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DG EXTERNAL POLICIES OF THE UNION

- Directorate B -
POLICY DEPARTMENT

NOTE ON HUMAN RIGHTS IN SAUDI ARABIA

December 2004

The government's human rights record remains poor, although there were some improvements in a few areas.

1. POSITIVE CHANGES

The United Nations Committee on the Elimination of Racial Discrimination noted in its Concluding Observations, adopted in 2003, that Saudi Arabia had embarked upon reforms in the field of human rights. The enactment of **new codes of judicial procedure and criminal procedure and on the legal profession**, as well as **the establishment of a standing committee to investigate complaints of torture and the recent national programme to eliminate poverty** are of particular significance.

The Committee further noted that the State party would have shortly authorised the establishment of the **first human rights non-governmental organisation (NGO)** in Saudi Arabia. In early March 2004, the Government officially approved the country's first human rights association.

The Committee welcomed:

1) the dialogue and **co-operation** of the State party **with the United Nations human rights mechanisms**, including the Special Rapporteur on the Independence of Judges and Lawyers, as well as with international human rights NGOs;

2) the recent **initiative to include non-Saudis in a health insurance system**. The Committee has also noted with satisfaction that measures have been taken to put an end to the practice of employers retaining the passports of their foreign employees, in particular domestic workers. It also noted the high number of schools that have been authorised to offer programmes for the education of children of migrant workers that have been designed in their country of origin;

3) the information that the State party will soon accede to the **International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights**.

Furthermore, senior government officials made some efforts to improve the climate of tolerance toward other religions and within Islam. The Government convened a second and third session of the "National Dialogue" meeting that included members of different Muslim traditions and both men and women and issued statements condemning incitements to violence. The session released a set of recommendations that called for educational reform and development of tolerance and moderation in education. The Government also took measures to remove what it deemed to be disparaging references to other religious traditions from the educational curriculum. In addition, increased press freedom permitted journalists to criticise publicly abuses by the religious police. However, religious

discrimination and sectarian tension in society continued, including denunciations of non-Muslim religions from government-sanctioned pulpits.

Besides, the Saudi Government announced in October 2003 that it would hold the first municipal elections within one year. It met with organised groups of reform advocates and in public statements undertook to introduce political, economic and social reforms.

In 2003 the Saudi Government permitted the first visit of an international human rights organisation and held its first human rights conference.

2. CONCERNS REGARDING DISCRIMINATION

2. 1. DISCRIMINATION AGAINST WOMEN

Saudi Arabia is now preparing for the country's first nation-wide municipal elections which will take place early next year. **However, according to Amnesty International half of the population will not be taking part to the forthcoming municipal elections, as women are excluded from voting.** This measure is contrary to the country's election law, which does not explicitly ban women from voting. In accordance with national Saudi Arabia law, all 'citizens' have the right to vote. By definition women and men are citizens of Saudi Arabia. However, on October 2004, the Interior Minister Prince Nayef bin Abdel Aziz declared that " *I don't think that women's participation is possible.*" In the same vein, the Head of the Election Committee Prince Mutab bin Abdel Aziz, president of the electoral Commission, stated that " *I expect women to participate in elections in future stages, after conducting studies to assess whether it is useful or not.*"

The non-participation of women in the elections is a setback when thinking of the attempts to include women in the public and political life of Saudi Arabia. For instance, in 2003 three women were appointed to the board of the country's first human rights committee and this year, a woman was elected to the Board of Directors of the Journalist Union of journalists.

In Saudi Arabia, not only are women invisible in politics, but also they are not permitted to move freely without the company of an immediate male relative (*Mahram*), are even to seek urgent medical attention.

A simple activity like walking down the street is prohibited for women, who are not allowed to walk in public without the company of a *Mahram*. Breaching these codes gives rise to suspicion of prostitution and may result in arrest, brutality, and torture by police, particularly the religious police (*Mutawa'een*), who patrol the streets monitoring, among other things, women's conduct or dress or behaviour.

Further gender-based restrictions on the freedom of movement include the prohibition on women driving cars¹ and to work in the public sector. The country's Labour Minister announced in May 2004 that women may carry out business activities without the need for a *wakil* (representative). Nevertheless, the impact of this decision is still unclear.

