression".

6. The UPR process is comprehensive and consistent with the Islamic principle of calling oneself to account, since it is a process of self-assessment and an appropriate means to present a true picture that will help States to evaluate the human rights situation in a country's territory. All the governmental authorities and civil-society institutions in the Kingdom were involved in the preparation of the report.

7. The concept of religious and cultural particularities as correctly viewed in Islam, supplement rather than detract from international human rights standards.

8. However, many labour, under the possibly excusable misconception that the Kingdom focuses on duties at the expense of rights by virtue of its adoption of the Islamic Shari'a as its Constitution. The contrary is true insofar as the basic concept in Islam is "the rights of the servants of God [human individuals]" since remissness in regard to the rights of God is easier to remedy than violations of the rights of His servants.

9. The Islamic Shari'a shows special concern for the rights of special categories such as minorities and non-Muslims. The rule in this regard was laid down by the Messenger of Islam with the words: "They have the same rights and obligations as us".

10. Saudi Arabia acknowledges that there are some human rights violations attributable to individual practices. Many of these violations fall within the context of domestic violence, to which confusion between the true Islamic Shari'a and customs and traditions is a contributing factor. In actual practice, the concept of guardianship, for example, often loses its connotation of responsibility and care, which are transformed into domination and coercion.

11. Women's awareness of their rights has been considerably increased in recent years.

12. Many successful endeavours have been made to promote the rights of the child and of women, leading to tremendous achievements including:

(a) Institution of mechanisms to prevent domestic violence, and promulgation of the Protection from Harm Act;

(b) Formulation of a strategy for childhood, and promulgation of the Child Protection Act;

(c) Promulgation and implementation of the Disabled Persons Act and the promulgation in the near future of a bill of law criminalizing all forms of domestic violence.

13. With regard to the judiciary, the Code of Criminal Procedure underwent a comprehensive review after the promulgation of the new Statutes of the Judiciary in order to make its provisions consistent with the greater independence of judges and codify

procedures before the appellate courts and the Supreme Court in such a way as to confirm the two levels of judicial proceedings and make judgments subject to review by specialized divisions of higher courts. Further emphasis was placed on the principle of the presumptive innocence of the accused and account was taken of the recommendations made by the Special Rapporteur on the independence of judges and lawyers during his visit to the Kingdom from 20 to 27 October 2002. In its endeavours to maintain security, the Kingdom has also sought to achieve a balance between the requirements of the campaign against terrorism and the need to respect human rights.

14. In the Kingdom there are more than 1,000 civil-society and other institutions concerned with issues relating to the protection of human rights. The Consultative Council approved a legislative enactment regulating the activities of these institutions and guaranteeing their independent functioning. This enactment was studied in the light of the acts of violence and terrorism being perpetrated in the changing international situation and with a view to developing these institutions and increasing their number on the basis of the following main criteria:

- (a) The Basic Law of Governance guarantees freedom of private activity;
- (b) There must be a balance between rights and obligations;
- (c) There is a need to ensure that all restrictions imposed should be consistent with public law and order, the Kingdom's international obligations and human rights standards.

15. In Islam, rights are derived from the Holy Qur'an and the Sunna [Traditions and Practices] of the Prophet, which constitute the source of all legislation and a comprehensive mode of life in the Kingdom of Saudi Arabia. These multidimensional rights preceded those stipulated in international human rights instruments.

16. The Kingdom has sought to achieve a balance between the requirements of the campaign against terrorism and the need to respect human rights. The Kingdom has accepted the principle that compensation is due in respect of any miscarriage of justice in connection with anti-terrorism operations, such as detention when the detainee is subsequently proved to be innocent.

17. Promising plans for human rights education have been adopted and are due to be implemented in the near future. Human rights concepts and standards have been incorporated in the educational curriculum at all levels.

18. Saudi Arabia does not claim to be perfect, nor does it reject criticism, which is welcomed provided that it is objective and intended to preserve human rights and dignity.

19. Concerning freedom of belief and freedom to engage in the observances of other religions in the Kingdom, the position of the Islamic Shari'a in this regard is clear and categorical. It is a principle that a Muslim's faith is incomplete unless he believes in all God's messengers and all His scriptures without any distinction or discrimination.

20. Freedom of worship in itself is fully guaranteed to non-Muslims in the Kingdom. However, Saudi Arabia believes that Islam is the final religion and that the Kingdom's territory was honoured by God as the cradle of Islam, the site of the Two Holy Mosques, the final resting place of the last of God's messengers, and the *qibla* to which one and a half billion Muslims turn in prayer.

21. In the light of the sensitivities relating to these particularities, Saudi Arabia believes that it might still be difficult to permit the establishment of houses of worship for other religions on holy territory.

22. The equation, based on respect with difference, or difference with respect, formed the intellectual and ideological foundation of the proposal advocating dialogue among the followers of religions and cultures which the Custodian of the Two Holy Mosques addressed to the whole world.

23. The intellectual and moral solidarity on which peace must be founded was advocated by the religion of Saudi Arabia, Islam.

24. Saudi Arabia appreciates the initiative taken by the Office of the High Commissioner for Human Rights in organizing a symposium in October 2008 on freedom of expression and the advocacy of religious hatred. It hopes that other steps will be taken as a follow-up to that symposium.

B. Interactive dialogue and responses by the State under review

25. During the inter-active dialogue, statements were made by 54 delegations. Additional statements by 24 delegations, which could not be delivered during the dialogue due to time constraints, are posted on the UPR extranet when available.** A number of delegations congratulated Saudi Arabia for its comprehensive presentation and for the national report, prepared in cooperation with relevant stakeholders. Delegations welcomed the work of the National Human Rights Commission (NHRC), the National Society for Human Rights, the King Abdul Aziz Centre for National Dialogue for the promotion of interfaith and intercultural dialogue, and other State institutions. Also welcomed were the adoption and the implementation of the Basic Law of Governance, the Law of the Consultative Council (Shura) and the Law on Criminal Procedure, which prohibits torture and guarantees access to legal representation. Efforts to strengthen domestic human rights mechanisms and the reform of the judiciary, promotion of children, women and migrant workers rights, the fight against corruption, the right to education - which is free of charge at all levels - health, work, housing and social security, were largely appreciated. Approval was also expressed for the Arab Peace Initiative launched by the King of Saudi Arabia, the World Conference on Dialogue in Madrid in 2008 and the related high-level meeting organized during the 63rd United Nations General Assembly. A number of delegations noted that Saudi Arabia was very active in helping developing countries in various fields.

