

Organization for Defending Victims of Violence (ODVV)
Global Horizon Institute

Submission to the UN Universal Periodic Review

Civil and Political Rights

1. A very important part of civil and political, rights is known as the fundamental Human rights, is indicated in the Universal Declaration of Human Rights. Almost all of the countries in the world have joined the civil and political convention except a few countries included Saudi Arabia. Not joining of Saudi Arabia to this convention has been criticized by various countries and international institutions throughout the world and it's expected that Saudi Arabia join to the convention soon. Although Saudi Arabia has not joined to the convention, many parts of the content of this like prohibition of torture, slavery and ... has become as a customized principles and Arab Charter concludes nearly all of the content of the civil and political convention.

First Part – right to life

2. Protecting the right to lives of the citizens is one of the duties of any government for their civil and political rights. Not only protecting of this right is a universal principle, but also this right is indicated in the internal laws of Saudi Arabia and in the Arab Charter.

Department of State concerning violation of human rights in Saudi Arabia, the behavior of the government of Saudi Arabia was in contrast with the internal and international obligations of this country and some practices has been carried out which led to arbitrary murder.¹

1. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

3. One of the problems regarding in the Saudi Arabia's criminal system- which leads to arbitrary murder- is absence of a penal code, . <http://www.hrw.org/news/2013/01/31/saudi-arabia-sweeping-injustices> while existence of a penal code is one of the most fundamental points in the international Human Rights.

Second part – Freedom of expression and opinion

4. Freedom of opinion and expression are of the most important tools for fulfilling someone's destiny. This freedom lets people express their opinion about government's function. In regard with the formation of the principles of freedom of expression and opinion which is indicated in various articles of the Universal Declaration of Human Rights and Arab Charter, press are one of the most important tools for accessing to this goal. After developing the domain of the revolutions in Middle East and northern Africa, many countries included Saudi Arabia increased the limitation on freedom of expression especially on press.

5. According to the international obligations of Saudi Arabia, this country is obligated to protect the freedom of opinion, expression, thought and conscience for everyone without discrimination, while the statutes of Saudi Arabia about expression and opinion and press are in contrast with the international obligations of this country.

6. One of the most serious restrictions on the freedom of expression and opinion is lack of a codified law for determining the boundaries of these freedoms. Lack of a certain law in this matter has caused arbitrary detentions, this means that any action of a citizen which is not according to the desire of the Saudi officials would be counted as a terrorist action.²² Many arbitrary actions regarding to freedom of expression has been carried out by the Saudi officials in recent years, for example: 20. On July 7, 2011, al-Ahmad posted a video message on YouTube in which he criticized the long-term detention of security suspects without charge or trial.

7. **Freedom of press;** the government codified and clarified severe restrictions on freedoms of speech, press and the Internet during the year. [.http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154472.htm](http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154472.htm).

The Press and Publications Law, extending explicitly to Internet communications, governs printed materials; printing presses; bookstores; import, rent, and sale of films; television and radio; and foreign media offices and their correspondents. On April 29, a royal decree amended the Press and Publications Law to stiffen penalties further and created a special commission to judge violations. The amendments ban publishing anything “contradicting Sharia; inciting disruption; serving foreign interests that contradict national interests; and damaging the reputation of the Grand Mufti, members of the Council of Senior Religious Scholars, or senior government officials.”

8.Freedom of religion in Saudi Arabia; in 2006 Saudi authorities committed no to trespass private religious rites

Saudi Arabia would not accept any religion but the official religion and discriminates against religious minorities like Shi'at an Isma'ilis systematically. Official discriminations against Shi'at and Isma'ilis include religious rites, education and judicial system. Shi'at are prohibited from taking the charge of important public occupations.. <http://www.hrw.org/news/2009/06/10/saudi-arabia-outcome-report-universal-periodic-review>

9. These discriminations against Shi'at sometimes lead to accusation and arresting them. Expressing Shi'at opinions privately or publicly especially in sacred places like Mecca and Medina might result in arresting and detaining them. <http://www.hrw.org/print/reports/2009/09/03/denied-dignity>

Third part – Freedom of assembly and association

10. According to the article 24 of Arab Charter ((Every citizen has the right to Form associations with others and to join associations and has the right to Freedom of peaceful assembly and association.)) Saudi Arabia is obligated to prepare the necessities of developing assemblies and associations for every citizen but the dominant procedure is different in this country.

11. The law does not provide for freedom of association, and the government strictly limited this right in practice. The government prohibited the establishment of political parties or any group it considered as opposing or challenging the regime. All associations must be licensed by the Ministry of Social Affairs and comply with its regulations. Groups that hoped to change some element of the social or political order reported that their licensing requests went unanswered. The ministry reportedly used arbitrary means, such as requiring unreasonable types and quantities of information, to effectively deny associations licenses.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

Chapter2: Economic, social and cultural rights

12. Economic, social and cultural rights are among the rights which were in debate by the time of issuance of the Universal Declaration of Human Rights. Unlike to the western countries, these rights were important for the Eastern Bloc countries.

60. Notwithstanding Saudi Arabia accepted in Universal Periodic Review (UPR) to join to the International Covenant on Economic, Social and Cultural, but it has not performed its obligation yet.

Chapter3:Legal and judicial rights

13. The right of citizens is recognized, internationally, as one of the fundamental rights in legal and judicial scopes. This mentioned right is recognized in important documents as Universal Declaration of Human Rights, the international covenant on civil and political rights (1996) and also territorial documents like European Convention on Human rights (1950), American Convention on Human Rights and African convention on human and people`s right.

