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الوفد الدائم للمملكة العربية السعودية
لدى الأمم المتحدة
جنيف

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The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and would like to refer to the letter received on the 28 February 2023 regarding the request of information for the preparation of the HC report pursuant to Human Rights Council resolution A/HRC/RES/47/21 "Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality". In that regard, the Permanent Mission has the honor to attach herewith the contribution of the Government of Saudi Arabia on the aforementioned letter.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurance of its highest consideration.



Office of the United Nations High Commissioner for Human Rights(OHCHR)
Special Procedures Branch
Email: ohchr-registry@un.org

الرقم : التاريخ : الموافق : المرفقات :



This paper has been compiled at the Call for inputs for the preparation of the 2023 report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 47/21 on the "Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality

- **The right to participate in public affairs, including through direct participation;**
- **Specific initiatives/processes to be undertaken at the local, national and/or regional level in relation to the four-point agenda towards transformative change for racial justice and equality, namely:**

1. Reverse the cultures of denial, dismantle systemic racism and accelerate the pace of action (e.g. participating in the design, implementation, and evaluation of laws, policies, programs, and processes, such as national action plans to combat racism; national censuses; collection and disaggregation of data by race or ethnic origin).

- The Kingdom's laws and policies combine to prevent the emergence of any form of racial segregation and apartheid, as the Basic Law of Governance and the Kingdom's laws derived therefrom ensure all human rights and fundamental freedoms for all people on an equal footing, and prohibit all forms and manifestations of racial discrimination. Article 12 of the Basic Law of Governance stipulates: "Promoting national unity is a duty, and the State shall prevent whatever leads to disunity, sedition and division". Article 22 of the same Law stipulates: "Economic and social development shall be accomplished according to a sound and just plan". The Kingdom's Vision 2030 is based on values and principles that represent an impenetrable fence preventing trends leading to racial segregation, including social exclusion in all its forms and manifestations.
- The Kingdom observes direct and indirect forms of discrimination in practical application. The prohibition of racial discrimination in the Kingdom is not limited to its direct manifestations, but rather extends to prohibiting double or multifaceted forms of discrimination, such as discrimination based on both color and sex, or on



race and disability together. This means that committing a double or multi-faceted racial discrimination crime is one of the reasons for imposing a severe penalty against its perpetrator (an aggravating circumstance). In addition, any preferential treatment stipulated by the Kingdom's laws, regulations, procedures, or bilateral or regional agreements is based on legality and proportionality, and is consistent with the aims and purposes of the Convention. If a preferential treatment is not based on these principles, the necessary procedures will be carried out to handle this gap.

- The dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as other acts described in Article 4(1) of the Convention are deemed as crimes under the laws of the Kingdom. Article 39 of the Basic Law of Governance states: “Mass and publishing media and all means of expression shall use decent language and adhere to State laws. They shall contribute towards educating the nation and supporting its unity. Whatever leads to sedition and division, or undermines the security of the State or its public relations, or is injurious to the honor and rights of man, shall be prohibited. Laws shall set forth provisions to achieve this”.

2. Ending impunity for human rights violations by law enforcement and closing trust deficits (e.g. participating in accountability processes relating to individual cases as well as in broader accountability and redress procedures to re-envision and reform the police force and the criminal justice system).

- With regard to not allowing the promotion of racial discrimination by public authorities or institutions, Article 2 of Royal Decree no. 43, dated 29/11/1377H, corresponding to 17/6/1958, sets penalties for abuse of influence based on position, abuse of authority in criminal proceedings, violation of human rights, abuse or coercion using one’s job.
- The Kingdom derives all its laws from Islamic *Sharia*, which mandates equality and prohibits injustice and racism. Equality is one of the principles on which governance is based in the Kingdom. Article 8 of the Basic Law of Governance stipulates: “Governance in the Kingdom of Saudi Arabia shall be based on justice,



shura (consultation), and equality in accordance with Islamic *Sharia*". Article 47 of the same Law stipulates: "The right of litigation shall be guaranteed equally for both citizens and residents in the Kingdom". Thus, all the Kingdom's laws related to human rights are based on the principle of equality, criminalize all forms of racial discrimination defined in Article 1 of the Convention, and require all relevant State agencies to promote and protect human rights and provide justice to all people, regardless of their descent, color, race, or national or ethnic origin.

