



JANUARY 2009

COUNTRY SUMMARY

## **Saudi Arabia**

Human rights conditions remain poor in Saudi Arabia. International and domestic pressure to improve human rights practices remained feeble, and the government undertook no major reforms in 2008. The government systematically suppressed the rights of 14 million Saudi women and an estimated 2 to 3 million members of minority Shia communities, and failed to protect the rights of foreign workers. Thousands of people received unfair trials or were subject to arbitrary detention. Curbs on freedom of association, expression, and movement, as well as a lack of official accountability, remain serious concerns.

The government-approved National Society for Human Rights failed to issue its second annual report in 2008. The governmental Human Rights Commission opened a women's branch, but its board remained all-male.

### **Women's Rights**

The government continues to treat women as legal minors, denying them a host of fundamental human rights. The government requires women to obtain permission from a male guardian to work, study, marry, travel, and even receive a national identification card. The Ministry of Interior did not implement a cabinet recommendation from July to abolish the requirement for a guardian's permission to issue IDs to women.

In addition, the government neither set a minimum age for marriage nor adopted any comprehensive policies to combat forced and early marriages. Marriages of Saudi girls as young as 10 to much older men were reported in 2008, although the Human Rights Commission intervened in one such case to delay the marriage for five years.

Strictly enforced sex segregation hinders a Saudi woman's ability to participate fully in public life. Women are prohibited from working in offices or entering government

buildings that lack female sections, or pursuing degrees in disciplines not taught in women's colleges. The Ministry of Labor replaced its prohibition on mixed workplaces with vaguely worded obligations to respect Islamic law on the matter, and so the current workplace environment remains highly segregated. The Ministry of Justice denies women the right to be judges or prosecutors, or to practice law. In February 2008 religious police arrested a 36-year-old Saudi businesswoman for "illegal mingling" while meeting with a male colleague in a Starbucks in Riyadh.

### **Migrant Worker Rights**

An estimated 8 million foreign workers, primarily from India, Indonesia, the Philippines, and Sri Lanka, fill jobs in the construction, domestic service, health, and business sectors. Many suffer a range of abuses and labor exploitation, sometimes rising to slavery-like conditions.

Despite renewed announcements in July, the Ministry of Labor did not implement its commitment to end the restrictive *kafala* (sponsorship) system. This policy ties migrant workers' residency permits to their employers, fueling abuses such as employers confiscating passports, withholding wages, and forcing migrants to work for months or years against their will.

The government also failed to enact an amendment, first proposed in 2005, to extend labor law protections to the 1.5 million migrant domestic workers in the country. Asian embassies report thousands of complaints each year from domestic workers who are forced to work 15-20 hours a day, seven days a week, and denied their wages. Many endure a range of abuses including forced confinement in the workplace, food deprivation, and psychological, physical, and sexual abuse.

Migrants encountering the criminal justice system sometimes face severe delays and lack access to interpreters, legal aid, or their consulates. Migrants pursuing criminal cases against abusive employers have little hope of redress. In May 2008 a Riyadh court dropped charges against the Saudi employer who abused Indonesian domestic worker Nour Miyati so severely she needed her toes and fingers amputated.

## Arbitrary Detention and Unfair Trials

Detainees, including children, are commonly the victims of systematic and multiple violations of due process and fair trial rights, including arbitrary arrest and torture and ill-treatment in detention. Saudi judges routinely sentence defendants to thousands of lashes, often carried out in public. In 2008 the kingdom carried out 88 executions as of mid-November (compared to 150 over the equivalent period in 2007), including for drug offenses.

Saudi Arabia has no law setting an age below which a child should not be tried as an adult, and judges have discretion regarding the bases for arrest and length of detention for children. In July 2008 an appeals court ordered the retrial in adult court of Sultan Kohail, whom a juvenile court had earlier sentenced to one year in prison and 200 lashes for his involvement when he was 16 in a schoolyard brawl that resulted in a young man's death. If convicted, Kohail faces the death penalty. A 2006 announcement raising the age of criminal responsibility for boys—there is none for girls—from seven to 12 years is not fully observed.