26. The United Arab Emirates noted Saudi Arabia's commitment to women's rights and the involvement of women in all fields. It asked about measures taken to curb domestic violence and recommended that Saudi Arabia continue progress in the promotion of

women and children's rights, in accordance with Islamic Shari'a and the country's international commitments.

27. Israel stated that Saudi Arabia continuously blocks the implementation of its treaty obligations by a series of reservations and declarations. Israel recommended that Saudi Arabia (a) develop and adopt a comprehensive national plan of action for the incorporation of human rights for women into national legislation and practices to ensure the eradication of violence against women, dismantling of the male guardianship system, allowance of the freedom of movement, access to work, study, and health care, and equal standing before the courts and the right to vote and participate in public affairs, and incorporate and implement the concluding observations of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW); (b) eradicate hate speech against minorities and establish oversight mechanisms to ensure the elimination of all forms of discrimination; (c) abolish corporal punishment, and cruel, inhuman, and degrading treatment in general, and public floggings, eye-gouging, flogging of school children, and amputation of limbs in particular; and (d) take all appropriate measures to develop a framework of law prohibiting trafficking and other forms of exploitations, and incorporate into such legislation the comprehensive protection of children as well as the development and implementation of a reintegration assistance programme for victimized persons.

28. Algeria recommended that Saudi Arabia, (a) in examining the recommendations, take into consideration those that are in line with its religious, social and cultural specificities, in particular those emanating from the Shari'a, which adds to general human rights principles without replacing them; (b) go ahead with its intention to examine the ratification of some international human rights instruments; (c) further its efforts to fight terrorism and protect human rights at the same time, especially support for the conclusion of a comprehensive international treaty to combat terrorism; (d) continue its efforts to create a positive working environment for all migrant workers in the Kingdom. Algeria encouraged Saudi Arabia to pursue its policies aiming at the promotion of dialogue among religions and civilisations and to activate its role in this regard at the international level.

29. The United Kingdom of Great Britain and Northern Ireland considered that Saudi Arabia could do more in leading society away from cultural practices such as the marriage of young children, and in promoting women's rights. It recommended that Saudi Arabia (a) enact and implement a law of association to guarantee the right to form civil-society organizations and to protect those organizations from government interference; (b) abolish the guardianship system, which severely limits the rights of women to act as autonomous and equal members of Saudi society; (c) amend the Code of Criminal Practice to stipulate that only individuals aged over 18 will be tried as adults. As a result, the executions of any individuals who were less than 18 years old when they committed the crime should be commuted to a custodial sentence.

30. Egypt thanked Saudi Arabia for establishing mechanisms of redress accessible to all. It asked about the training of those responsible for implementing international instruments. Egypt recommended that Saudi Arabia continue its efforts to (a) disseminate a culture of human rights and strengthen its national efforts to protect human rights, while respecting its cultural specificities and the Shari'a; (b) reform its legal and judicial systems; and (c) combat discrimination and violence against women and reinforce women's participation in the labour market.

31. Nicaragua noted that reforms were ongoing and recommended that Saudi Arabia consider through the committee of the national Human Rights Commission tasked with examining the compatibility of laws with international conventions and human rights treaties, the possibility of acceding to those international instruments to which it is not yet a party, .

32. Cuba highlighted Saudi Arabia's contribution towards alleviating the situation of the poorest countries affected by the world food crisis. Cuba recommended that Saudi Arabia (a) continue with measures and programmes aimed at increasing its people's enjoyment of economic, social and cultural rights; (b) with respect to its commendable initiatives to promote dialogue between religious and civilizations, continue its efforts to promote the peace and tolerance of all people that the world needed; (c) given its economic growth, continue to cooperate in a generous way with developing countries.

33. Venezuela acknowledged the action taken to improve the hospital infrastructure and the planning of new installations for health care. Venezuela encouraged Saudi Arabia to continue its work in the health area in support of its entire population, and in this regard it requested additional information about the family and community medicine system which Saudi Arabia intends to develop.

34. Yemen commended efforts to ensure adequate housing through the establishment of a housing development fund offering interest-free loans. Yemen recommended that Saudi Arabia share its good practices regarding provision of decent housing for vulnerable groups, so that others can benefit from such a positive experience.

35. Oman noted that every year Saudi Arabia receives large numbers of expatriates from many parts of the world. Oman asked about the mechanisms in place to better provide the requirements and services to these groups. It recommended that Saudi Arabia continue deploying further efforts to promote human rights.

36. Bahrain asked about the programmes that empower women in the society. Bahrain recommended (a) applaud the initiatives taken by the Kingdom to enhance dialogue and propagate tolerance among people; (b) encourage the Kingdom to enhance its successful experience in the field of rehabilitation of suspected and imprisoned persons for terrorism and to expand it to other penal affairs and to exchange its experience in this field with other countries; (c) urge the Kingdom to swiftly promulgate the statute on civil societies which will enable the civil society to perform its tasks effectively and in full autonomy.

37. Pakistan noted that Saudi Arabia has helped developing countries to secure decent living standards through innumerable development projects. The initiative by the King of Saudi Arabia to promote dialogue between followers of differing religions and civilizations is another example of Saudi commitment to promoting international peace and security and a spirit of tolerance among all peoples.

38. Jordan welcomed the establishment of the society of journalists and achievements in the judicial system. It asked about the programmes offered by women's organizations to empower women.

