

**The First Report on
Human Rights Conditions
in the Kingdom of Saudi Arabia
1427 H / 2006G
The National Society for Human Rights
Riyadh - Kingdom of Saudi Arabia**

Contents

Subject:	Page
*Report Introduction:	5
ChapterOne	
The legal frame work of Human rights in the Kingdom:	12
*Islam and Human Rights	14
*The International Agreement related to Human Rights	17
*Human Rights in the System of Governance Basic Law	22
*Human Rights Relations with the penal Procedures Law	25
ChapterTwo	
The Basic Human Rights in the Kingdom	33
*Right of life	33
*Right of equality	42
*Right of Freedom	48
ChapterThree	
The Civil Human Rights in the Kingdom	61
*Right of belief	61
*Right of enjoying nationality	64
*Right of litigation, fair and quick trial	68
ChapterFour	
The Political Human Rights in the Kingdom	79
*The legal Framework of the Political Rights	79
*The right of Political Participation	82
*The right to form and to join societies	85

*The Right of Opinion expression 87

ChapterFive

The social and Cultural Human Rights in the Kingdom 93

*The Right of Security 93

*The Right of Education 96

*The Right of Health care 104

*The Right of work 110

*The Right of Decent life 115

*The Right in a healthy Environment 119

ChapterSix

The Right of Certain Social Categories in the Kingdom 125

*Rights of Woman 125

*The Rights of Child 134

*The Rights of Prisoners 136

*The Rights of Foreign Labour 142

*Report Conclusion 147

The Report Introduction

Human rights issue is of significant importance due to the nature of such rights and their impacts on human dignity.

The Holy Koran states that Allah honors mankind, We have honored the sons of Adam. This holly verse indicates that such rights should be safeguarded and protected against any degrading infringements. To achieve such noble objective,

the National Society for Human rights was established as an independent non-governmental organization in 18th Muharram 1425H, corresponding to 9th March 2004G to work in collaboration with government and non-government bodies that are concerned with that divine role ordained by Allah. The Memorandum of Association of the Society includes its objectives stressing the importance to protect and support human rights through many activities such as monitoring infringements and breaches of human rights ‘enlightening citizens and residents of their rights that are stipulated by Islamic Shariahand local regulations on top of them comes the system of Governance Basic Law and the international agreements which the kingdom has ratified. In addition to that, the Society contemplates the issues and problems related to human rights and submitting the related recommendations; together with surveying the local rules and legislations and determining their compatibility with the international standards .Throughout the past three years, the Society received several complaints that exceeded 8570 complaints. Prisoners cases comprised 18% of such complaints, personal cases ‘%7 family violence 8%, administrative cases 22%, and labor cases 13%, while cases related to the judicial system amounted to 6% and civil affairs cases 7%; while other miscellaneous cases amounted to 19%.

The National Society for Human Rights pursue different methods to get acquainted with cases of infringements to human rights such as cases that are published in the media or reports of foreign and international agencies, or through complaints from citizens and residents received by the Society through its different channels .The Society in the coming phase will focus on two major objectives i.e. dissemination of awareness among citizens ,residents and government institutions; and introduction of human rights concepts in the academic curriculum at different educational levels. In this connection, the Society has performed various activities such as holding symposiums ,lectures and workshops in many towns in the Kingdom ,printing and distributing texts of some of the international agreements and the local rules related to human rights. The Society also, since Dhul Quadh 1426H (December 2005,(has issued a monthly bulletin under the name of Hugog)rights) and prepared a weekly press file to include the publications of Saudi and Arab newspapers that address human rights issues. The file and the bulletin are distributed to several government bodies. The Society also set up an internet site and has established an information, statistic and documentation center.

The Society responsibilities include issuance of an annual report regarding human rights issues in the

Kingdom. This report highlights and assesses the status of human rights in the Kingdom, identifies the progress achieved, and specifies the appropriate means to encourage such progress and the effective methods to support it. The present report has a special importance as it is the first report issued by the Society since its foundation, and it is the first report issued from inside the Kingdom regarding human rights. The report complied with the generally accepted report preparation standards that emphasize subjective and neutrality standards and positive and unfavorable practices related to human rights record in the Kingdom. This is conducted in a balanced manner to achieve the desired purpose of the report focusing on improving human rights in the Kingdom. In preparing this report, we have depended on several sources such as the local rules and regulations, international agreements, complaints received by the Society whether from individuals or entities, in addition to the infringements observed by the Society and those published in the media.

The concept of human rights is flexible and susceptible to extension and decline and some times it is limited to the basic right and the political rights only and on other occasion it is extended to comprise the necessary social and economic rights.

The concept adopted by this report is the wider concept of human rights that incorporates all the

different kinds of the basic human rights. More over, this adopted concept is intended to include the specification of the principles that shall safeguard those rights and the definition the parties and organization that shall be concerned that issue .

Each right shall be observed separately and its protective principles shall be set, together with the advance achieved and the setbacks incurred in safeguarding it and the best steps that can be taken to offset the setbacks.

The society has encountered great co-operation that shall assist the society to achieve the goals of its noble message in the sphere of protecting human rights, with the help of Allah .It met Co-operation from several government agencies that are concerned with human rights and they were very responsive towards the issues that used to be submitted before them .

The Society is still hopeful to achieve more active co-operation with all the parties concerned with human rights in order to consolidate those rights in our country.

What has strongly supported the society message and facilitated its incorporation is the Custodian of the Two Holy Mosques, King Fahad (May Allah have mercy upon him) (who on the establishment of the society, gave his instructions to all the government organizations to offer full co-operation with the

society .That was followed by similar instructions from His Royal Highness the Minister of Interior to all the Ministry Departments .

The Society is still fully supported in the rein of King Abdullah Bin Abdul Aziz and the Crown Prince sultan Bin Abdul Aziz, a matter that shall assist the society to achieve the goals of its noble message in the sphere of protecting human rights, with the help of Allah.

Chapter One

The Legal Framework of Human Rights in the Kingdom

The Legal Framework of Human Rights in the Kingdom It is not easy to speak of any right, without that right having a reference in the legal system of the state that shall stipulate the means of protecting that right .