¹ Fourteen years ago, 47 women took part in an unprecedented protest against what was then customary law. They drove a convoy of cars in Riyadh and were immediately arrested and detained for hours. They were released only after their male relatives signed undertakings that the women would not violate the ban again. A *fatwa* (religious ruling) was issued by the senior council of *Ulama* (Clerics) stating that women were not allowed to drive. This was followed by a government statement supporting the *fatwa* and warning of punishment for women who do not respect it. Opposition to the ban is growing once again as the economy opens up and more women find work.

Women continue to challenge many severe forms of discrimination in the fields of personal status, employment, participation in public life, the subordination of women to men, and restrictions on their freedom of movement.

In the light of the above, the Government of Saudi Arabia should amend all discriminatory laws against women in accordance with CEDAW. In particular, it shall ensure to women, on equal terms to men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government". Saudi Arabia's ratification of CEDAW should mean that it has accepted its responsibility to improve women's human rights situation in the country. It is imperative that these improvements are made if the country wishes further its' engagement with the international community.

2. 2. RELIGIOUS DISCRIMINATION

There is no freedom of religion in Saudi Arabia. It is not recognised or protected under the country's laws, and basic religious freedoms are denied to all but those who adhere to the state-sanctioned version of Sunni Islam. Citizens are denied the freedom to choose or change their religion, and non citizens practice their beliefs under severe restrictions. Islam is the official religion, and all citizens must be Muslims. The Government limits the practice of all but the officially sanctioned version of Islam and prohibits the public practice of other religions.

The Government prohibits public non-Muslim religious activities. Non-Muslim worshippers risk arrest, imprisonment, lashing, deportation, and sometimes torture for engaging in religious activity that attracts official attention. The Government has stated publicly, including before the U.N. Commission on Human Rights in Geneva, that its policy is to allow non-Muslim foreigners to worship privately. However, the Government does not provide explicit guidelines--such as the number of persons permitted to attend and acceptable locations--for determining what constitutes private worship, which makes distinctions between public and private worship unclear. This lack of clarity and instances of inconsistent enforcement led many non-Muslims to worship in fear of harassment and in such a way as to avoid discovery. The Government deported those detained for visible non-Muslim worship after sometimes lengthy periods of arrest during investigation. In some cases, they also were sentenced to receive lashes prior to deportation.

Reports of abuses are often difficult or impossible to corroborate. Fear and consequent secrecy surrounding any non-Muslim religious activity contribute to reluctance to disclose any information that might harm persons under government investigation. Moreover, information regarding government practices is incomplete because judicial proceedings generally are closed to the public, although the 2002 Criminal Procedural Law allows some court proceedings to be open to the public.

Members of the Shi'a minority are discriminated against in government employment, especially in national security-related positions such as in the military or Ministry of Interior. While there are some Shi'a who occupy high-level positions in government-owned companies and government agencies, many Shi'a believe that openly identifying oneself as Shi'a will have a negative impact on career advancement. There is an absence of Shi'a representatives in government, both local and national. While there is no formal policy concerning the hiring and promotion of Shi'a, anecdotal evidence suggests that in some companies -- including companies in the oil and petrochemical industries--Shi'a are passed over for less-qualified Sunni compatriots.

The Government also discriminates against Shi'a in higher education through unofficial restrictions on the number of Shi'a admitted to universities. There are no Shi'a principals in the approximately 300 female schools in the Eastern Province. While government officials state that textbook language with prejudicial, anti-Shi'a statements has been removed, some teachers have not been retrained and continue to use anti-Shi'a rhetoric. Some cases have resulted

in punitive measures being taken against Shi'a parents who have complained. There are no Shi'a cabinet ministers, and there are only 2 Shi'a in the 120-member *Majlis al-Shura* (consultative council). There are no Shi'a members of the country's highest religious authority, the Council of Senior Islamic Scholars (*Ulema*).

Under the provisions of Shari'a law as practised in the country, judges may discount the testimony of non practising Muslims or of individuals who do not adhere to the official interpretation of Islam. Legal sources report that testimony by Shi'a is often ignored in courts of law or is deemed to have less weight than testimony by Sunnis.