- Any person claiming to have been subjected to racial discrimination is entitled to file a criminal case before the competent court in accordance with Article 16 of the Law of Criminal Procedure. Moreover, the Public Prosecution Office has the power to file and investigate a criminal case on its own initiative if it finds that public interest so requires, in accordance with Article 17 of the same Law. The Human Rights Commission receives complaints related to human rights, including complaints related to racial discrimination, and takes the necessary legal actions in this regard. Likewise, civil society organizations play a significant role in this respect. For example, the National Society for Human Rights receives complaints related to human rights, including racial discrimination complaints, and reports them to the relevant authorities to take legal action.
- The Kingdom's justice and judicial laws guarantee the right of recourse to the judiciary and ensure equality before the judicial system. Article 47 of the Basic Law of Governance stipulates: "The right of litigation shall be guaranteed equally for both citizens and residents in the Kingdom". Given that the right to security is the basic building block of all human rights, and that its enforcement should not affect the right to liberty, the Law states in Article 36 that: "The State shall provide security to all its citizens and residents. A person's actions may not be restricted, nor may he be detained or imprisoned, except under the provisions of the Law".

3. Ensuring that the voices of people of African descent and those who stand up against racism are heard and that their concerns are acted upon (such as special measures and other steps to ensure a safe environment that allows the right to



participation and removes obstacles to its effective implementation, including through representation of people of African descent and access to information).

- The Kingdom's laws prohibits discrimination in relation to demographic composition, as the Kingdom respects all cultures. From this standpoint, the Kingdom adopts the definition of racial discrimination contained in Article 1 of the Convention, given that the Convention has become part of its national law following the Kingdom's accession to it. As a result, the Kingdom's laws and regulations combine to prohibit racial discrimination, as defined in Article 1(1) of the Convention. Following is a brief description of the legal frameworks that affirm the principle of equality and prohibit racial discrimination:
 - o Article 26 of the Basic Law of Governance stipulates: "The State shall protect human rights in accordance with Islamic *Sharia*". Article 8 also stipulates: "Governance in the Kingdom of Saudi Arabia shall be based on justice, *shura* (consultation), and equality in accordance with Islamic *Sharia*". Article 47 of the same Law stipulates: "The right of litigation shall be guaranteed equally for both citizens and residents in the Kingdom".

4. Confronting legacies, including through accountability and redress (e.g. participation in the design, implementation, and evaluation of truth-seeking initiatives; acknowledgment and apology; memorialization processes; and other broader reparation measures).

- The Kingdom's laws ensure the equal right of every person to have recourse to national courts and other competent State institutions to obtain redress, reparation, compensation, and assistance – when necessary – as a result of any crime committed against him, including racial discrimination crimes. Article 8 of the Basic Law of Governance states that governance in the Kingdom of Saudi Arabia is based on justice and equality, and Article 47 affirms that the right of litigation is equally guaranteed for both citizens and residents in the Kingdom. In Clause 4 of Part I, the Report addresses the remedies that a person can resort to when he is subjected to any human rights violation. The judiciary in the Kingdom adopts the principle of multi-level litigation under the Law of the Judiciary.



Article 9 of this Law stipulates that courts consist of the Supreme Court, Courts of Appeal, and First Instance Courts, which include general courts, penal courts, personal status courts, commercial courts, and labor courts. The courts of the Board of Grievances (administrative judiciary) consist of the Supreme Administrative Court, Administrative Courts of Appeal, and Administrative Courts.

• **The right to participate in elections; voting and running for elections**

The participation in political and public life in the Kingdom is a right for every citizen, through their contribution in making decisions or electing, Article (43) of the Basic Law of Governance included the right of every citizen, without any discrimination, to address the public authorities.