From here, emerges the importance of completing the legal framework of human right and closing every gaps therein, in addition to evaluating the effectiveness of the specified means of protecting those rights .

The obligations of the Kingdom towards human rights are based on what is comprised by the Islamic Shariah with regards to all the basic human rights. Secondly those obligations also lean upon the international agreements which were ratified by the

Kingdom, and also on the Kingdom internal related laws .

Upon that perspective it can be stated that the components of the legal framework of human rights in the Kingdom include-:

- *The Human rights that are established by Islam.

- *The International agreements on human right which the Kingdom joined.

- *The related Saudi laws.

-1Islam and Human Rights:

This part of the legal framework of human rights depends on the fact that Islam is a comprehensive religion organizing human life in all respects .

The first article of the Kingdom System of Governance Basic Law, stipulates that The Kingdom of Saudi Arabia is a sovereign Arab and Islamic State, its religion is Islam, and its constitution is Allah Book and the Traditions of His Messenger. Article seven of the same basic law, also states that The rule in the Kingdom of Saudi Arabia derives its power from Allah Book and the Traditions of His Messenger.

Hence, the constitution of the Kingdom is the Quran and the Prophet Traditions which means that its principles have constitutional value and cannot be contradicted by any other legal rulings whatever their source may be .

Article (26) of the same basic law also states that The

State shall protect the human rights in accordance with the Islamic Shariah.

All that makes the provisions of the Islamic Shariah, the most important constituent of Human rights in the Kingdom of Saudi Arabia. In fact human rights in Islam are as ancient as Islam itself and were not resulting from certain political and civil developments as what can be seen with respect to human right in the Western world where those concept came to be known only in the eighteenth century.

Those rights in Islam had emanated from a deep comprehensive understanding of the nature of human beings. A human being is composed of matter and soul and Islam established the human rights in what shall satisfy each of those factors. Islam ordains that the body shall not overcome the soul and the soul shall not surpass the body. There must always be a balance between the needs.

The strong pillar of human rights in Islam is based on Allah honoring of the human being and, thus, every act that challenges that honor is considered illegitimate (Haram) and incompatible with the Shariah principles. In Islam the human being is considered a successor on the earth and entrusted with developing it and as such he ought to play a positive role in life in order to realize the prosperity in the world through the Path Allah has shown and

for the benefit of human beings. Accordingly, it is found that the Islamic Shariah comprises several aspects of human rights. Some of these rights are: equality, dignity, justice, security, freedom and so forth. On the other side, the Islamic Shariah has specified the penalties that should be inflicted upon those who transgress those human rights and go astray on the earth and a lot of verses of the Holy Quran, have given details of that .

Human rights contemporary concept are not new as for as Islam is concerned, but they were not exposed in the modern institutional shape for several reasons such as -:

- *Modern literature on the subject, though numerous, but were of general nature, whereas necessity calls for scientific specification of human rights, their limits, penalties of their violation and the methods of their protection.

- *The party entrusted with the protection of human rights is not only the governments, but it is a duty on all Muslims, men and women as that protection is a part of the teachings of Islam.

- *The absence in the past of societies and specialized institutions concerned with human rights led to limitation of concern on those rights .

- *Those rights were accommodated in the domain of laws and assumed to be applied by the judiciary such as the right of life and the right of security and that,

in turn, led to the feeling that there is no need for specialized organizations for human rights.

But the vast extension of the State, the complications of relations and the increase in population, make it necessary that certain organizations must be formed to observe the protection of human rights as they are stipulated by Islam, and to play a positive role in that sphere together with the other institutions concerned with the subject of human rights .

In consistency with the fact that human rights are based on established principles in Islam, the government must create effective means for their protection including the encouragement of the formation of non-government organizations that are concerned with the issue of human rights and as the Shariah principles have comprised the protection of human right and as those principles are considered constitutional principles in the Kingdom, human rights shall meet the necessary respect, especially in the presence of a High Court will observe the application of those rights in the country .

-2The International Agreements on Human Right that the Kingdom has joined :Those agreement are of two types-:

-1Agreements related to human rights in general such as the International Declaration on Human Rights.

-2Agreements related to specific issues of rights or to the rights of a certain social category such as the agreements banning discrimination against the woman and the agreement on the rights of Child.

It is known that the Kingdom had joined the following international agreements-:

-1The International Declaration on Human Rights (1948), and the Kingdom had reservations on articles (16 (and (18.(

-2Cairo Declaration on Human Rights which was endorsed by the Organization of the Islamic Congress on 5 August 1990G.

-3The agreement on Child Rights (February 1996G) with the Kingdom reservations on articles that contradict the principles of the Islamic Shariah.

-4The International Agreement for the Elimination of all forms of Racial Discrimination (November 1978G), with the reservation of the Kingdom on the articles contradicting Islamic Shariah and its special reservation on Article (22(stipulating the submission of dispute at the International court of Justice.

-5The agreement of opposing torture and other form of severe, non-human or degrading punishments (November1997 G), with the reservation on article (20) granting powers to the follow up committee and reservation on para (1) of article (30) stipulating the refer of dispute to the International Court of justice.

-6The agreement on the elimination of all kinds of discrimination against the woman (December 2000G), with a general reservation on all what contradicts with the principles of the Islamic Shariah, and a special reservation on para (2) of article (9) that grants the woman equal right with the man with respect to the nationality of her children. Also there is a reservation on para (1) of article (29) stipulating referring the dispute to the International Court of justice, in case arbitration does not succeed .

-7The Arab Convention on Human Rights, which was approved by the Arab Summit in Tunisia 2004G, and which included a number of rights and guarantees that have to be embodied in the local legislations and laws.

.8The Childs Rights Convention in Islam-:
Since the Kingdom had joined the International treaties, those treaties become part of the Saudi legal system and the Kingdom shall not pass any law that will contradict the contents of those treaties. Moreover, the kingdom shall revise all the local laws to make sure that they are in consistency with those treaties. That is what has been stipulated by article (70) of the system of governance basic law that read The laws, treaties and international agreements shall be issued and amended in accordance with Royal Decrees, and upon that, any international treaty or agreement approved by a royal Decree all its

provision shall be valid and effective and shall directly be referred to by the courts in passing their judgments. What remains for the enforcement of that matter is its adoption by the judicial system at that is what the society is trying to realize in co-operation with the Ministry of Justice.