39. Morocco recommended that Saudi Arabia expedite the implementation of the legal guarantees to ensure the independence of the judiciary. Well aware of the importance attached to the protection and elevation of human dignity, Morocco also recommended that Saudi Arabia persist on this path, taking into account relevant international standards. It also recommended that Saudi Arabia identify and implement legal and procedural machinery to monitor and sanction cases of torture in keeping with national legislation and international commitments. It asked about current mechanisms to combat the scourge of human trafficking and requested clarification regarding efforts to increase women's participation in the labour market.

40. Sudan, observing that Saudi Arabia is host to seven million migrant workers from 180 countries, recommended that the Government (a) report regularly to relevant mechanisms of the Human Rights Council on the remittances those migrant workers send to their families back home, in order to estimate the remittances' contribution to the promotion of economic and social rights through the development of education, housing and health in the receiving countries, and (b) continue its efforts to further develop the system of international treaties to combat international terrorism.

41. The Libyan Arab Jamahiriya stated that migrant workers in Saudi Arabia enjoy, inter alia, decent living conditions, full health coverage and a court for the settlement of disputes. Health structures are of high quality and free of charge. It especially appreciated Saudi Arabia's accession to a number of instruments on children's rights, in order to combat child trafficking, child labour and discrimination against women.

42. Qatar noted that the cooperation with international human rights mechanisms and NGOs has reached excellent levels. Qatar recommended Saudi Arabia continue its efforts to integrate human rights in school curricula and asked what kind of policy has been adopted to disseminate and promote a human rights culture in Saudi society.

43. Lebanon welcomed both the law prohibiting torture of detainees in accordance with the Convention against Torture (CAT) and the code of practice for lawyers. Lebanon recommended that Saudi Arabia strengthen these instruments to ensure that they are in line with international standards. It asked whether foreign citizens have access to Saudi Arabia's commendable health system.

44. Canada welcomed efforts undertaken by the Human Rights Commission to develop a "cultural awareness of human rights" campaign for classrooms, mosques and the legal profession. Canada recommended Saudi Arabia: (a) cease application of torture, other cruel, inhuman or degrading treatment or punishment, and corporal punishment of prisoners, in accordance with article 5 of the Universal Declaration of Human Rights and other international human rights treaties to which it is a party, including CAT and the Convention on the Rights of the Child (CRC); (b) sign and ratify the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR); (c) end the practice of incarcerating, mistreating, and applying travel bans against individuals on the basis of their political or religious beliefs; (d) abolish all legislation, measures and practices that discriminate against women, further to the report of the Special Rapporteur on violence against women, and in particular to abolish legislation and practices which prevent women from participating fully in society on an equal basis with men, including strict gender segregation practices, limitations on freedom of movement, the prohibition on women driving and restricted access by women to work, public places and commercial facilities, and (e) withdraw its two reservations to CEDAW.

45. Austria encouraged Saudi Arabia to continue its close cooperation with various stakeholders in the follow-up of the review. It asked if Saudi Arabia was committed to raising the minimum age of criminal responsibility as noted by the Committee on the Rights of the Child in 2006. It recommended that the Government take measures to make the juvenile justice system more effective, in particular by ensuring the separate detention of juveniles as well as expeditious access of juveniles to legal counsels. It recommended that Saudi Arabia consider ending the use of corporal punishment for persons under 18 and establishing a moratorium on executions of persons having committed crimes before the age of 18. Austria noted the concern expressed by CEDAW in 2008 that neither the Constitution nor other legislation embodies the principle of equality between women and men or contains a definition of discrimination against women. It recommended increasing efforts to bring legislation into line with the principle of equality between women and men and to develop human rights education programmes so as to increase citizens' awareness of their rights under international human rights instruments.

46. Italy noted the broad scope of crimes punishable by the death penalty, the increased number of executions, and that important restrictions still exist for religious minorities. It recommended that Saudi Arabia: (a) consider, as a first step, amending domestic legislation on the death penalty in order to restrict its scope and adjust it to the international minimum standards on the death penalty and consider establishing a moratorium on the use of the death penalty with a view to its abolition; (b) consider the withdrawal of the general reservation made upon ratification of CEDAW, whereby, in the event of a conflict between the provisions of Islamic law and those of the Convention, the former shall prevail; (c) reform its legislation on religious freedom in order to ensure adequate protection for all religious minorities, with a view to gradually allowing public practice of other faiths and beliefs.

47. Chile recommended that Saudi Arabia (a) modify its domestic legislation to bring it into line with the standards and requirements contained in the international human rights instruments. Chile also recommended that Saudi Arabia amend legal provisions so as to (b) guarantee equality between men and women; (c) prevent violence against women; (d) prevent threats to the safety and integrity of persons deprived of their liberty; (e) eliminate capital punishment and corporal punishment; (f) guarantee non-discrimination on grounds of religion, belief and ethnicity, including for foreign workers, and (g) achieve effective implementation of these provisions.

48. Mexico made the following recommendations: (a) continue to strengthen cooperation with international mechanisms by responding favourably to the requests from the special procedures that have requested to visit the country; (b) give positive consideration to ratifying the conventions on enforced disappearance, migrant workers, refugees, statelessness and the reduction of cases of statelessness, the Statute of the International Criminal Court, and the Optional Protocol to CAT; (c) follow up on the recommendations from the treaty bodies regarding the rights of women, non-discrimination, torture and children, (d) consider positively declaring a moratorium on the application of the death penalty, with a view its abolition; (e) reinforce efforts in the area of the implementation of obligations under international instruments, in particular to bring legislation into line with the freedom of expression and opinion as stipulated in articles 19 and 20 of ICCPR.

49. Germany asked about the realization of everyone's right to promote the protection and the realization of human rights individually or in association with others as stipulated in the General Assembly Declaration on Human Rights Defenders. It wondered about steps taken to follow-up on CEDAW's recommendations concerning the marriage of minors. It also asked the envisioned date of publication of the Human Rights Commission report. Germany recommended that Saudi Arabia (a) implement the 2008 recommendations by the Committee on the Elimination of Discrimination against Women, in particular by abolishing the system of male guardianship over women and enacting comprehensive and effective regulations on gender discrimination; (b) lift its general and its specific reservations to CEDAW; and (c) review its practice of imposing capital and corporal punishment and prohibit all forms of corporal punishment for persons under 18 years of age.