• **The right to access public service**

- The Kingdom's laws do not comprise any discriminatory restrictions based on race, color, descent, or national or ethnic origin with regard to entering places of public services. This includes public transport facilities that are considered public utilities run by public institutions or private companies according to rules governing these facilities without discrimination between beneficiaries. In this context, it is noteworthy to refer to the amendment of a number of laws and instructions carried out in 2018 to enable women to enter sports facilities and attend cultural and entertainment events on an equal footing with men.
- Article 1 of the Civil Service Law, promulgated by Royal Decree no. M/49, dated 10/7/1397H, corresponding to June 27, 1977, stipulates: "Merit shall be the basis for selecting staff to occupy public positions". In this way, there is no legal impediment that prevents any citizen from occupying a public position or higher positions in the State.
- Article 3 of the Labor Law, issued by Royal Decree no. M/51, dated 23/8/1426H, corresponding to 27/9/2005, as amended by Royal Decree no. M/134, dated 27/11/1440H, corresponding to 30/7/2019, states that work is the right of every citizen and that all citizens are equal in the right to work without any discrimination



on the basis of sex, disability, or any other form of discrimination, whether during work performance or when hiring or announcing it.

- Article 2 of the Health Law, issued by Royal Decree no. M/11, dated 23/3/1423H, corresponding to 4/6/2002, states: “This law aims to ensure the provision and regulation of comprehensive and integrated health care to the entire population in a fair and accessible manner”.

• **The right to equal participation in cultural activities**

- As far as cultural participation is concerned, Article 29 stipulates: “The State shall foster sciences, arts, and culture, and shall encourage scientific research, protect Islamic and Arabic heritage, and contribute to Arab, Islamic, and human civilization”.
- In affirmation of freedom of opinion and expression, and based on the provisions of Islamic *Sharia*, which forbids insulting people and violating their dignity, and in line with international standards that adopt the principle of legal restriction of freedom of opinion and expression in protection of basic rights, Article 39 of the Basic Law of Governance states: “Mass and publishing media and all means of expression shall use decent language and adhere to State laws. They shall contribute towards educating the nation and supporting its unity. Whatever leads to sedition and division, or undermines the security of the State or its public relations, or is injurious to the honor and rights of man, shall be prohibited”.

• **Measures to ensure equal and effective access to justice and effective remedies for violations of the right to participate in public affairs.**

- The Basic Law of Governance includes fundamental principles and provisions aimed at promoting and protecting human rights. These principles and provisions, in their entirety, constitute the legal framework for human rights. Article 26 of the Basic Law of Governance stipulates: “The State shall protect human rights in accordance with Islamic *Sharia*”. This Law also affirms a number of basic rights, including the right to justice and equality. Article 8 of this Law stipulates:



- “Governance in the Kingdom of Saudi Arabia shall be based on justice, *shura* (consultation), and equality in accordance with Islamic Sharia”.
- The Kingdom’s laws ensure the equal right of every person to have recourse to national courts and other competent State institutions to obtain redress, reparation, compensation, and assistance – when necessary – as a result of any crime committed against him, including racial discrimination crimes. Article 8 of the Basic Law of Governance states that governance in the Kingdom of Saudi Arabia is based on justice and equality, and Article 47 affirms that the right of litigation is equally guaranteed for both citizens and residents in the Kingdom. In Clause 4 of Part I, the Report addresses the remedies that a person can resort to when he is subjected to any human rights violation. The judiciary in the Kingdom adopts the principle of multi-level litigation under the Law of the Judiciary. Article 9 of this Law stipulates that courts consist of the Supreme Court, Courts of Appeal, and First Instance Courts, which include general courts, penal courts, personal status courts, commercial courts, and labor courts. The courts of the Board of Grievances (administrative judiciary) consist of the Supreme Administrative Court, Administrative Courts of Appeal, and Administrative Courts.