



September 6, 2008

**To the High Commissioner of Human Rights:
UPR Submission on Saudi Arabia**

- 1) Saudi Arabia continues to be one of the worst abusers of human rights in the world. The country received a Tier 3 rating from the United States Trafficking in Persons office at the State Department for its failure to meet minimum standards and lack of making significant efforts to change.
- 2) Arbitrary detention, unfair trial, and torture rampantly occur. Freedom of expression and freedom of religion, freedom of assembly, women's rights, and the rights of migrant workers and refugees are consistently undermined.
- 3) Citizens are frequently and arbitrarily detained by the government if they are suspected of being party to terrorism in some way. Freedom House notes that this is the result of experiencing a series of terrorist attacks in 2003 and 2004. The Saudi government increased efforts to "crush terrorism at home and abroad" yet there have been examples of using this effort as an excuse to arrest those who protest or disagree with the government's imposed restrictions on freedom.
- 4) Those arrested have included reformist academics and lawyers. They do not receive a lawyer, fair trial, and are often subject to ill-treatment and torture. In 2008, Amnesty reports over 100 members from al-Ahmadiyya, who consider it a sect of Islam, members of the Shi'a community, Sunni reformists and peaceful dissidents were arrested on account of religious affiliation and sexual orientation. In 2007, the secret police, or *mutawaa*, arrested five female protesters petitioning the release of their relatives for over two years without trial (HRW). Without codified laws and rules of precedent, the loose interpretation of the law can undermine equality before the law.
- 5) Prisons are for adults, yet children are sometimes mixed in the jails. Children and adults may be held for 6 months before seeing a judge. Human Rights Watch reports, "Judges regularly try children without the presence of lawyers or sometimes even guardians, even for crimes punishable by death, flogging, or amputation."
- 6) Amnesty International's 2008 report places the number at 158 executions including a child execution. They also note a new Judiciary Law setting up specialized courts was implemented in October 2007, but the Saudi Arabian government still has not worked to write a penal code or enforce this law.
- 7) Severe restrictions on freedom of religion and freedom of expression are repeatedly imposed by the government and King Abdullah. Religious freedom does not exist in Saudi Arabia. Islam is the official religion. All Saudis are

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- required by law to be Muslims. Public practice of any other religion is prohibited even for Shiite and Sufi Muslim minority sects. Private practice of non-Muslims is supposedly recognized, but frequently not respected in actuality.
- 8) The U.S. Commission on International Religious Freedom (USCIRF) 2008 report gives examples of the Saudi government raiding private religious practices. In April 2005, at least 40 Pakistani, three Ethiopian, and two Eritrean Christians performing separate private religious services were arrested in Riyadh during a raid. In April 2006, a visiting Indian Roman Catholic priest was detained for four days and deported from Riyadh for conducting a private religious service. A female Shi'a student in Riyadh was arrested on allegations of proselytizing to other students. She was eventually released. In June, four East African Christians were arrested in Jeddah while leading a private worship ceremony. All were deported the following month.
 - 9) Substantial prejudice against ethnic, religious, and national minorities exists in Saudi Arabia. Even though Shiites represent 10 to 15 percent of the population, they have never served in a major government position and reported an increase in discrimination and physical assaults.
 - 10) The government tightly controls even the restricted religious activity it does permit—through limits on the building of mosques, the appointment of imams, the regulation of sermons and public celebrations, and the content of religious education in public schools—and suppresses the religious views of Saudi and non-Saudi Muslims who do not conform to the official sect of Sunni Islam.
 - 11) The USCIRF reports authorities disallow observance in the eastern Al-Ahsa and Dammam provinces. Saudi authorities use charges of “sorcery” and “witchcraft” against non-conforming Muslims. Citizens are often imprisoned on these charges. In April 2007, an Egyptian Muslim guest was sentenced to death in the town of Arar for allegedly desecrating the Koran and renouncing Islam. Historically, frequent reports were given, including by the State Department, of virulent “anti-Semitic and anti-Christian attitudes expressed in the official media and in sermons delivered by clerics who are under the authority of the Ministry of Islamic Affairs.”
 - 12) Saudis do not enjoy freedoms of association and assembly. In 2003, the government established the National Human Rights Association (NHRA) to review allegations of human rights violations and monitoring the country’s compliance with international human rights agreements, but the group has not taken much action despite complaints.
 - 13) Women are working to improve their rights, but continue to be systematically denied any individual or collective freedoms. The Saudi monarchy rules in accordance with a conservative school of Sunni Islam, which includes a male legal guardianship system. HRW explains that the implementation of this system