There are also other agreements that need the intervention of the State in the manner of enacting legislations on internal laws in order to execute the provision of those agreements as with respect to human rights declarations and the decisions of the international organizations in which the Kingdom is a member .

It is known that the Kingdom has reservations on some of the International agreements which the Kingdom joined. The nature of those reservations are sometimes general and other times specific in the way will allow her to apply the agreement without contradicting the provisions of the Islamic Shariah .

Those reservations are natural where the basic law of governance stipulates that the state has to adhere to the principles of the Islamic Shariah. The importance of those reservations emerge from the fact that in several cases, the inter national agreements do not give sufficient consideration to the identify and to the religious, social and cultural specialty of each country alone .

Despite the reality that reservation is a procedure recognized by the international agreements in order to encourage the biggest number of states to join the treaties, the reservation should be specific and shall not ignore the other opinions that may be justified by Shariah so as not to lead to misunderstanding the goals of the Islamic Shariah.

However, periodical reports must be submitted to show the advance in the application of the agreements in which the Kingdom has become a party.

The reports shall not include lengthy and descriptive paragraphs about systems and organizations that may not have direct relations with what the related agreements may require. The international agreements in which the Kingdom is a party have to be published in order that the citizens and the residents become aware of them as the agreements themselves stipulate that .

Co-operation must be established between all the parties concerned with human rights in the Kingdom and they shall exert their efforts among their plans, to get the citizens and the residents aware of their rights and also to publish all the international and regional agreements that are joined by the Kingdom and also publish the local legislations that are related to human rights .

It worth mentioning here that the Kingdom has not joined a big number of agreements and conventions that has become representing the main civil mechanism of protecting human rights. Of those the two international conventions of economic, cultural and social rights and of the civil and political rights issued in the year 1966G. Those two conventions are the basis of the rights stipulated by the International Declaration of Human Rights which is in fact, a mere declaration of intention and not a legal commitment for the states joining it, whereas the two conventions are considered binding legal texts.

The Ministry of Foreign Affairs in its answer to the enquiry of the National Society for Human Rights, about the delay of the Kingdom in joining the two conventions, the Ministry stated the Kingdom is in the last phases of signing on the two conventions.

It should be stated here, that the standing of the Kingdom is unknown with respect to some other international agreements and rules such as the international agreement on the protection of the rights of the immigrant works and their families that was signed on 18 December 1990 G and started to be executed on 1.7.2007G, and such as the rules that set The basic principles of prisoners treatment and which were endorsed by the United Nations General Assembly on 14 December 1990G .

-3The Laws related to Human Right in the Kingdom:

Human rights in the Kingdom are not comprised by one law. They are distributed over a big number of laws. Some of those laws are concerned with human rights such as the Governance Basic Law. Some other laws are concerned with certain aspects those rights such as the penal procedures law.

The other remaining laws are concerned directly or indirectly with one of the rights or with one of the categories that are entitled for protection, such as the labour law, the publications Law and the Judicial laws.

There is still a need for more laws that deal with human Rights especially the civil and political rights.

Human Right in the basic Governance Law:

The Governance Basic Law, which is a constitutional law, gave great concern to the issue of human rights and comprised it in a big number of its 83 articles, the most prominent of which is article (26) which stipulates that The state shall protect human rights in accordance with the Islamic Shariah. That law, also comprised several other human rights such as, the Shurah (Consultation), rights of equality, justice, dignity life and security in addition to rights of civil and social nature such as the right of social solidarity, right of work, right of education .. etc .

Despite the fact that human rights occupy a prominent situation in that most important legal document in the Kingdom, and that those rights are

constitutionally protected and that no other law shall diminish them, there are some remarks that ought to be made in this connection-:

*The Governance Basic Law can be described within the technical legal point of view, to be a constitutional law with respect to the subjects it tackles, as it organizes the authorities, their establishment mechanisms and their functions in addition to specifying the rights and duties of the citizens .

*Article (39) of the Basic Law on the issue of expression right, was drafted in clauses that permit the possibility of different interpretations including those limiting that right. The wordings of that article are: The means of information and publication and all the means of expression shall observe and adhere to righteous words, and the State laws and shall participate in educating the nation and support its unity and every action is prohibited if it may lead disorder, divisions or endanger the state security and its general relations, or that which may impair human dignity and rights, and the laws shall specify the means of applications.

*The Basic Governance Law left to the other laws of lower degree, the right of specifying the methods of those rights protection, though those rights were set by the Basic Law. Moreover, the Basic Law did not

set safeguards to ensure that the application is performed in consistency with the constitutional rights comprised in the Basic Governance Law itself .

*The principles of the Islamic Shariah Specifying human rights are also considered constitutional principle and sur-passing those embodied in the Basic Law. That is only a formal observation as there is no contradiction with regards to human rights, between what is stipulated in the Shairah and what is set in the Basic Governance Law.

*The provision of the maximum level of human rights, necessities the establishment of a Supreme Court to be given the authority of revoking any paragraph or clause of any law or resolution that contradicts the constitutional rights. That is because the ordinary courts of law cannot perform that function effectively as they are not competent to that level and

are not authorized to revise the laws, but only to apply them .

-4Human Rights Relations with the Penal Procedures Law:

One of the most important Saudi Laws that are concerned

with human rights is the penal procedures law. That law

comprised several provisions related to human rights such

as-:

*It is necessary that The person arrested or detained shall immediately be informed with reasons of his arrest or

detention and with his rights to make contacts with what he

wishes to inform of his situation. (Article 116.(

*It is prohibited that the arrested should not be subjected

to harm in body or morally and shall not be exposed to torture

or to degrading treatment. (Article-2.(

*Interrogation shall not be conducted under duress or

under force during the accused giving his statements.

)Article 102.(

*If at any time, the accused admits the accusation, the

court shall hear his statements and discusses them with him,

and if the court becomes satisfied that they are correct and

no need for further evidence, it shall decide about the case,

otherwise the court shall order completing the investigation

if need for enough evidence is required. (Article 162.)