First part_ the right of open and fair trial

14. The right of fair hearing is one of the fundamental rights and is mentioned in many human rights documents. The observance of such rights will guarantee the accuracy and efficiency of judicial system in a country. When such a right is violated, innocence people will be exposed to be sentenced. Therefore, the judicial system will lose its validity.

15. Trials are often unfair, with defendants often having little or no legal representation .

Amnesty international, Saudi Arabia Human Rights. Available at: <http://www.amnestyusa.org/our-work/countries/middle-east-and-north-africa/saudi-arabia>

. According to online news of press T.V, the executed Iranian citizens in Saudi Arabia who were arrested and charged with drug trafficking did not have fair hearing among the procedure. An international expert considered inaccessibility to the consular, the absence of lawyer and translator as illegal acts of Saudi Arabia against death people of Iran. <http://www.presstv.ir/detail/248736.html>

Forth Part_ Torture and misconduct

16. The law of criminal procedure and other legal provisions prohibit torture and hold criminal investigation officers accountable for any abuse of authority. Sharia, as interpreted in the country, prohibits judges from accepting confessions obtained under duress. But there are frequent reports of torture and ill-treatment. Cruel, inhuman, and degrading punishments such as flogging are mandatory for some offenses.

Recommendations

17. What mentioned above are just some parts of the Human Rights violation in Saudi Arabia. With regard to these cases, it's recognizable that the rights of individuals whether Saudi or not gets disregarded and in some fields like women rights and religious minorities rights the violation of Human Rights happens systematically. By the beginning of the Arab Spring Saudi people created movements in regard with taking their rights and the government resorted to violence instead. The long-time detention of Nimar Al-Nimar . <http://edition.presstv.ir/detail/fa/251740.html>

, the leader of Shi'at in Saudi Arabia, and the Saudi government's assisting to suppressing Bahraini citizens express disloyalty of the Saudi government about human dignity and the fundamental freedoms. With the news and reports stating unpleasant situation of violation of Human Rights in Saudi Arabia, speaking about cultural pluralism is meaningless. How does Saudi Arabi want from United Nations to put insulting to the Holies in agenda http://www.cdhr.info/index.php?option=com_content&view=article&id=312:ksa-blasphemy-

while it doesn't care about its own Shi'a citizens? With regarding to the above, some recommendations are being presented to Saudi Arabia so that by applying them the universal concern about Human Rights in that country could be lowered. However, in the first periodic review of Human Rights Council, Saudi Arabia accepted many of the recommendations but it did against its commitment. The first request of Human Rights Defenders is the joining of Saudi Arabia to the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights which they form the Human Rights Charter beside to the Universal Declaration of human Rights. Vague and total reserves in the Convention on the Rights of the Child and in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) have deactivated Human Rights provisions of these conventions. Saudi Arabia should nullify these reserves which are against the Vienna convention in 1969. Respecting to Jus Cogens in the international law is the duty of the member of global community. Saudi Arabia as a member of this community should respect to these norms like prohibition of torture provisions. In regard with the preserving the individual rights, judicial branch of this country should enjoy from suitable independence.

196. http://www.cdhr.info/index.php?option=com_content&view=article&id=312:ksa-blasphemy-

18.Saudi Arabia should urgently enact a penal code that limits punishable offenses to those that are recognizable under international norms.

Saudi Arabia needs to stop treating peaceful debate as a capital offense.

19.No one should languish in prison without charge, especially for expressing a peaceful opinion. Saudi Arabia needs to overturn the fundamental barriers to women playing sports in the kingdom.

20.Saudi Arabia should stop abolish the Specialized Criminal Court, which was set up in 2008 to try terrorism cases but which authorities have increasingly used to prosecute peaceful dissidents on politicized charges and in proceedings that violate the right to a fair trial.

The press law of this country has limited the freedom of expression and press by its plenty exceptions. Amending the anti-Human Rights parts of this law would bring more freedom for the individual in this country. Having a positive attention to ratification of the Compulsory Disappearance convention, Migrant Workers convention, refugees and stateless people and reducing the samples of statelessness is another step for developing Human Rights in this country. Elimination of guardianship for women is an important action that Saudi Arabia can do for developing of women rights.

21.Design short and long-term plans for decreasing poverty in the biggest oil exporter country. Eliminate all kinds of slavery and set a system for preventing from exploitation and abusing from individuals without any kind of discrimination. Set a framework for preventing from sexual abuse of women who work as domestic workers.

Design a suitable mechanism for migrant workers to protect them from the abuse of their employers. Pay attention to the situation of the prisons and train the wardens and guards of the prisons. Make a targeted policy in increasing the quality of religions dialogue.Remove the obstacles of the freedom of expression and movement against Human Rights activist which includes all forms of travelling prohibitions. Reduce corporal punishments and death penalty and eliminate them for fewer than 18 years old individuals. Legislate nationally in the context of freedom of religion and protect all of the religious minorities without any kind of discrimination. Expand the education in the Human Rights field especially civil and political rights in the middle of the all people.

22.Teach the concepts of Human Rights and dignity from childhood so that the level of tolerance in the society could accelerate. Release political prisoners attended in the peaceful assembly and associations or receive them a fair trial.

Political prisoners should be enjoyed from the right to have a lawyer and meet their familis. Abolish the sponsorship system for migrant workers, in particular the requirement for employer consent to transfer employment and to obtain an exit visa.

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