



Human Rights in Saudi Arabia – Current Conditions

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Introduction

Human rights violations and abuses in the Kingdom of Saudi Arabia include, but are not limited to, a lack of legal status and equality for women, wide-spread and specific discrimination against religious minorities and non-Muslim groups, lack of due process in the judicial system, detainment and imprisonment without trial, arbitrary rulings, torture, unfair labor practices and the total absence of any political rights, freedom of expression or association.

Saudi Arabia made commitments on human rights issues during its Periodic Review by the UN Human Rights Council in June of 2009. These commitments made through the United Nations, and as a signatory on various other international human rights statements and agreements, have not been honored. Press releases often indicate that a committee, commission or panel has been designated to address a specific human rights issue. Any reports or changes issued are generally no more than cosmetic in nature.

Freedom of expression and association

The efforts of those who are dedicated to protecting and defending human rights are severely hampered as there is no freedom of expression, right to association, open communication through various media/internet sources, transparency in the areas of justice, political debate or freedom to travel. Official Saudi Government policies and laws prohibit NGOs such as Human Rights First Society (HRFS) from operating. In November of 2002, Human Rights First Society applied to the Saudi Government for a license to operate as a society for protecting and defending Human Rights in the Kingdom of Saudi Arabia. HRFS did not receive any response from the Saudi Government, positive or otherwise. In essence, legitimate NGOs like HRFS and individuals who are dedicated to furthering human rights are muzzled, penalized, and crippled while doing their work. For more information visit www.hrfssaudiarabia.org.

HRFS calls on the Saudi Government to remove the obstacles to freedoms of expression and movement against human rights defenders and lift all travel bans.

HRFS calls on the Saudi Government to protect the right to freedom of association to allow NGOs to operate legally in Saudi

Arabia, including extending a license to Human Rights First Society which applied for such authorization in November 2002.

Women

Under the system of male guardianship (Mahram) women in Saudi Arabia continue to be treated as minors. In February of 2009, a woman, Norah al-Fayez, was appointed as deputy Minister of Education. If SHE wished to attend a conference in Bahrain she would need the permission of her father, husband or son. This is not right or just. Male guardians may also determine a woman's right to work, study, travel, marry, receive medical attention or even receive a national ID card. Women can neither run for office nor vote in the elections for the Municipal Councils in Saudi Arabia.

A woman's legal status is not equal to that of a male in Saudi Arabia. For example, her testimony in a court of law is worth half that of a man. Women must also meet specific legal grounds for a divorce while a man can divorce with no cause.

It is very difficult for a Saudi woman to escape from abusive family members as well as the threats, harassments and arrests by the Commission to Promote Virtue and Prevent Vice (CPVPV). Major inconsistencies in due process, arrests, application of laws and disproportionate sentences unfairly place blame on the woman particularly in rape cases.

Saudi women are well-educated. Women's universities are opening and more and more women are taking the opportunity to further their education. Such opportunities are very good yet without changes in the guardianship system and legal status the well-educated woman, perhaps a Ph.D. holder, must ask permission of her father, husband or son to make simple decisions.

To insure basic rights and full legal identity for women living in Saudi Arabia, HRFS calls for the end of the strict system of Mahram (male guardianship) and for domestic legislation that incorporates the principle of equality between men and women.

Justice system

Most Saudis do not even know their rights. Shariah law is not codified, and judges rarely allow defendants legal counsel in criminal trials. Judges retain inordinate discretion to accept or reject suits, to rule in favor or against, to mete out unequal sentences for the same offense. The government did not even promulgate a code of criminal procedure until 2002. (That criminal procedure is now under review.) So now citizens have rights to fair, speedy and public trials, including the right to have a lawyer—in theory. In practice, hundreds and perhaps thousands of people rounded up in security crackdowns languish in prison for months and years without charge or trial. Some are guilty only of receiving an unsolicited text

message from an exiled opposition figure. "Saudi Justice - The kingdom's reforms haven't gone nearly far enough."
By Ibrahim Almugaiteeb. **Wall Street Journal** April 16, 2006
<http://www.opinionjournal.com/extra/?id=110008245>

"The Law on Criminal Procedure in Article 2 states: "No person shall be arrested, searched, detained, or imprisoned except in cases provided by law" and Article 16 states: "Whoever is arrested or detained shall be promptly notified of the reasons for his arrest or detention" HRW July 26, 2005
<http://www.hrw.org/english/docs/2005/07/27/saudia11613.htm>

The Rule of Law is not upheld in Saudi Arabia. Defendants may be held for days, months or years with no charges filed. Defendants are often denied adequate representation. The right to a fair and public trial is nonexistent. Many interrogations, investigations, trials and sentence hearings occur in private sessions.