*Every accused has the right to seek the assistance of an

attorney or a lawyer to defend him in the stage of investigation

and the trial. (Article 4.)

*The sessions shall be open and in public and if it is decided that the case shall be conducted in secret sessions,

the Judgement shall be declared by the court in an open and

public session. (Article 182.)

*Generally, the provisions of this law have explained all

the procedures related to arrest, detention, interrogation and

the rights of defence for every accused and the protection

personal freedom of every human being who shall not be arrested, searched, detained or imprisoned unless the provisions of law justify that. The law also, asserted the right of every person in sanctity of his person, residence, office and means of communication. Moreover, the law specified the penal trials procedures and the invalidity of any procedure that contradicts the principles of the Islamic Shariah and the laws derived from it. The law, further specified the ways of objection against the judgments and the accused right of material and moral compensation for what he incurs of harm if he is acquitted.

The following remarks are important and should be given

consideration by the concerned parties-:

*The penal procedures law is not yet fully accommodated or sufficiently applied by some judges, interrogation

authorities, the police, investigation departments and some other related administrative bodies. That situation has its effect and leads to disrespect of the rights stipulated by the law.

*This law provides very important protection to the citizen and the resident if he becomes accused. Obstacles have to be overcome if the law is not adhered with by the related parties, especially the judiciary, investigations, police, detention and interrogation authorities and the organization of promotion of virtue and combating vice, with respect to arrests, the rights of the arrested and the period of arrest before referring the matter to the courts. To that, can be added, the terms related to prohibiting hurting the arrested in body or morally, prohibiting torture and degrading treatment.

The National Society for Human Rights, has received several complaints in that respect. To avoid the continuous emergence of those complaints and the following limitations, the legal provisions must be applied against the defaulters and those excessive too. Moreover, procedures and unwarranted actions taken which are in contradiction with the basic rights should be revoked and declared null and void.

The effective application of that law, requires the issuing of its executive regulations that are not yet issued. That state of affairs led to the application of personal discretions that were often accompanied by irregularities and breaches of rights.

To ensure the guarantees of that law, it is necessary to put in writing the provisions and rules of the disciplinary laws, in application to the contents of article (38) of the Governance Basic Law that states that No crime and no punishment, without a written text.

The accused must be referred to courts very quickly. Article 114 that allows for the extension of detention period up to six months must not be over followed as it may delay the urgent determination of the courts with regards to the fate of the accused. This situation requires judicial supervision over the performance the investigations authorities and over the public prosecution which are at present under no such supervision.

The accused must have the ability to get a lawyer and the court must not convene without the presence of such a lawyer. If the accused is unable to pay the fees of the lawyer or is not interested in that, the concerned authorities should provide the accused of that assistance. That is because at present the trials require technical knowledge and special skills that the accused may be lacking. It can be stated here that the presence of the lawyer in most cases is a factor in the guarantee of justice, and in the best application of the principles of Shariah and those of the applicable laws of the country .

*The interrogators must be supervised to curb their

excessive use of article (69) that gives the interrogator the right to perform interrogation in the absence of lawyer whenever he thinks that such a performance shall lead to the manifestation of reality. If that discretion is left to the interrogator, it shall contradict with the right of the accused to have the assistance of a lawyer.

*All the detention authorities must be directed to immediately furnish the information about the detained to their families, relatives and lawyers and to the consuls if the detained are foreigners. There must be adherence with Article (35) which calls for the right of the detained to get in touch with whomever he want to contact to inform him of his detention, place and reason of detention.

*That law does not provide for the right of the accused to abstain from answering questions during investigations and interrogation, whereas the that law must have provided for that together with right of the presence of

the accused lawyer.

*Article (19) of the lawyers law must be activated. It stipulates that the courts, Board of Grievances, the semi judicial committees, the official authorities and the interrogation organizations shall provide the lawyer with all the facilities that enable him to perform his duties, and shall make it possible for him to review the documents and to attend the interrogation.

Chapter Two

The Basic Human Rights**

in the Kingdom

The Basic Human

Rights in the Kingdom

This report adopts the wide conception of human rights, which calls for discussing each right separately

to specify its lawful extent so as to protect and assess that right in accordance with what has been followed up

and monitored by the Society. The wide conception of

human rights encompasses basic rights, civil rights, political rights, and social rights. In this Chapter we shall start by discussing the basic rights which are sub-

divided into three rights:

-1 The Right of life

The Islamic Shariah (jurisdiction) defines transgression on a human soul as a violation to all humanity on

account of the threat to this existence created by God.

The right to living is the basis for all other rights as its

availability is associated with the existence of a human

being. Therefore the Islamic Shariah prescribes this

right in the verse voiced by Allah Glory to Him: If

anyone killed a person not in retaliation of murder, or

)and) to spread mischief in the land it would be as if

he killed all mankind. (Al Maidah 32). The Qur'anic

vers-

es then explain the risk of assaulting this right and the

pun-

ishment of the perpetrator by stating: .or their hands

and

their feet be cut off from opposite sides, or be exiled

from

the land. That is their disgrace in this world, and a

great tor-

ment is theirs in the Hereafter (32). Except for those

who

came back (as Muslims) with repentance before they

fall

into your power; in that case, know that Allah is Oft-

Forgiving, Most Merciful. Allah, Glory be to Him, says:

And do not kill anyone whose killing Allah has forbidden

except for a just cause. And whoever is killed wrongfully

(intentionally with hostility not by mistake). We have given

his heir the authority to demand Qisas law of Equality in

punishment or to forgive, or to take Diah (blood-money).

But let him not exceed limits in the matter of taking life (i.e.

he should not kill except the killer). Verily, he is helped (by

the Islamic law.) (Al Isra 33.)

Also the Prophet has been quoted as saying in this respect: The believer is well with his faith unless he sheds

sacred blood.

The Islamic jurisprudence in its various sects has organized

the details relating to the right to living and has concluded

a steadfast unanimity on the fact that the transgres-

sion of this right generates a right to the victims blood relatives as well as a general right, however the victims blood relatives rights outweigh the general right. That is why the right to execution drops if the blood relatives concede or forgive the perpetrator, which is being encouraged by the State.