50. Côte d'Ivoire highlighted the remarkable economic and social progress and efforts towards the independence of justice. Like many other countries, Saudi Arabia is struggling for the improvement of its human rights protection system, which could only be achieved taking into account cultural and social specificities.

51. Palestine noted that the Arab Peace Initiative expresses principles to, inter alia, guarantee the right to self-determination and the ending of occupation. It recommended that Saudi Arabia disseminate information and raise awareness about this initiative. It encouraged Saudi Arabia to take all measures to promote and protect the universal characteristic of human rights while protecting its historical, religious and civilizational specificity. Palestine recommended the realization of the law on associations and establishment of civil society to enable them to work in independence without being supervised by official authorities.

52. Indonesia asked Saudi Arabia to elaborate further on the allegation that Saudi domestic law does not explicitly prohibit torture and that the same applies to Shari'a law.

53. Japan understood that Saudi Arabia has taken measures based on the recommendations of CEDAW and asked about the current status of women's rights and activities being undertaken by the Higher National Committee for Women's Affairs. It hoped the work to codify penal provisions and take legislative measures for the protection of children pursuant to the recommendations of the Committee on the Rights of the Child will proceed quickly.

54. Finland asked Saudi Arabia to provide information on their plans and measures to ensure full participation rights for women in the public sphere. Finland recommended that Saudi Arabia a) take further steps in enabling fuller participation of women in public life by guaranteeing women and girls their right to education, employment, freedom of movement, marriage with their free and full consent and health, including protection from and redress for family violence; b) withdraw its reservations concerning CEDAW. Finland welcomed efforts to promote dialogue between religions; however it noted that the public and private exercise of religions other than Islam continues to be prohibited and that other forms of Islam are often faced with hindrances. Finland recommended c) provide freedom of religion in its national legislation so that the rights of religious minorities can be ensured.

55. South Africa referred to concerns expressed by CRC regarding the absence of administrative regulations aimed at ensuring equality between boys and girls. In light of CEDAW's comments, South Africa recommended to develop a comprehensive national action plan for the promotion of gender equality, with a view to addressing key challenges facing women. In regard to the labour sector, South Africa, recommended the Government expediently attend to this issue as raised by the ILO Committee of Experts.

56. Uzbekistan asked about the status under domestic legislation of the international instruments to which Saudi Arabia is a party and if these can be invoked before the Courts and if judges, criminal investigation officers, prosecutors and lawyers are trained to act in accordance with the human rights instruments ratified by Saudi Arabia. Uzbekistan recommended Saudi Arabia to intensify its successful endeavours to rehabilitate persons accused or imprisoned in cases involving terrorism, to extend these endeavours to persons accused of imprisoned or in other criminal cases and to engage in an exchange of experience in this field with other states.

57. Russian Federation welcomed Saudi Arabia's cooperation with international human rights protection structures and the financial support provided to human rights protection mechanisms. It was greatly interested in the initiative of Saudi Arabia for the dialogue among faiths and civilisations. It recommended that Saudi Arabia continue to strengthen its protection and ensure the whole range of human rights in the country.

58. Belarus noted that Saudi Arabia is working to further developing their national judiciary system and to eliminate discrimination towards migrant workers. Belarus recommended Saudi Arabia to continue its efforts to protect the rights of migrant workers. Belarus also recommended that priority attention continue to be given to the protection of the rights of the child.

59. Belgium remained concerned at severe discriminations and violations of human rights suffered by the seven million migrants living in the country. Reference was made to concerns expressed by ILO and CEDAW regarding domestic workers, often women. Allegations of several NGOs regarding the poor working conditions, sexual violations and the abuse of the judiciary penal system were also highlighted. The delegation of Belgium went on to express concern about violations of the freedom of religion, which include discrimination in the employment sector, harassment or imprisonment. Belgium asked about measures intended to ensure effective respect for the rights of migrants and for freedom of religion. Belgium recommended the establishment of a broad based media information campaign on the rights of migrants in Arabic and in the languages of main groups of migrants. It recommended the adoption of legal provisions to prohibit religious discrimination in all areas including in that of labor.

60. Azerbaijan commended recent on-going human rights related reforms (reforms of judicial system, establishment of Human Rights Commission etc..) as a proof of commitment of Saudi Arabia to the protection and promotion of human rights. Azerbaijan made the following recommendations: a) consider the elaboration of specific legislative guidelines for codification of discretionary penalties and dissemination of such guidelines among all judges, lawyers and prosecutors concerned; b) continue efforts and endeavours to improve overall human rights protection in the country.

61. India welcomed the effort to enhance civil society participation by the granting of authorization for the establishment of a number of NGOs.

62. Kuwait mentioned the important efforts deployed by Saudi Arabia, in coordination with the international community, to eradicate the scourge of terrorism. It recommended a) benefiting from Saudi Arabia's efforts in combating terrorism; b) supporting its efforts to establish an international centre or agency in collaboration with the United Nations, in the field of combating terrorism; c) respecting cultural and religious particularities of each society and that Saudi Arabia continue its efforts to enhance dialogue among religions and civilizations.

63. Turkey recommended that Saudi Arabia continue and further increase its efforts aimed at empowering women in Saudi society. It hoped that the new Labour Law will, inter alia, help to protect better the rights of expatriate workers. Turkey welcomed the ratification of the CPD and considered that the Prince Salman Center for Disability provides significant service in this field. It referred to the question of accession to ICCPR and ICESCR, and asked whether a timeline has been set for the ratifications.

64. Tunisia appreciated that there is the pioneering care and attention to persons with special needs, under the auspices of the Ministry of Social Affairs, in order to integrate them in the society. Tunisia asked about the Kingdom's policy about people with special needs.