2. 3. DISCRIMINATIVE PRACTICES AGAINST FOREIGN WORKERS

While noting that the Basic Law, and provisions of Royal Decrees, regulations and codes, as well as Islamic Shariah, guarantee equality, the UN Committee on the Elimination of Racial discrimination is of the opinion that the mere statement of the general principle of non-discrimination in these laws is not a sufficient response to the requirements of the Convention.

It emphasised that guarantees of non-discrimination laid down in law, **without mechanisms to monitor their application**, do not on their own ensure the enjoyment of non-discrimination.

Noting that the law guarantees equal status to all workers, Saudi and non-Saudi, the Committee wished to obtain further information on the practical implementation of this principle, particularly given the high proportion **of migrant workers** in Saudi Arabia (60 per cent of the workforce in Saudi Arabia is composed of migrant workers), in particular those mainly coming from Asia and Africa and women domestic workers.

The Committee requested the State party to include in its next periodic report information on progress made in establishing a **national human rights institution**.

3. INDIVIDUAL CASES

On 15 March 2004, twelve persons, among whom were Saudi political activists and human rights defenders, were arrested because of their human rights work and efforts towards secular political reforms in Saudi Arabia. Some of them have been released since then.² The following persons remain in detention at General Intelligence (al-Mabahith al-amma) in Riyadh:

- **Abdulla Al-Hamad**, a professor at Imam Mohamed bin Al-Saud University. Arrested at his office at the university.
- **Matrouk Al-Faleh**, a professor at King Saud university in Riyadh and a political activist, arrested at his office at the university.
- **Ali Al-Deminy**, a writer and political activist, arrested at his work place.

² The persons arrested on 15 March 2004, and subsequently released are the following:

- **Adnan Al-Shakhess**, a professor at King Fahad university and political reformist.
- **Abd Rab Al-Ameer Mussa Al-Bukhamseen**, a human rights activist, arrested from his work place at a bank in Riyadh.
- **Khalid Al-Hameed**, a professor at King Saud university in Riyadh city and arrested from his office at the university.
- **Mohammed Said Al-Taib**, a human rights activist, arrested at his house in Jeddah city.
- **Towfiq Al-Qaseer**, a university professor, arrested at his house in Riyadh city.
- **Najeeb Al-Khanizee**, a writer and political activist, arrested in Al-Kateef city.
- **Shaikh Sulaiman Al-Rashoud**, a clergyman and human rights activist.

Reportedly, authorities released these persons after forcing them to sign a pledge in which they agreed to end their participation in any political or human rights activities and to stop calling for reforms.

They are held in incommunicado detention and were arrested allegedly for the following reasons:

- a) criticising the lack of independence of the National Commission on Human Rights (the announcement of its creation was first made in May 2003 and again officially reiterated on 9 March 2004);
- b) submitting an application, shortly before their arrest, to form an independent human rights organisation to promote and protect human rights in Saudi Arabia;
- c) actively engaging, in the last two years, in peaceful activities towards political reforms, democracy and respect of human rights, including the signing of the "Constitutional Kingdom" statement addressed to Crown Prince Abdullah Bin Abdulaziz al-Saud in December 2003.

On 25 August 2004 Amnesty International welcomed the decision of the Saudi Arabian authorities to hold the trial of the three men arrested in March in public as a move in the advancement of human rights in the country. However, the Saudi Authorities' failure to allow organisations like Amnesty International to send delegates to the trial casts a shadow. By denying independent observers the opportunity to verify the fairness of these trials, the Saudi authorities are denying themselves the opportunity to show how they are advancing human rights.

On 6 November 2004 **Mr. abd El-Rahman Allahim**, the spokesperson for the defence team of these three human rights defenders, was arrested after disclosing to the French Press Agency, AFP, the letter addressed by his three clients to Prince Abdullah Al-Saud concerning the arbitrary nature of their detention. To our knowledge, on 23 November 2004, he was still detained and is currently detained at Riyadh Central prison, together with his clients. No charges have been filed against any of them. International NGOs are extremely concerned about the physical integrity of Mr. Allahim and of his co-detainees and considers their detention to be arbitrary since no charges have been brought against them and since their arrest aims at restricting their freedom of expression.

This case raises the issues such as :

- the need to ensure the right to form independent human rights organisations to promote and protect human rights in Saudi Arabia,
- the importance of conforming to the provisions of the Declaration on Human Rights Defenders adopted by the General Assembly of the United Nations on 9 December 1998³.

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