This right is also based on a number of international declarations and treaties such Article three and Article four of the International Declaration of Human Rights, which

state consecutively: Each individual has a right to living,

It is impermissible to subject anyone to torture, or to severe,

inhumane or derogatory treatment. On the other hand Articles five and six of the Arab Declaration of Human

Rights state consecutively: The right to living is associated

with every human being. The law protects this right and

nobody shall be prohibited arbitrarily from living.,
Death

sentence shall not be decreed unless in the cases of extreme-ly serious crimes under the jurisdictions valid at the time of commission of the crime subject to the final judgment of a specialized court of law, provided that the convicted by the death sentence has right to petition pardon or to request mitigation of the penalty.

Death penalty is evidently stated in the Islamic Shariah,

and thus form a part of the constitutional provisions observed in the Kingdom, which rule out the possibility of

applying any international treaty that prohibits death penal-

ty. Consequently, Paragraph (6) under Article (6) of the

International Treaty for Civil & Political Rights is not applicable if the Kingdom chooses to join the same.

The

Kingdom executes and announces death penalties on major

crimes. However, death penalty in the Kingdom encompass-

es a host of legal, substantive, procedural guarantees. An example of a substantive guarantee is the invalidity of the death penalty if a suspicion exists in the perpetration of the crime by the accused. An instance of the procedural guarantee is the stipulation that the death sentence must be reached by three judges, to which the convict has the right to raise an objection. The general court decision is then forwarded to the Supreme Court where the punitive circuits are administered by five judges who deliberate to either corroborate, reject, or pass comments on it. Consequently the decision must be endorsed by the Supreme Judiciary Council, otherwise the case shall be re-adjudicated by other judges. Moreover, death sentences can not be executed unless ratified by the King or the Crown Prince. However, death penal-

ty shall not be brought against pregnant women and the underage.

It is worthwhile mentioning that the execution of death

sentence in retribution is a sole right to the blood guardian

and not to the State. Therefore if the blood relative concedes

this right, the perpetrator (killer) shall not be executed under

the death sentence. The State encourages and seeks out, with

the help of other philanthropic parties, to drop the death sen-

tence whether through raising blood money, or by other

compensation, or through pardon for Gods sake.

More than

that some of the dignitaries and senior State officials may

intercede by offering support to the victims relatives to

prompt them to pardon the perpetrator. Many a time has the

State, with the help of philanthropic parties, succeeded in

bringing about conciliation between the two parties
thereby
dropping the death sentence. The Society has
monitored
many instances in which pardon has been accorded.
The
Society has not received to date any complaints or
reports or
intimation that the whereabouts of someone is
unknown for
political or body-liquidation purposes. Also the
Society has
not received so far any information relating to
genocide
crimes.
The Islamic Shariah prohibits abortion and looks
upon it
as an offence to the embryonic life. Therefore, the
perpetra-
tor is punishable under the law as abortion is
considered a
crime of suppression of a living soul. This is
underlined in
Article (22) of the Health Professions Practices Act,
which
forbids a physician from performing abortion on a
pregnant

woman unless necessitated by reason of saving her life.

Article (5) of this Act commits the physician to practice his

profession in the interest of the individual and community,

and emphasizes respect to the rights of humans to living,

security and dignity. Also, Article (19) of the mentioned Act

prohibits compassionate death even if the concerned patient,

or his next of kin, desires so. The right to one's living includes the entitlement to save one from torture and derogatory

treatment. These rights are discussed in more details

hereunder:

Torture is degrading to the reverent Islamic value of human dignity. It is legally prohibited to extort confessions

under torture or inhumane treatment. This is in submission to

God's command: And indeed We have honored the children

of Adam, and We have carried them on land and sea, and

have provided them with lawful good things, and have preferred them above many of those whom We have created with a marked preferment (Al Isra 70) . On the other hand,

Article (5) of the International Declaration of Human Rights

prohibits violation of this right by stating: it is not permissible to subject anyone to torture, severe punishment,

derogatory or inhumane treatment. The dedication to protect this right led to the emergence of the treaty on the struggle against torture and other inhumane conduct and severe

punishment and the forms of inhumane and derogatory conduct. The first paragraph of Article (8) of the Arab

Declaration of Human Rights states: it is impermissible to

torture any human being physically or psychologically, or to

treat him inhumanely or degradingly. Article (2) of the

punitive procedures under the internal regulations explicitly

explicitly

explicitly

prohibits this by stating: it is impermissible to detain, inspect, arrest, or imprison anyone unless otherwise pre-scribed under the law, provided that such detention or imprisonment shall only be made at the specified venues and for the durations determined by the concerned authorities.

The detainees shall not be hurt physically or psychological-ly, or tortured or ill-treated. The Detention and Prison

Regulations prohibit incurring any form of offence against the prisoners or detainees, and take disciplinary action against any employee or official who offends a prisoner or detainee.

The Society has received many complaints concerning transgressions by some of the members in charge of apprehension at various sectors such as the Drugs Department, Investigation Department, and the Commission for the

Promotion of Virtue and Prevention of Vice, who have assaulted the detainees or prisoners contravening the legal and official directives that call for the preservation of the rights of these people even if they are convicted. Such acts constitute a violation of the human rights as well as the local and international regulations and treaties. Moreover, the Society has spotted some of the prison staff members punish some of the inmates outside the prescribed lawful penalties, but commonly known inside the prison such as forcing them to clean the lavatories, individual detaining in cells over longer periods than allowed under the rules, barring the inmates from getting out to the prison yards, depriving the prisoners from sleep, tying up the prisoners hands to the iron bars of the windows or other acts for-

bidden under the prison regulations. The Society has also spotted some violations at the detention houses and prisons where the detainees are forced to confess or to get from them information that may prove useful to the investigations. On the other hand the Society has received complaints from the detainees themselves claiming that they have been assaulted or insulted by the general investigation officials. In order to protect the detainees from assault and derogatory treatment, the Society suggests that the punitive procedures should encompass a provision allowing the accused, or his lawyer, or any of his relatives to demand that an urgent medical check up be conducted in the case of a torture claim, and vesting powers on the Bureau of Grievances to look into such claims, provided that the party who is proven to have

committed the torturing shall be severely punished. This should be accompanied by laying down firm procedures to prevent torture including the consideration that the confessions extorted by force should be deemed void. The Bureau of Grievances may also be authorized to look into the claims on forcing the detainees not to divulge any information relating to the torture they have been subjected to when they are brought to the court of law as a condition for releasing them.