65. Switzerland noted that Saudi Arabia has acceded to CAT, and that corporal punishment, such as flogging and amputations, is incompatible with CAT and international customary law. Switzerland recommended that Saudi Arabia a) totally abolish those punishments; b) establish a moratorium on death penalty as a first step towards its total abolition; c) with a view to a rapid ratification of ICCPR, guarantee the rights of representatives of civil society and human rights defenders organizations to set themselves up and exercise their rights to freedom of expression. While noting that Saudi Arabia has taken various steps to improve the rights of women, Switzerland encouraged Saudi Arabia to continue in that path and recommended d) that it rapidly ratify and implement the Optional Protocol to CEDAW.

66. Malaysia indicated that it supports the efforts to harmonise Shari'ah elements on human rights into existing legislation. Malaysia recommended to: a) intensify its efforts aimed at harmonizing elements of the Shari'ah with existing laws, with a view to ensuring maximum protection for women and children as well as victims of human rights abuses; b) undertaken thorough and comprehensive studies of international instruments and conventions, including ICCPR and ICESCR, prior to its accession to those instruments; c) continue playing a leading role in facilitating interreligious and inter-civilisation dialogue, aimed at achieving enhanced tolerance and understanding among the different faiths and traditions of the world.

67. Thailand noted efforts in eliminating discrimination against migrant workers and recommended that Saudi Arabia extend human rights equally to all migrant workers, regardless of their age and gender. Thailand wished to hear on how the outcomes of national dialogues could be put into practice and shared among all stakeholders.

68. Philippines recommended that Saudi Arabia continue and build on its positive measures to protect the rights of foreign workers. Philippines commended Saudi Arabia for contributing to the eradication of poverty and promoting development worldwide through its generous development cooperation.

69. Sri Lanka was encouraged that Saudi Arabia has been studying the question of accession to the two international covenants on human rights. It noted that the bill of law criminalizing human trafficking and prescribing specific penalties for such crimes is in its final stage of adoption, as well as the question of accession to the Optional Protocol to CEDAW. Sri Lanka asked what role is being played by the counselling boards and how they contribute towards rehabilitation and reforming persons convicted of terrorism related offences.

70. Norway asked in what way human rights defenders may be supported by the authorities in accordance with the United Nations Declaration on Human Rights Defenders. Norway recommended: a) that all international human rights organizations wishing to do so are allowed to visit Saudi Arabia; b) to end the strict system of male guardianship and give full legal identity to Saudi women; c) that appropriate measures be taken with a view to facilitate access to work for women; d) to adopt appropriate measures to disseminate widely and ensure full observance of the Declaration of Human Rights Defenders; e) that the obstacles to freedom of expression and movement against human rights defenders, including all travel bans are removed.

71. Sweden expressed concern about the situation of migrant women who serve as domestic workers. Sweden recommended that the Government (a) strengthen its efforts to secure that these violations are acted upon and take steps necessary to ensure full enjoyment of human rights of all women in Saudi Arabia; (b) take all the necessary measures and, as a first step, introduce a moratorium with a view to abolish the death penalty and adhere to the General Assembly resolutions in this regard; (c) increase its efforts in order to effectively combat impunity.

72. China highlighted Saudi Arabia's recent efforts to engage in a dialogue with civil society. China asked about specific measures Saudi Arabia has taken to protect migrant workers in terms of medical insurance, housing and salary.

73. Singapore noted the accession to numerous international and regional human rights conventions, including CEDAW. Singapore recommended that close attention continue to be paid to advancing progress in migrant workers rights.

74. New Zealand remained concerned with the high numbers of executions in 2007 and 2008, the mistreatment of migrant workers, corporal punishment, economic and social discrimination faced by women. New Zealand recommended that Saudi Arabia: (a) become a party to the ICCPR and ICESCR; (b) curtail the practices of incarceration, mistreatment towards and the application of travel bans against individuals on the basis of political or religious beliefs; (c) cease the application of corporal punishment in accordance with its international human rights obligations; (d) protect the rights of those facing the death penalty, including through strengthened application of international safeguards in the use of the death penalty; (e) adopt an awareness-raising programme at the local level to ensure much wider knowledge of CEDAW, and take steps to ensure the cessation of practices, including those under the guardianship system; (f) actively promote awareness of the 2005 Labour Code and establish an accessible complaint mechanism for migrant workers, such as a free phone-service, to which migrant workers can confidentially report instances of abuse and

exploitation as well as seek assistance; (g) review article 7 of the Labour Law and expand its coverage to include migrant workers; (h) continue to engage with human rights organizations, and look to deepen its engagement and to broaden it to include a wider representation of groups.

75. Republic of Korea expects that Saudi Arabia will continue to give the issue of male guardianship over women due attention. It recommended that Saudi Arabia favourably consider becoming a party to core international human rights treaties such as (a) ICESCR and ICCPR; and (b) OP-CEDAW.

76. Chad recommended that: (a) Saudi Arabia should abide by its commitments and that (b) the international community assists Saudi Arabia to face its challenges. Chad indicated that Saudi Arabia is assisting in a generous way developing countries in their fight against poverty.

77. Nigeria encouraged Saudi Arabia to continue with the reform process and to ratify a number of international instruments to provide life and full enjoyment of all human rights to its people.

78. Bangladesh asked how the Government envisages protecting the rights and interests of foreign domestic workers under the new labour laws, as well as what institutional measures are being taken to implement the legal provisions to combat human trafficking.

79. France asked whether Saudi Arabia intends to respond to the requests of visits from the United Nations special procedures, and which theme envisioned for the next visit. France recommended that Saudi Arabia (a) amend its Criminal Procedural Code to bring it in line with international human rights standards and to conduct a systematic campaign among Saudi Arabian judges to apply this amended Code; (b) adopt all necessary measures to incriminate violence against women and to conduct a resolute penal policy to combat it this scourge; (c) lift its reservations to the CEDAW; and d) become party to the Rome Statute of the International Criminal Court.

