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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Kingdom of Saudi Arabia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



I. Introduction

1. The Kingdom reaffirms its cooperation with and support for the universal periodic review mechanism, which helps to bring about improvements in the human rights situation in many countries, and is based on fundamental pillars such as equality, inclusiveness, cooperation and dialogue, and on a work culture that strikes a balance between respect for countries' cultures and for the universality and interdependence of human rights. The Kingdom has therefore done its utmost to cooperate with the universal periodic review mechanism during its three cycles.

2. During the thirty-first session of the Universal Periodic Review Working Group in November 2018 the Kingdom received 258 recommendations, which were considered by a governmental committee composed of representatives of competent government agencies. They were also considered by the Board of the Kingdom's Human Rights Commission, which includes a number of experts in sharia law, legislation and diverse human rights. In line with the approach based on the involvement of civil society institutions, a number of such institutions were consulted regarding the Kingdom's position on the recommendations.

II. The Kingdom's views and conclusions concerning the recommendations made to it

Preface

3. The Kingdom of Saudi Arabia adopts a positive approach in considering the recommendations made in the context of the universal periodic review process. It adopted such an approach during the interactive dialogues relating thereto and in considering the recommendations made by member and observer States of the Human Rights Council in order to determine its position. This is clearly reflected in the number of recommendations that it endorsed during the three review cycles (2009, 2013 and 2018). The fact that it partially endorsed some recommendations instead of taking note of them also reflects this approach, since the Kingdom deemed it inappropriate to fully exclude a recommendation from the ambit of supported recommendations. Part of a recommendation might impede its full support, while the remaining part, representing the goal or substance of certain recommendations, might be acceptable.

4. The positive approach of Saudi Arabia to recommendations is also confirmed by its consideration and endorsement of some recommendations that fall outside the scope of the universal periodic review, such as recommendations concerning issues and situations the raising of which during the interactive dialogue is not legally or procedurally in line with the universal periodic review process, not to mention the submission of recommendations.

5. In the same context, the Kingdom affirms that it has considered recommendations submitted with regard to the murder of its citizen Jamal Khashoggi (may he rest in peace), in line with its positive cooperation, owing to its conviction of the gravity and horrendous nature of this offence, the soundness of the proceedings conducted, the fact that the Saudi judiciary is the authority with basic jurisdiction in the case, and that the actions taken are based on constitutional principles and legal foundations aimed at guaranteeing their integrity and validity. In light of the foregoing, the following recommendations have been endorsed in this regard: 122.166; 122.167; 122.169; 122.170; 122.175; 122.176; 122.178; 122.179; 122.181; 122.183; 122.186; 122.187; 122.189. The following recommendations have not been endorsed: 122.168; 122.173.

6. The Kingdom reaffirms that the Custodian of the Two Holy Mosques, King Salman bin Abdulaziz Al-Saud (may God preserve him), ordered the launching of a comprehensive and transparent investigation to ensure the accountability of all those involved, as well as a review of existing procedures and structures in certain sectors in order to prevent such an offence from occurring in the future. As investigations are currently being conducted in the Kingdom, the recommendations that were endorsed are consistent with the Kingdom's action in this regard and are deemed to be appropriate.

7. The Kingdom draws attention to the fact that these recommendations are of a temporary nature, since they are linked to a transitory incident and are not subject to periodic review. It has therefore expressed its position on the matter in preparing this section and hopes that it will be taken into account by the secretariat of the Human Rights Council when it records the Kingdom's positions on the recommendations.

III. The Kingdom's views and conclusions concerning the recommendations made to it on specific subjects

A. Accession to and compliance with international human rights treaties and withdrawal of reservations thereto

8. The Kingdom undertakes regular and continuous studies of international human rights treaties and instruments in order to assess the appropriateness or feasibility of accession thereto. In accordance with article 5 (4) of its Statute, the Human Rights Commission issues opinions on international human rights instruments concerning the Kingdom's accession thereto or the provisions contained therein. The Kingdom wishes to report in this context that a high-level governmental committee is currently looking into the possibility of acceding to the two international human rights covenants (the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights). The Kingdom underscores that the principle of entering reservations to international treaties and of considering the appropriateness of accession thereto or ratification thereof is a right guaranteed by international law. It believes that its reservations to the treaties to which it is a party are not incompatible with the aims and purposes of those treaties. It also underscores that they are regularly and continuously reviewed in the light of contemporary developments, including development-related reforms. In light of the foregoing:

The following recommendations have been endorsed:

122.1; 122.2; 122.3; 122.4; 122.5; 122.6; 122.10; 122.15; 122.16; 122.17; 122.24; 122.26; 122.27.