In addition to the above, the Society has spotted some authorities breach households without their respective tenants permission, or without an official warrant as required under the law. Meanwhile the Society has been unaware of any punitive or disciplinary action being taken against those violators such as dismissal or upholding from performing

duty or any other administrative action. On the other hand,

the Society has noted that if a tenant whose household is

breached, raises a complaint to the senior officials at the con-

cerned authority, a response will take place and investigation

will be conducted despite the fact that the briefings given by

the violators are taken as reliable. However such violations,

if proved, constitute serious crimes punishable under the law.

These violations are not limited to some of the govern-

ment officials as the Society has spotted transgressions being

committed by some citizens who violate the basic right relat-

ed to the foreign workers by exerting more pressures on

them, which reflects a negative aspect that can only be

redressed by revising the status of the sponsorship.

On the other hand, the Society has noted scores of instances

of ill-treatment being rendered by the government officials in their dealings with the public, in addition to the increasing phenomenon of nepotism or favoritism. This requires that the seniors conduct a close watch over their subordinates, bringing punitive action against any employee found to be negligent or defaulting.

-2The Right to Equality

The principle of equality among people before the law regardless of sex, nationality, race, color or religion is a right warranted by the Islamic Shariah and the international agreements. The Islamic Shariah ordains equality among all people regardless of race, descent or human values. No Arab national takes precedence over a non-Arab national except through God-fearingness. The messenger of God (pbh) say in connection with equality in Islam: O, ye people your Go

is one, your father is one; all of ye descend from Adam wh
is from dust. The most honored of ye by God is the one wh
is most God-fearing. Neither Arab national takes precedenc
over a non-Arab national nor a non- Arab national take
precedence over an Arab national, nor a black one over
white one, nor a white one over a black one except throug
God-fearingness. O God, bear witness that I have got th
message across. Ye who are present may report this to th
absent .

Many of the Articles of the International Declaration o
Human Rights point to this right, such as Article (7) whic
states: All people are equal before the law, equal under th
protection provided by the law without any discrimination
equal under the protection provided by the law from any bias

that may violate this Declaration as well as from any instigation to such discrimination Article (5) of the agreement on the struggle against torture, severe punishment, inhumane treatment, and derogatory conduct states: The countries who are members to this agreement undertake to prohibit and exterminate all forms of racial discrimination, ensure that the right of each individual to equality before the law is preserved without any discrimination in terms of sex, color, national or ethnic origin Article (11) of the Arab Declaration of Human Rights states: All people are equal before the law, and have the right to enjoy the protection provided by it without discrimination. On the other hand, Article (8) of the Basic Governance Act states: Ruling in the Kingdom of Saudi Arabia is based on justice, consultation, and equality according to the Islamic Shariah

The Society has observed that some of the categories within the community are indulging in practices that discriminate between the citizens of the State on the basis of the area, tribe, sect, or origin, which threaten the unity of the people and negatively affects the conception of belongingness to the State, boosts fanaticism, encourages regional or racial partisanship in spite of the tremendous efforts being exerted by the government to exterminate conventions that run contrary to the Islamic values. The solution to these problems requires, in the first place, dissemination of awareness on the seriousness of these issues and their contradictory nature to the Islamic values. Secondly, punitive measures should be enacted against anyone who acts or pronounces on these issues which are harmful to equality. These are not

fresh issues as the Islamic Shariah has witnessed situations

in which many have been punished for discriminating between people in terms of their origin, color or race.

Other

phenomena pointing to the violation of this right are detailed

hereunder:

a- Inequality in Employment

Article (28) of the Basic Governance Act imposes on the

government the duty of facilitating access to jobs. On the

other hand the Civil Service Act states that eligibility is the

key to selecting candidates for employment at the public sec-

tor. The government imposes on the concerned departments

the condition of employing candidates only after they pass

the employment contest run by the Civil Service Department.

However, some governmental institutions have been noted to

have been bypassing this procedure of employing candidates

to candidates. On the other hand, the criteria of employment varies in terms of qualifications. Often a candidate is considered to be suitable on grounds of order of precedence in applying for the job, another on account of experience, and the other by intercession of influential persons who are acquainted to the candidate. The Society has also noted that advertisement of the public service vacancies is not conducted properly in all cases, and that the annual-contract employment based on poor wages is automatically renewed in spite of the fact that the involved employees carry out the same duties performed by their counterparts who are employed according to the employment organization chart of the Civil Service Department. The employees appointed under the section of wages are obliged to await improvement of this situa-

tion by the issuance of a Royal Decision decreeing that such employees should be reappointed according to their respective qualifications specified in the general employment organization chart. The Society has also taken note of some discrimination between the healthy and the physically handicapped in regard to admittance in study and work. The handicapped is faced with rejection in most of the public service jobs even those jobs that do not require physical effort. This is psychologically harmful and leads the handicapped to isolate himself from the society despite the fact that the government supports the handicapped and imposes upon all institution that they take on the handicapped at a specific percentage of their overall workforce. In addition to that special regulations concerning the rights of the handicapped have been

enacted under the Royal Decree No. M/37 dated 23/9/1421H.