80. The delegation of Saudi Arabia stressed the importance of mutual understanding in order to have a constructive dialogue on human rights, which should not be politicized and noted that Islamic values encourage the application of all human rights without discrimination. Saudi Arabia hosts more than 7 million migrant workers and has become a school for such workers, who learn, study train and send remittances to their families. The delegation appreciated the role of migrant workers who have helped in the development of the country. The delegation added that there is no forced labour in Saudi Arabia and that migrant labour conditions are regulated by the labour law. It stated that three million pilgrims come every year at the same time to Saudi Arabia and that all their needs are met, which some times, give ground to some abuses that are not systematic.

81. Saudi Arabia, which is only 80 years old, has made huge achievements in many fields including education and health and much evident progress in the situation of women. The delegation indicated that there is a problem of stereotyping regarding women: for instance, 80 per cent of Saudis do not believe that women should drive cars. However, there is no religious or legal impediment on the right of women to drive. This question has often been the subject of debates in the Centre for National Dialogue.

82. The National Commission for human rights is in charge of harmonizing laws with international treaties and has to review about 6,000 laws and regulations. Saudi Arabia has a clear position on capital punishment, which is considered deterrent in Islamic *chari'a*. It's not simple to impose it. The State offers council to the accused and covers the costs of attorneys.

83. King Abdul Aziz Centre for national dialogue, established in 2003, is a unique experience as a reflection of the political and public will for participation of all sectors of the society in a manner leading to justice, equality and freedom of expression, within the framework of the Islamic religion. This national dialogue, marked by the transparent and open participation by citizens, dealt with all national issues, social, cultural, political and educational. National meetings are considered an important place where all sectors of society, including women, religious minorities and youth can voice concerns over national matters, means for reform and development of the Saudi society. All sectors of the society are represented in this dialogue, especially women who constituted half of the participants, owing to the vital role they play at all levels.

84. The delegation stated that the Centre organized seven national meetings in the various regions of the kingdom to discuss pivotal issues including national unity, empowerment of women, how to view other cultures and civilizations, youth issues, problems, aspirations and education. At the end of each meeting, participants meet with His Majesty the King to listen to their proposals and suggestions. A copy of the recommendations adopted is given to His Majesty. The Centre has also a training course aiming at building a culture of dialogue among the various sectors of society and promoting principles like tolerance and acceptance of the others. The course has benefited to more than 80,000 men and women. Other training programs target the family and aim at encouraging dialogue within the family in order to face problems such as domestic violence.

85. Saudi Arabia has made great strides in order to implement quickly comprehensive developments in the judiciary reform. In the past decade, reforms have intensified and the new criminal procedure code and a law on lawyers were enacted in 2001. In 2005, a Royal decree was issued to completely revise the judiciary system, followed by a new law was enacted in 2007. The Ombudsman's Office and 2 billion dollars were used to fund it. A new national plan was launched three weeks ago to reform the whole judicial system. The delegation mentioned that there are three important steps being finalized: the first is related to sentences. In this regard, a high level commission was set up in order to elaborate a code of sentences that would be referred to by all judges and would ensure that crimes and punishments are consistent in similar situations. The second aims at expanding the training of judges in accordance with the new project to improve the judiciary. The third is to establish a national commission for lawyers.

86. Saudi Arabia implements a cooperative system of health insurance for non Saudis in order to guarantee comprehensive health services for all. The Ministry of health has provided insurance to over 6 million residents, and providing insurance to remaining domestic workers is underway. Communities in urban and rural areas benefit from health services and over 2,000 health centres exist in all regions. The delegation said that achievements by Saudi Arabia in the field of health include: obligatory health check up at marriage and provision of free health services to all pilgrims. It indicated that Saudi Arabia is free of polio, that training services are

provided to health personnel, and that special units to protect children from family violence have been set up.

II. Conclusions and/OR recommendations

87. The following recommendations will be examined by Saudi Arabia which will provide responses in due time. The responses of Saudi Arabia to these recommendations will be included in the outcome report adopted by the Human Rights Council at its eleventh session:

1. Go ahead with its intention to examine the ratification of some international human rights instruments, in particular ICCPR and ICESCR (Algeria); undertake thorough and comprehensive studies of international instruments and conventions, including ICCPR and ICESCR, prior to its accession to those instruments (Malaysia); consider the possibility of acceding to those international instruments it is not yet a party to, through the committee of the Human Rights Commission tasked to examine the compatibility of laws with international conventions and human rights treaties (Nicaragua); continue with the reform process and ratify a number of its outstanding international instruments to provide full enjoyment of all human rights to its people (Nigeria);
2. Become a party to the ICCPR and ICESCR (Canada, New Zealand, Republic of Korea);
3. Consider positively the ratification of the conventions on enforced disappearance, the migrant workers, refugees, statelessness and the reduction of cases of statelessness, and the Optional Protocol to CAT (Mexico);
4. Become party to the Rome Statute of the International Criminal Court (France, Mexico);
5. Reinforce its efforts in the area of the implementation of obligations under international human rights law, in particular those pertaining to freedom of opinion and expression. (Mexico);
6. Abide by its commitments made through the ratification of international instruments (Chad);
7. Modify the domestic legislation to be in accordance with the standards and requirements contained in the international human rights instruments (Chile);
8. Continue efforts and endeavours to improve overall human rights protection in the country (Azerbaijan, Oman, Russian Federation); persist on the path of the protection and elevation of human dignity, taking into account relevant international standards (Morocco); continue its efforts to take all measures to promote and protect the universal characteristic of human rights while protecting its historical, religious and civilizational specificity (Palestine);
9. Disseminate a culture of human rights and strengthen its national efforts to protect human rights, while respecting its cultural specificities and the Islamic Shari'a (Egypt);
10. Continue to enhance dialogue and propagate tolerance among people (Bahrain);
11. Continue its efforts to promote respect of cultural and religious particularities of each society and enhance dialogue among religions and civilizations (Kuwait);
12. Continue with measures and programmes aimed at increasing the enjoyment of economic, social and cultural rights of its people (Cuba);
13. Allow all international human rights organizations wishing to do so to visit the country (Norway); continue to engage with human rights organizations, and look to deepen and broaden its engagement it to include a wider representation of groups (New Zealand);
14. Follow-up on the recommendations from the treaty bodies in the areas of the rights of women, non-discrimination, torture and children (Mexico);
15. Continue to strengthen cooperation with international mechanisms, through a favourable response to the special procedures that have requested to visit the country (Mexico);
16. Continue progress in the promotion of women's and children's rights, in accordance with Islamic Shari'a and its international commitments (United Arab Emirates); continue to give priority attention to the protection of the rights of the child (Belarus); intensify its efforts aimed at harmonizing elements of the Shari'a with existing laws, with a view to ensuring maximum protection for women and children as well as victims of human rights abuses (Malaysia); take all appropriate measures to develop a framework of law prohibiting trafficking and other forms of exploitations, and incorporate into such legislation the comprehensive protection of children as well as the development and implementation of a reintegration assistance programme for victimized persons. (Israel)
17. Combat discrimination and violence against women and reinforce their participation in the labour market (Egypt); develop a comprehensive national action plan for the promotion of gender equality, with a view to addressing key challenges facing women (South Africa); continue and further increase its efforts aimed at empowering women in Saudi society (Turkey); adopt all necessary measures to incriminate violence against women and to conduct a resolute penal policy to combat this scourge (France);
18. Abolish all legislation, measures and practices that discriminate against women, further to the report of the Special Rapporteur on Violence Against Women. In particular, to abolish legislation and practices which prevent women from participating fully in society on an equal basis with men, including strict gender segregation practices, limitations on freedom of movement, the prohibition on women driving and restricted access by women to work, public places and commercial facilities (Canada); take further steps in enabling fuller participation of women in Saudi Arabian public life by guaranteeing women and girls their right to education, employment, freedom of