Restrictions on public religious practice are officially enforced in large part by members of the Commission to Promote Virtue and Prevent Vice, or religious police, who regularly overstep their authority. They harass, threaten, and interrogate citizens without just cause or due process. They are not subject to a real judicial review and operate freely in Saudi society.

HRFS urges the Saudi Government to insure fair and open hearings in court.

HRFS calls for the long awaited written penal code to be issued and for the Saudi government to insure the strict adherence to that code by presiding judges.

HRFS calls for a moratorium on any and all underage executions and on the death penalty for people who committed crimes while under the age of 18

Minorities and freedom of religion

In the Eastern Province of Saudi Arabia, where the majority of the Shia minority resides, religious practices are denied and obstructed by official and non-official discrimination. Shia community leaders in Al Khobar have been arrested for hosting Shia worship in their homes. About a dozen mosques in the Eastern Province have been closed during the past 2 years severely curtailing legitimate religious practices. Permits for new mosques have been denied. The simple act of burying the dead is denied for Shia in Dammam; they are not allowed a graveyard and must go to another city to bury their dead.

Mr. Al-Mutif, an Ismailia from Najran, has been in prison for 18 years accused of blasphemy (for a simple remark he made as a teenager.)

Sunni judges sometimes disqualify Shia witnesses on the basis of their sect. Judges adhere to the tenets of Sunni religious law when dealing with all minorities. In courts of law Shia are considered “non-believers” and face severe and unjust treatment.

There are no Shia ministers, deputy ministers or general managers within a given Ministry. There are no Shia high-ranking military officers. Shia are not allowed to become judges in General Courts.

Non-Muslims are not allowed to worship in public or in congregations. CPVPV have entered the homes of non-Muslim expatriates (if they are not Westerners) and disrupted their worship leading sometimes to arrest and/or deportation from the Kingdom.

The Interfaith Dialogue Conference in Madrid held on July 18th, 2008 was hosted by Saudi Arabia. Such open dialogue about faith and religion should be taking place within Saudi Arabia.

HRFS stands for an end to all discrimination against, or arrests and detentions of Shia, Ismailia and Sufi on the sole basis of faith.

HRFS calls on the Saudi government to stop interfering with the religious practices of these minorities. They must be allowed to build their Mosques.

HRFS endorses the courageous initiative of hosting the Interfaith Dialogue Conference in Madrid taken by King Abdullah Bin Abdul-Aziz and emphasizes that this act of courage should be manifested by religious tolerance on the ground in the Kingdom of Saudi Arabia both for Muslim minorities and non-Muslims with other faiths, beliefs and schools of thought.

Migrant workers

There has been little progress in reforming the kafala (sponsorship) system where workers’ employment visas are linked to individual employers. Employers have huge power over their workers. Expatriate and non-Muslim workers are subjected to abusive conditions. Domestic workers, in particular, face verbal, physical, emotional and sexual abuse by some of their employers. HRFS receives numerous requests every month for help in dealing with every imaginable aspect of the kafala system.

Poor working conditions for expatriate and non-Muslim workers include excessive workloads, low and unpaid wages, long working hours and lack of rest breaks, little relief from the heat and inadequate housing.

Domestic workers’ complaints in labor courts are not fairly heard and/or dealt with in a timely manner. Cases brought before labor courts may take months or even years to reach a conclusion. During this time the worker(s) are without pay and without any protection.

Employers sometimes withhold exit permits and pay. Employment contracts have many flaws and are open to many interpretations. This lack of protection and justice coupled with such poor working conditions are direct violations of basic human rights.

HRFS continues to call for the kafala system to be abolished.

Conclusion

Will there ever be a free and open society in Saudi Arabia? Will women be free of the strict system of Mahram? Will the Kafala system be abolished and fair contracts become the norm? Will the Justice system follow the Rule of Law? Will religious minorities be treated as equals in all areas of society? Will the people be able to speak, meet, vote and have their voices heard? Will groups dedicated to monitoring, protecting and defending human rights be able to do their work without government reprisals or interference?

It is easier for me to take the gloomy path and say NO to all the questions above but the truth is progress is the only way out of human problems and calamities and Saudi Arabia will not be the exception to that.

It is hope in the hearts and minds of real activists and reformists willing to go all the way in their peaceful struggle that will make the answers to all the above mentioned questions **YES**.