Saudi Arabia has made no progress in implementing the Judiciary Law adopted in October 2007 that sets up specialized courts, and has yet to write a penal code or ensure that law enforcement officials adhere to its criminal procedure code. Authorities rarely inform suspects of the crime with which they are charged, or the evidence supporting the accusation. In the absence of a penal code, prosecutors and judges have discretion to decide what constitutes a criminal offense. Detainees do not have access to a lawyer during interrogation, face excessive pretrial delays, and at trial often cannot examine witnesses or evidence or present a defense.

The Human Rights Commission was unable to resolve the arbitrary detention of Yondje Obed, a Cameroonian arrested in 2006 on frivolous charges whose trial has yet to begin.

Secret police (*mabahith*) in 2008 detained or continued to detain without trial or access to lawyers—in many cases for years—around 2,000 persons suspected of sympathies with or involvement in terrorism. In October the government announced it would bring 991 domestic terrorism suspects to trial for the first time. The United

States in late 2007 returned more Saudis from Guantanamo Bay, leaving only about a dozen Saudi detainees in US military custody there (out of a group originally comprising more than 130). The returnees faced detention without charge, usually for several months, and involuntary participation in rehabilitation programs.

## **Freedom of Expression**

Freedom of expression in Saudi Arabia deteriorated in 2008. The government did not respond publicly when chief judge Salih al-Luhaidan in September endorsed the idea that owners of TV stations that broadcast allegedly lewd shows during Ramadan deserved to be killed. Nor did the government sanction prominent cleric Abd al-Rahman al-Barrak in March after he called for the killing of journalists Abdullah Bajad Utaibi and Yusif Aba al-Khair for articles criticizing extremist interpretations of Islam.

Official tolerance for incitement to violence contrasted with intolerance toward dissident opinions. Intelligence officials detained blogger Fu'ad Farhan without charge from December 2007 until April 2008 after he criticized the arbitrary arrest of other peaceful critics. Prosecutors in May charged Ra'if al-Badawi, a self-proclaimed "liberal" who challenges the views of the religious establishment, with "setting up an electronic [web]site that insults Islam," a charge that carries a five-year prison sentence under a 2007 Law to Combat Crimes of Information; the trial was set to begin in November. Also in May, secret police arrested Matrook al-Faleh, a prominent reform activist and university professor. As of November, he remained in solitary confinement without charge. The Human Rights Commission secured visitation rights for al-Faleh's wife, but did not address the underlying issue of his arbitrary detention.

## **Freedom of Religion and Religious Discrimination**

Saudi Arabia systematically discriminates against its religious minorities—in particular, the Twelver Shia in the Eastern Province and around Medina, and the Ismailis, a distinct branch of Shiism, in Najran, in the southwest of the country. Official discrimination against Shia (including Ismailis) encompasses government employment, religious practices, education, and the justice system. Government officials exclude Ismailis from decision making and publicly disparage their faith. In

2006 and 2007, Judge al-Luhaidan and the Senior Council for Religious Scholars called Ismailis “infidels,” a position reflected in official textbooks stating that the Ismaili faith constitutes the sin of “major polytheism.”

In Najran, only one of the 35 department heads of local government is Ismaili; there are almost no Ismailis in senior security jobs or working as teachers of religion. Ismailis face difficulties obtaining building permits for their privately financed mosques, while the state funds Sunni mosques and pays the imams. After Ismaili leader Shaikh Ahmad bin Turki Al Sa’b met with King Abdullah in April 2008 to complain against official treatment of Ismailis, Saudi intelligence arrested him, and continued to detain him as of November. On November 4, the king accepted the resignation of Prince Mish’al, the governor of Najran.

### **Key International Actors**

Saudi Arabia is a key ally of the United States and the United Kingdom. US pressure for human rights improvements was imperceptible in a year that saw visits by President Bush, Vice-President Cheney, and Secretary of State Rice. UK efforts through the Two Kingdoms Dialogue to promote human rights had no tangible effect, if such efforts were made at all.

Saudi Arabia is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in February 2009.