movement, marriage with their free and full consent and health, including protection from and redress for family violence (Finland); develop and adopt a comprehensive national plan of action for the incorporation of human rights for women into national legislation and practices to ensure the eradication of violence against women, a dismantling of the male guardianship system, an allowance of the freedom of movement, access to work, study, and health care, as well as equal standing before the courts and the right to vote and participate in public affairs, and incorporate and implement the concluding observations of the Committee on the Elimination of Discrimination against Women (Israel);

19. Amend legal provisions to guarantee equality between men and women, prevent violence against women, prevent threats to the safety and integrity of persons deprived of their liberty, guarantee non-discrimination on grounds of religion, belief and ethnicity, also for foreign workers, and to achieve effective implementation of these provisions (Chile);

20. Adopt an awareness-raising programme at the local level to ensure much wider knowledge of CEDAW, and take steps to ensure the cessation of practices, including those under the guardianship system, which are inconsistent with the Convention (New Zealand); end the strict system of male guardianship and give full legal identity to Saudi women (Norway); increase efforts to bring legislation in line with the principle of equality between women and men as well as to develop human rights education programs for its citizens to increase awareness of their rights under international human rights instruments (Austria); implement the 2008 recommendations by the CEDAW Committee, in particular by abolishing the system of male guardianship over women and enacting comprehensive and effective regulations on gender discrimination (Germany); abolish the guardianship system which severely limits the rights of women to act as autonomous and equal members of Saudi society (United Kingdom);

21. Eradicate hate-speech against minorities and establish oversight mechanisms to ensure the elimination of all forms of discrimination (Israel);

22. Protect the rights of those facing the death penalty, including through strengthened application of international safeguards in the use of the death penalty (New Zealand);

23. Amend the Code of Criminal Practice to stipulate that only individuals aged over 18 will be tried as adults. As a result, the executions of any individuals who were less than 18 years old when they committed the crime should be commuted to a custodial sentence. (United Kingdom); Review its practice of imposing capital and corporal punishment and prohibit any form of corporal punishment (Germany, Austria); consider to end the use of corporal punishment for person under 18 and to establish a moratorium on executions of persons having committed crimes before the age of 18 (Austria);

24. Cease application of torture, other cruel, inhuman or degrading treatment or punishment, and corporal punishment of prisoners in accordance with Article 5 of the Universal Declaration of Human Rights and other international human rights treaties to which it is a party, including CAT and the CRC (Canada); identify and implement legal and procedural machinery to monitor and sanction cases of torture in keeping with national legislation and international commitments (Morocco);

25. Strengthen the criminal procedural code and the code of practice of lawyers and ensure that they are in line with international standards (Lebanon); amend its criminal procedural code to bring it in line with international human rights standards and conduct a systematic campaign among Saudi Arabian judges to apply this amended Code (France);

26. Continue its efforts to reform the legal and judicial systems (Egypt);

27. Consider the elaboration of specific legislative guidelines for codification of discretionary penalties and dissemination of such guidelines among all judges, lawyers and prosecutors concerned (Azerbaijan);

28. Expedite the implementation of the legal guarantees to ensure the independence of the judiciary (Morocco);

29. Take measures to make the juvenile justice system more effective, in particular by ensuring the separate detention of juveniles as well as expeditious access of juveniles to legal counsels (Austria);

30. Increase efforts in order to effectively combat impunity (Sweden);

31. Take into consideration, when examining recommendations made during this session of the Working Group, those that are in line with its religious, social and cultural specificities, in particular those emanating from the Islamic Shari'a, which adds to general human rights principles without replacing them (Algeria);

32. Pursue its policies aiming at the promotion of dialogue among religions and civilizations, and to activate its role in this regard at the international level (Algeria, Malaysia); in commending their initiatives to promote dialogue between religions and civilizations, continue its efforts to promote universal peace and tolerance (Cuba);

33. Reform its legislation on religious freedom in order to ensure adequate protection for all religious minorities, with a view to gradually allowing public practice of other faiths and beliefs (Italy); provide for freedom of religion in its national legislation so that the rights of religious minorities can be ensured (Finland); adopt legal provisions to prohibit religious discrimination in all areas including in that of labour (Belgium);

34. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration of Human Rights Defenders (Norway); remove obstacles to freedom of expression and movement against human rights defenders, including all travel bans (Norway); with a view to a rapid ratification of the ICCPR, guarantee the rights of representatives of civil society and human rights defenders organizations to set themselves up and exercise their rights to freedom of expression (Switzerland);