The following recommendations have been partially endorsed:

122.14; 122.22; 122.32.

The following recommendations have not been endorsed:

122.7; 122.8; 122.9; 122.11; 122.13; 122.18; 122.19; 122.20; 122.21; 122.23; 122.25; 122.28; 122.29; 122.30; 122.31; 122.33; 122.34.

B. Legal and institutional human rights framework and national plans and strategies

9. With regard to legislation to combat terrorist crimes and their financing, Royal Decree No. 21 of 12 Safar A.H. 1439 (1 November 2017) was promulgated to replace the previous legislation, namely Royal Decree No. 16 of 24 Safar A.H. 1435 (27 November 2013), in order to bolster criminal justice. Solitary confinement is not prohibited by international norms. The Kingdom draws attention in this connection to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which include rules governing solitary confinement. It should be noted that this type of detention is used only in exceptional cases and for a specific period commensurate with the seriousness of the terrorist crimes. The period may not be extended save pursuant to a judicial decision. The existing legal definitions (of the offences of terrorism and financing of terrorism, and of a terrorist and terrorist entity) are sufficiently clear and specific to impede any adverse impact on the rights and freedoms that are guaranteed by the Kingdom's legislation and its obligations under international human rights law. In the

Kingdom's view, the problem inherent in a number of recommendations made in this context lies in their failure to take into account the fact that international human rights treaties provide for restrictions, if necessary, on the enjoyment of certain rights and freedoms. The Kingdom reaffirms that all its laws are regularly and continuously reviewed by the relevant authorities, including the Human Rights Commission, which is authorized by article 5 (2) of its Statute to express its views on draft human rights laws and to review and propose amendments to the laws in force. In light of the foregoing:

The following recommendations have been endorsed:

122.35; 122.44; 122.45; 122.47; 122.48; 122.49; 122.50; 122.51; 122.54; 122.55; 122.56; 122.57; 122.60; 122.62; 122.67; 122.82; 122.83; 122.84; 122.85; 122.86; 122.90; 122.91; 122.93; 122.120; 122.193; 122.194; 122.195.

The following recommendations have been partially endorsed:

122.88; 122.177; 122.190.

The following recommendations have not been endorsed:

122.87; 122.165.

C. Fair trials and criminal justice

10. There are no secret prisons or detention centres in the Kingdom and secret detention is prohibited by the Kingdom's legislation. It should be noted that article 36 of the Basic Law of Governance prohibits the confinement, detention or imprisonment of any person save in accordance with the provisions of the law in force. In addition, prisons and detention centres are monitored by the Public Prosecution Service, the Human Rights Commission and the National Society for Human Rights. In light of the foregoing, all recommendations concerning this matter have been endorsed, except for two recommendations, which have been partially endorsed:

The following recommendations have been endorsed:

122.116; 122.117; 122.121; 122.180; 122.185; 122.188; 122.191; 122.225.

The following recommendations have been partially endorsed:

122.92; 122.226.

D. Promotion of human rights culture and education and capacity-building

11. All the recommendations concerning this matter have been endorsed:

122.46; 122.52; 122.58; 122.59; 122.171; 122.198; 122.199.

E. Women and children

12. The principle of equality based on complementarity between men and women is enshrined in the Kingdom's legislation, which takes into account the specificities and particular characteristics of the two genders with the ultimate aim of guaranteeing justice. The Kingdom's legislation does not impose any distinction, exclusion or restriction on women conducive to the curtailment or non-recognition of their human rights and fundamental freedoms in all fields, in accordance with the definition of discrimination against women enshrined in the Convention on the Elimination of All Forms of Discrimination against Women. The Kingdom reaffirms that the provisions of the Islamic sharia are the basic reference for personal status issues.