b- Inequality Between the Citizen and the Resident

The Society has noted remarkable discrimination with

regard to the rights and freedom of movement of the citizen

compared to the resident. The freedom of movement of the

resident is more limited than the citizen especially his move-

ment between cities as well as his traveling on exit-reentry

visa. Unless after completing a series of routine procedures,

the resident has no right to free health care at the public hos-

pitals following the example of the citizen. On the other

hand, the Social Health Insurance may provide the required

health care for the residents. From the cases filed at the

police stations, the Society has observed some instances in

which the citizens have assaulted and insulted some resi-

dents, especially, household helpers and other servants,
degrading their dignity in an unacceptable manner because
of the claim they file for getting their wages. Concurrently
the Society has observed that some of the police members
assault the residents by beating them or detain them for a day
or two, without lawful justification, for committing minor
infractions. This may develop into further complementary
penalty i.e. deporting the resident whether through a judicial
decision thereof or following an infraction. It is imperative
that the Ministry of Labor takes necessary action to control
this situation to ensure that such procedures are not used
arbitrarily, in addition to the importance of enlightening the
residents on their rights and duties and the penalties they
may be subject to in the event of their commission of any

infractions. It is therefore necessary to publish a booklet outlining a summary of the duties and rights of the residents. This will also help preserve the rights of the State, the citizen, and the resident, as well as saves the time and effort spent in dealing with infractions. The Ministry of Interior did well by exerting considerable effort in this respect. Despite the fact that the residents right to own property or housing has been outlined in the regulations governing the residents ownership of real estate issued under the Royal Decree No. M/5 dated 27/4/1421H, but this right is not available normally and is limited to certain situations prescribed under the regulations. These limitations drive the residents to own property in the name of Saudi citizens, which have created problems to many residents although Article (18) of the

Basic Governance Act states that the government sponsors the freedom to own private property and that no property shall be expropriated unless in the interest of the public, providing the owner shall be fairly compensated. On the other hand, Article (19) of this Act prohibits confiscation of funds unless decreed through a judicial injunction. The discrimination between the residents in favor of their nationalities and not their qualifications or efficiencies in some instances is considered a breach to the law. To cite an example, we find that the criterion of seeking the contribution of non-Saudi university teaching staff is discriminative by a legal provision, in terms of salaries. However the Kingdom has approved the International Labor Organization agreement No. 100 for the year 1951 on the equality of

wages of females and males, as well as the other agreement

)No. 101 dated 1958) issued by this Organization on the prohibition of discrimination in employment and occupation.

-3The Right of Freedom

The Islamic Shariah prohibits limiting or subjecting a human being to detention without a legal justification. It has

also forbidden injustices among people as stated in Al

Hadith Al Qudasi O, My worshippers, I have prohibited

injustice against myself and ordained that it be sinful among

ye, so do not do injustices to each other. On the other hand,

our Messenger Mohammed (pbh) says: Avoid committing

injustice. It turns into darkness on the Day of Resurrection.

The Prophet also says: He helps augment a hostility shall

have Gods wrath against him. Our Reverent Master Omer

Bin Al Khattab says: Whenever have you put people to

slavery whereas they have been delivered of their mothers free. Detention is a form of injustice to the human being whose freedom should not be transgressed unless necessitated under the law.

The first Article of the International Declaration of Human Rights prescribes: All people are born free and equal in dignity and rights, and have been bestowed with intellect and sentiment. They have to treat each other in the spirits of fraternity. Also Article (3) of this Declaration states: Each individual has a right to living, a right to freedom, and a right to personal security. On the other hand, the 1st and 2nd paragraphs of the Arab Declaration of Human Rights read consecutively: Each individual has a right to personal freedom and security, and shall not be detained, inspected or arrested arbitrarily unless dictated under the

law. It is impermissible to deprive anyone of their personal freedom unless pre-stated under the law and according to the applicable procedure thereof. Article (36) of the Basic Governance Act points to this right by stating: Limiting, detaining, or arresting a person is prohibited unless dictated under the Act. Many other Articles of the Punitive Procedures Act point to these rights . Thus the relevant Rules and Acts guarantee freedom of the individual unless otherwise stated therein. Also these Rules and Acts prohibit detention of an individual unless such detention is made at the assigned venues and under the required control and observation . The Society has noted that some apprehension parties, mentioned in the Punitive Procedures Act, do not observe the controls relating to detention and imprisonment thus violating the rights of both the detainees and the prisoners,

whether those parties are security personnel attached to the Ministry of Interior or affiliated to some other independent departments having authority to conduct arrest, detention, and imprisonment such as the Commission for the Promotion of Virtue and Prevention of Vice whose Act has been issued in the year 1400H under which this Commission is vested with wide authorities including guiding and advising people to follow the religious rites prescribed under the Islamic Shariah, encouraging people to perform these rites, and preaching on prevention of vice to avoid indulgence in bad, prohibited habits and sinful phenomena. In order to achieve these objectives the Commission may take all necessary action, bring penalties as stated in the Act. Article (9) of this Act states: Carrying out, firmly and determinedly, the duties

of the prevention of vice and promotion of virtue based on the ordainments of the Holy Quran and the traditions of the Prophet (pbh), and guided by the conventions of the righteous Companions of the Prophet and the reformatory Imams, convincing people in good faith and adopting the Islamic aims in their guidance. Article (10) of this Act vests authorities on the Commission including spotting of suspicious people or perpetrators of sinful deeds or those who neglect performing their Islamic religious duties and carrying out investigation involving these people, providing a representative from the concerned Governorate should participate in the investigation as well as in other important issues agreed upon between the Minister of Interior and the President of the Commission. Article (11) states: The Commission has the right to partici-

pate with the concerned department in the control of prohibited matters that have impact on religion, conduct, and general ethics according to the directives and instructions thereof. The regulations under this Act specify how the Commission can participate in the control process.

Article

(12)states: Although the objectives of establishing the Commission is indispensable to the community, the authorities vested on it is unlimited (Preventing adoption of bad habits and conventions) (Carrying out its duties firmly and resolutely), which may cause some of the members of the Commission to perpetrate transgressions whether advertently or inadvertently. This requires that the mentioned duties be reformulated accurately to avoid misappropriation of the Commission authorities in such a manner as to harm human

rights. The Society has received a number of complaints on the non-compliance of the members of the Commission with the Punitive Measures Act and the Controls therein concerning detention and investigation, most prominent of which is the provision of Article (No. 2) which prohibits torture and physical or psychological harm, as well as derogatory treatment. This transgression is the common factor among the complaints put forward against the Commission, which is considered offensive to the human dignity.

Prominent Transgressions complained of -:

*Verbal insults and threats and tailing by car, in addition to creating inconvenience by pronouncing accusations in public places before onlookers.

*Causing physical harm using force so as to take off the detainees to the Commission Centers, in addition to practic-

ing violence during investigation and unjustifiable personal inspection.