35. Swiftly promulgate the statute on civil societies, which will enable the civil society to perform its tasks effectively and in full autonomy (Bahrain); enact and implement a Law of Association to guarantee the right to form civil society organizations and to

- protect those organizations from government interference (United Kingdom); realize a law on associations and establishment of civil society to enable them to work in independence without being supervised by official authorities (Palestine);
36. Take appropriate measures with a view to facilitating access to work for women (Norway);
37. Expediently attend to the issue of forced labour as raised by the ILO Committee of Experts (South Africa);
38. Share its good practices in terms of affording decent housing for vulnerable groups, so that others could benefit from such a positive experience (Yemen);
39. Continue its work in the health area in support of its entire population (Venezuela);
40. Continue its efforts to integrate human rights in school curricula (Qatar); develop a national strategy to include in the school system at all levels appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy);
41. Continue its efforts to create a positive working environment for all foreign workers (Algeria); continue its efforts to protect the rights of migrant workers (Belarus, Philippines, Singapore); extend migrant workers rights equally to all migrant workers, regardless of their age and gender (Thailand);
42. Report regularly to relevant mechanisms of the HRC on the remittances sent by those migrant workers to their families back home in various countries of the world, in order to estimate the contribution of such remittances to the promotion of economic and social rights in developing education, housing and health in these countries (Sudan);
43. Actively promote awareness of the 2005 Labour Code and establish an accessible complaint mechanism, such as a free phone-service, to which migrant workers can confidentially report instances of abuse and exploitation as well as seek assistance (New Zealand); review article 7 of the Labour Law and expand its coverage to include migrant workers (New Zealand);
44. Strengthen efforts to ensure that violations of physical abuse and discrimination of migrant women who come to serve as domestic workers are acted upon and take steps necessary to ensure full enjoyment of human rights of all women in Saudi Arabia (Sweden);
45. Establish a broad based media information campaign on the rights of migrants in Arabic and in the languages of main groups of migrants (Belgium);
46. Further its efforts to fight terrorism and protect human rights at the same time, especially the support to the conclusion of a comprehensive international treaty to combat terrorism (Algeria);
47. Continue its efforts in further developing the system of international treaties to combat international terrorism (Sudan);
48. Enhance its successful experience in the field of rehabilitation of suspected and imprisoned persons for terrorism and to expand it to other penal affairs and to exchange its experience in this field with other countries (Bahrain); intensify its successful endeavours to rehabilitate persons accused or imprisoned in cases involving terrorism, to extend these endeavours to persons accused of imprisoned or in other criminal cases and to engage in an exchange of experience in this field with other states (Uzbekistan);
49. Continue to seek support to establish an international centre or agency, in collaboration with the United Nations, in the field of combating terrorism (Kuwait);
50. Share its experience in combating terrorism (Kuwait);
51. Continue to cooperate in a generous way with developing countries (Cuba);
52. Seek assistance from international community to face its challenges (Chad);
53. Disseminate information and raise awareness about the Arab Peace Initiative, launched by the King of Saudi Arabia (Palestine).
88. Saudi Arabia considers that recommendations contained in paragraphs 44 (e), 54 (b), 79 (c), 46 (b), 49 (b), 65 (d), 75 (b), 47 (e), 46 (a), 65 (b), 71 (b), 48 (d), 74 (c), 65 (a), 27 (c), 44 (c) 74 (b) do not enjoy the support of Saudi Arabia because they do not conform to its existing laws, pledges, commitments or do not refer to existing practices in Saudi Arabia.
89. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

Annex

COMPOSITION OF THE DELEGATION

The delegation of Saudi Arabia was headed by H.E. Dr. Zaid Al-Husain, Vice-President of the Human Rights Commission in Saudi Arabia, and composed of 20 members:

Dr. Fahd Al-Sultan, King Abdul Aziz Centre for National Dialogue;

Mr. Muhammad Al-Ajjaji, Council of Ministers Panel of Experts;

Ms. Samha Al-Ghamidi, Ministry of Social Affairs;

Dr. Abdul Rahim Al-Ghamidi, Ministry of the Interior;
Mr. Ahmad Al-Ghamidi, Ministry of the Interior;
Dr. Ibrahim Al-Shaddi, Ministry of Education, part-time member of the Commission;
Mr. Musa Al-Uwais, Ministry of Education;
Ms. Falja Al-Anbar, Ministry of Education/Girls' Education;
Dr. Abdullah Al-Hadithi, Ministry of Justice;
Dr. Muhammad Basulaiman, Ministry of Health;
Dr. Munira Al-Useini, Ministry of Health;
Mr. Abdul Rahman Al-Rassi, Ministry of Foreign Affairs, part-time member of the Commission;
Shaikh Salih Al-Nafisa, Ministry of Islamic Affairs;
Mr. Fawzi Al-Dahhan, Ministry of Labour;
Mr. Nasir Al-Shahrani, Public Investigation and Prosecution Department;
Ms. Asma Al-Ruweili, Ministry of Higher Education/King Saud University,
Dr. Nihad Al-Jishi, Health Adviser, Consultative Council;
Dr. Bahija Azzi, Consultative Council;
Dr. Al-Jazi Al-Shubeiki, Women's Al-Nahda Association;
Ms. Maryam Al-Juhani, Thaqif Charitable Association;

From the Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office in Geneva:

H.E. Dr. Abdul Wahab Attar, Ambassador
Mr. Abdullah Al Alsheikh, Counsellor;
Mr. Fouad Rajah, Counsellor;
Mr. Abdul Aziz Alwasel, First Secretary.

**Afghanistan, Albania, Argentina, Australia, Bhutan, Bosnia and Herzegovina, Brazil, Czech Republic, Djibouti, Hungary, Ireland, Islamic Republic of Iran, Latvia, Lithuania, Maldives, Myanmar, Nepal, Senegal, Slovenia, Spain, Syrian Arab Republic, Netherlands, Uganda, Viet Nam.