13. Many recommendations called for the abolition of the guardianship system. The recommendations in question seem to refer to the control exercised by some males over some females in violation of their rights. The Kingdom reaffirms in this connection that all its legislation protects women from such abuse and that victims can have recourse to means of redress, first and foremost the judiciary. In light of the foregoing, all recommendations concerning this matter have been endorsed, except for one recommendation, which has been partially endorsed:

The following recommendations have been endorsed:

122.63; 122.64; 122.65; 122.66; 122.129; 122.133; 122.184; 122.197; 122.200; 122.201; 122.202; 122.203; 122.204; 122.205; 122.206; 122.207; 122.208; 122.209; 122.210; 122.211; 122.212; 122.213; 122.214; 122.215; 122.216; 122.217; 122.218; 122.219; 122.221; 122.222; 122.223; 122.224; 122.227; 122.228; 122.231; 122.232; 122.233; 122.234; 122.235; 122.236; 122.237; 122.238; 122.239; 122.240; 122.243; 122.244; 122.245; 122.246.

The following recommendation has been partially endorsed:

122.258.

F. Rights of persons with disabilities

14. All recommendations concerning this matter have been endorsed:

122.229; 122.230; 122.241; 122.242.

G. Compliance with the rules governing international humanitarian law and humanitarian assistance

15. The Kingdom continues to abide by the rules of international humanitarian law and international human rights law. It should be noted that the Coalition to Support Legitimacy in Yemen sought the assistance of legal advisers, who studied targets together with planning and targeting units in order to ensure that no site was targeted unless such action was valid and consistent with the provisions of international humanitarian law. The Coalition also has a continuously updated list of sites in Yemen that may not be targeted, including schools, hospitals and other civilian property. Furthermore, the Coalition forces share information concerning sites with international organizations and a comprehensive review is conducted following each operation. Any comments thereon lead to an investigation of the procedures in order to take the necessary action.

16. The Coalition to Support Legitimacy in Yemen has also established a fund to support voluntary humanitarian assistance. Financial assistance is provided to persons who are adversely affected by the ongoing military operations in Yemen. The Coalition forces have also set up a committee to draw lessons from military operations so that they may be incorporated in the rules of engagement.

17. The Joint Incident Assessment Team was established by the Coalition to Support Legitimacy in Yemen to investigate potential violations of international humanitarian law, customary norms and international human rights law. The Team investigated a number of incidents that occurred during the military operations in Yemen and concluded that some inadvertent errors had been committed. It recommended that the responsible parties should be held accountable, that the damage caused by such errors should be redressed, and that the lessons learned therefrom should be incorporated into the rules of engagement. In light of the foregoing, all recommendations concerning this matter have been endorsed, except for one recommendation, which has not been endorsed:

The following recommendations have been endorsed:

122.68; 122.69; 122.70; 122.71; 122.72; 122.73; 122.74; 122.80; 122.81.

The following recommendation has not been endorsed:

122.75.

H. The death penalty and corporal punishment

18. The Kingdom reiterates its position set forth in paragraph 36 of its national report on the death penalty and corporal punishment. It should be noted that article 15 of the Juveniles Act stipulates that if a crime committed by a juvenile is punishable by death, the sentence shall be reduced to a term of detention in the institution of not more than 10 years. It should also be noted in this context that international law has not actually prohibited the death penalty but has established norms governing its imposition. Abolition of the death penalty is thus an optional rather than a mandatory measure. Furthermore, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that the term torture does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

19. The Kingdom periodically reviews its legislation to ensure that it complies with its obligations under the human rights treaties to which it is a party. One of the outcomes of a periodic review was the enactment of the above-mentioned Juveniles Act. In light of the foregoing:

The following recommendation has been endorsed:

122.107.

The following recommendations have been partially endorsed:

122.96; 122.97; 122.99; 122.100; 122.101; 122.110; 122.111; 122.112; 122.113; 122.114; 122.118; 122.119; 122.220.

The following recommendations have not been endorsed:

122.94; 122.95; 122.98; 122.102; 122.103; 122.104; 122.105; 122.106; 122.108; 122.109; 122.115.

I. Combating trafficking in persons

20. All recommendations concerning this matter have been endorsed:

122.122; 122.123; 122.124; 122.125; 122.126; 122.127; 122.128.