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- requires women to obtain permission from their father, husband, even sons, acting as male guardians to work, travel, study, marry, receive health care, and access government agencies, even to seek protection or redress as victims of domestic violence. Women are not allowed to go out unaccompanied and are rarely in mixed company.
- 14) Amnesty International highlights the case of a woman called Fatima who was forcibly divorced from her husband by her brother against her will and her husband's. Fatima's brother claimed the husband was of "lower status" and did not reveal this when asking for permission to marry Fatima. The court ruled in the brother's favor and now Fatima and her husband may not meet as it would be a "khilwa" offense for a man and woman meeting who are not in the same family. If they were prosecuted, the punishment includes flogging and imprisonment.
 - 15) Freedom House reports on some of the improvements made over the year including the fact that now more than half of the country's university students are female, women hold commercial licenses, and have generally become more visible in society in positions such as newscasters on state television and Jeddah's chamber of commerce. In September 2007, women activists petitioned the King with over 1,100 signatures for the right to drive.
 - 16) However, punishment of a victim by her attacker and by the court continues to create an unsafe world for the Saudi women. A rape survivor who was condemned for "unlawful mixing" received a 200 lash sentence in November 2007. While the rapists were given 10 years, the victim suffered punishment for breaking the law. If a woman unlawfully mixes, she is at fault even if she is blackmailed, as was the woman in this case.
 - 17) Migrant workers frequently encounter abuse even though immigration laws are strict due to the *kafala* (sponsorship) system, which ties migrant workers' employment visas to their employers without checks on abuse of power. The employer is responsible for the worker and the worker requires his permission to enter Saudi Arabia, transfer employment, or leave the country. With such power over employees, workers remain vulnerable to exploitation.
 - 18) Exploitation of workers occurs in the work place and domestically. Sex and labor trafficking pervade this secretive society, and victims have little say over their treatment. An example, provided by an extensive 2008 HRW report "As if I am not Human" on Asian migrants working in Saudi Arabia, comes from Nour Miyati from Indonesia. She was beaten daily by her employers—husband and wife—and was denied medical treatment to the point of losing her fingers to gangrene. Nour had to endure court proceedings of over three years after a doctor noted her condition and was able to get her out. Initially she was charged with making false allegations and given 79 lashings, but eventually charges were dropped against her and the female employer. She received a very small sum, 2,500 riyals (\$668) for injury compensation.

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- 19) Another worker tells her story in the same report known as Ani R. She was brought to Saudi Arabia at 17 by her husband, who was also her sponsor, on an employment visa. After enduring severe physical abuse, Ani escaped. The police forced her to go back to her husband even after she admitted “he always beats me” and requested to go to the Indonesian embassy. Their attitude was “You are better off with the sponsor because you didn’t even earn enough for your ticket home.”
- 20) Labor laws do not protect domestic workers. Labor-sending governments including the Philippines, Indonesia, and Sri Lanka, have not been able to negotiate around the bilateral labor agreements of the *kafala* system of Saudi Arabia.
- 21) According to HRW, Saudi Arabia has done little to prevent trafficking or prosecute traffickers, but “routinely arrests and returns trafficked children to countries such as Somalia or Chad where they risk recruitment as child soldiers, trafficking, and other serious abuses.” These children have no protection, though Saudi Arabia is party to the UN Convention on the Rights of the Child.
- 22) The Saudi government is not party to any legislation concerning the Status of Refugees or the Palestinian refugees. The U.S. Committee for Refugees and Immigrants (USCRI) reports in 2008 that Palestinians have tended towards better treatment by the government, but neither they nor non-Palestinian refugees are protected from persecution and refoulement. Instead, “only those who had residence permits could apply for asylum and barred those who entered illegally or overstayed on pilgrimage visas from ever receiving it.”
- 23) Case studies include a February 2007 “swap” in which the Saudi government repatriated three Yemenis in exchange for twelve Saudis to Yemen. When a Palestinian refugee tried to renew his residency permit, he was arrested for not working for his sponsor. Authorities detained him for weeks without visitors, telephone calls, or outside food or clothes. In September, Chinese Muslim Uighurs residing in the Jeddah area were also sent back to their countries without a right or chance to seek asylum; and in December, authorities arrested a Tunisian who fled his country due to feared religious persecution without charges well into 2008 (USCRI).
- 24) All refugees had access to education, Iraqi refugees received some aid and social services, but “Public Relief and Education Refugees” could not qualify for social security or guaranteed health services. They required a sponsor to do any business or to get permission to leave the country.
- 25) The *Kafala* system needs amending so that workers can not be so easily exploited by their sponsoring employers. Jubilee Campaign agrees with HRW that Saudi Arabia should be encouraged by international powers to adopt the proposed annex

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- to the 2005 Labor Code extending labor, which protects domestic workers with a timeline for implementation.
- 26) Something must be done about the domestic abuse and labor trafficking of women, especially from Asia. Saudi Arabia has an anti-trafficking decree that prohibits all forms of trafficking, and includes specific provisions addressing migrant workers and children.
- 27) The penalties should be made heavier and enforced for women who are kept against their will and beaten. More protection for women and children must be demanded. Discrimination and physical abuse must not go unpunished. Children should not face repatriation to countries where they encounter abuse without rightful representation and the right to seek asylum.
- 28) Jubilee Campaign urges the U.N. to bring Saudi Arabia under rules and regulations that comply with human rights standards, especially with respect to religious freedom and trafficking laws. People must not be persecuted for their thoughts or beliefs. Non-Muslim and Muslims who are not main stream should not suffer persecution at the hand of government. The international community should put more pressure on the Saudi government in the way of human rights as well and use our alliance to further the cause for international human rights.
- 29) We recommend the Saudi government adopt a written penal code and reinforce protection against arbitrary arrests that will reduce the amount of interpretation corrupted by court judges to deny rights to citizens and refugees or prisoners of conscience. Prisoners must be able to have access to a lawyer and go in front of a judge much earlier than an extreme six months.

THANK YOU FOR YOUR CONSIDERATION OF OUR SUBMISSION

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