J. Civil liberties

21. Freedom of expression and association are guaranteed by the Kingdom's legislation, including the Press and Publications Act and, as stated in the report, the Civil Associations and Institutions Act. As lawful peaceful practices are not criminalized, the allegation that persons have been arrested or imprisoned for exercising their freedom of speech or for defending human rights is entirely false. The grounds for their arrest or imprisonment were that they had been charged with or convicted of committing acts that are criminalized under the Kingdom's legislation, including acts that are prohibited under international human rights law, such as terrorism, incitement to violence and hatred, and other similar acts.

22. The Kingdom's judiciary is committed to the principle of legality of criminalization and punishment. Thus, article 38 of the Basic Law of Governance stipulates that: "Penalties shall be personal. There shall be no offence or penalty save in accordance with the sharia or a statutory provision, and there shall be no punishment save for acts committed after the entry into force of a statutory provision." Article 36 of the same Law stipulates that no one may be arrested, detained or restricted in his freedom of action save as provided for by law. Article 3 of the Code of Criminal Procedure stipulates that: "No criminal penalty shall be imposed on any person unless he has been found guilty of an act that is prohibited by the

sharia or by statutory legislation, and only after a trial conducted in accordance with sharia principles.” Accordingly, no one may be prosecuted under any circumstances unless he is charged with committing an offence that is criminalized by a sharia or statutory provision.

23. The Kingdom’s legislation also guarantees full compliance with the principle of legality of criminalization and punishment through the reporting procedure. Thus, article 40 of the Code of Criminal Procedure stipulates that anyone who has information concerning a person who is unlawfully imprisoned or detained or who is held in a location that is not intended for imprisonment or detention shall inform the Public Prosecution Service. Upon being notified, a member of the staff of the Public Prosecution Service shall proceed to the place where the prisoner or detainee is being held and conduct an investigation. If the imprisonment or detention is found to be unlawful, he shall order the release of the person concerned, and submit a report to the competent authority so that the necessary legal action can be taken against those responsible. In light of the foregoing:

The following recommendations have been endorsed:

122.131; 122.132; 122.134; 122.135; 122.137; 122.138; 122.139. 122.140; 122.142; 122.143; 122.144; 122.145; 122.146; 122.147; 122.148; 122.151; 122.152; 122.153; 122.155; 122.156; 122.158; 122.160; 122.162; 122.164; 122.172; 122.174; 122.247.

The following recommendations have been partially endorsed:

122.149; 122.150; 122.154; 122.157; 122.159; 122.161.

The following recommendations have not been endorsed:

122.141; 122.163.

K. Employment and workers

24. All recommendations concerning this matter have been endorsed:

122.248; 122.249; 122.251; 122.252; 122.253; 122.254; 122.255; 122.256; 122.257; 122.196; 122.250.

L. Regional and international cooperation

25. The Kingdom continues to cooperate with United Nations human rights treaty bodies and procedures, including those of the Human Rights Council. The Kingdom underscores that action taken with special rapporteurs and other mandate holders should be consistent with the cooperative nature of such procedures. Accordingly, the recommendations concerning the setting of dates for visits by rapporteurs fall outside this scope. In light of the foregoing:

The following recommendations concerning this matter have been endorsed:

122.36; 122.38; 122.42; 122.53; 122.61.

The following recommendations have been partially endorsed:

122.37; 122.39; 122.41.

The following recommendation has not been endorsed:

122.40.

M. Other recommendations

26. The following two recommendations, which were made on matters that do not fall within the above thematic categories, have been endorsed:

122.130; 122.192.

N. Recommendations rejected on formal grounds

27. The Kingdom rejects the following recommendations made by the Islamic Republic of Iran and the State of Qatar: 122.12; 122.76; 122.77; 122.78; 122.79; 122.89; 122.43; 122.136; 122.182. They have been rejected owing to the illegal conduct of the two States, which violates international legal norms and international customary law, and which prompted the Kingdom to sever diplomatic relations with the two States in order to counteract this systematic conduct. Accordingly, the rejection relates to the sponsors of the recommendations and not to their content. It should be noted nonetheless that most of the recommendations are based on unsubstantiated allegations designed to abuse the Kingdom.