*Transgressing personal property especially cellular tele-
phones and cars, and conducting inspection of these proper-
ty in a manner that violates personal privacy, in addition to
assaulting households and violating their privacy in a way
that totally contradicts the provisions of the Basic Governance Act, as well as the Punitive Measures Act.

*Practicing pressure to extort signatures to confessions
and indictment of oneself, putting the condition to sign as a
means to acquittal, in addition to depriving the detainee from
contacting his relatives.

One of the beneficial controls could be binding the mem-
bers of the Commission to wear a distinguished uniform dur-
ing performance of their duties as the civil clothing they use

in carrying out their duties can be a source of panic that hits the citizens and residents who might be detained at any time without justification. The official uniform that characterizes the members of the Commission can contribute to prevent degrading the Commission by some of the people who masquerade as members of the Commission. The officials at the Commission did well lately by committing the members to carry and expose the profession identity card during performance of their duties. Compliance with the rules, in particular the controls of detention and inspection prescribed under the Punitive Procedures Act, shall upgrade the position of the Commission and improve its capabilities to carry out its significant duties that call for the protection of society.

a- Criminal Arrest

During the last year, a number of the Kingdoms cities

had been subject to violence and terrorism acts whereby the lives of many innocent victims had been lost and the State had sustained materialistic losses. By the grace of God and the support of the guardians and the citizens, the security forces succeeded in aborting a great deal of terrorism operations and in checking the activities of the organization, the master-mind behind these destructive activities. As a consequence to the security procedures in the face of the danger, many citizens have been detained, some of whom on grounds of involvement in the witnessed crime, others on account of suspicion of belonging or supporting the perpetrators. It is therefore important that care should be taken to apply Article (2) of the Punitive Procedures Act which states: It is impermissible to arrest, inspect, detain, or imprison anyone unless in the cases prescribed under the

law.

It is worthwhile to mention that one of the methods taken up

by the concerned authority to reform the involved parties is the

establishment of the advisory committees consisting of Sheiks

and teachers of psychology who held lengthy meetings with

the detainees to expound the astray doctrine that accords legal-

ity to such violence. The concerned authority has also offered

support to the families of the detainees in consideration of their

sustenance conditions. Such moves, to the knowledge of the

Society, have had a positive responsive as many of the

detainees have given up their astray concepts .

From a human right viewpoint, this case has witnessed

transgresses represented in keeping the detainees in the pris-

ons for longer periods than allowed under the Punitive

Procedures Act. On the other hand, the Society has commu-

nicated with the Ministry about the complaints it has received from the detainees or their relatives concerning certain demands or violations sustained by them at the prisons of the General Investigations Dept. The Society has received some official responses, but as far as the other cases are concerned it has received no reply to date. However, the Society intends to soon visit the mentioned prisons to verify the complaints put forward by the detainees. Out of the complaints the Society has received from the detainees there are some which claim assault, beating, and verbal insults. These practices violate the Punitive Procedures Act (Article 2(which prohibits inflicting physical or psychological harm on the detainees or subject them to torture or derogatory treatment. Also, the Society has received other complaints claim-

ing solo detention and deprivation of the right to be visited.

The Society hopes that all the detainees under security

cases shall have their rights restored as prescribed in the rel-

evant regulations especially the Punitive Procedures Act.

The Society requests the release of all the detainees who

completed or overrun their detention terms, or referred to the

judiciary. The Society hopes that the concerned authorities

would look into the detainees complaints in which they

claim ill-treatment and that the perpetrators receive punitive

action. The Society stresses in this report that, as far as the

detainees are concerned, the investigation authorities should

abide by the detention terms stated in the Punitive Procedures Act, prior to presenting the detainees to

the judi-

ciary, and enable them to appoint attorneys directly follow-

ing detention, and facilitate communication and consultation with them.

The Society appreciates the cooperation and understanding

shown by the Ministry of Interior in respect to the many

issues raised by the Society. It worth mentioning that the

Ministry has responded with the demands and has recently

started to orient its staff to abide by the provisions of the

Punitive Procedures Act and the detainees rights stated

therein, taking into consideration the responsibility held by

the Ministry in marinating the security of the community.

b- Arbitrary Detention

Arbitrary detention is process of holding a person in custody

without lawful justification. Article (9) of the International Declaration of Human Rights states: It

is pro-

hibited to arrest or detain or exile any person arbitrarily. On

the other hand, Article (14) of the Arab Declaration of Human Rights prohibits arbitrary detention. Notwithstanding these rights, the has spotted some of the members of the police force resort to detaining individuals in custody, without lawful justification, on grounds of personal affairs or by reason of misunderstanding of the concerned regulations, especially the Punitive Procedures Act. It has also been noted that some of the personnel of the security forces (Traffic Police) misappropriate their authorities by threatening to hold in custody any person who commits infraction as a means of pressure and scarring. The concerned senior authorities are responsible for alerting their personnel against such transgressions and penalizing the perpetrators.

c- Freedom of Movement & Traveling

The two paragraphs of (1 &2) of Article (13) of the

International Declaration of Human Rights states:
Each individual has a right to freedom of movement, freedom of choice of residence within the State, freedom of departing any country including ones own country, freedom to return to ones own country. This provision is duplicated in Article 5 (d) of the Agreement on the Struggle against Torture. On the other hand, the Arab Declaration of Human Rights includes a provision affirming the right of a citizen to freedom of movement. This is expressed in Article (21) a follows: It is impermissible to bar a citizen from departing any Arab country including his own country, or imposing a bar on his residence or forcing him to reside in any part of his own country. This right originates in the Islamic Shariah based on the saying of God, glory be to Him: so walk in

the path thereof and eat of His provision. (Ak Mulk 15)

The State has to organize this right in a way that ensure

the realization of the public interest in accordance with

objective controls. As far as the Kingdom is concerned, there

is no bar, especially for men, on the freedom of movement

between the internal cities. However freedom of movement

within the Kingdom by land for women is associated with

the accompaniment of an unmarriageable person or a guardian. The Passport Department Rules require that a

woman shall have to obtain a written permission from her

guardian or from the other concerned governmental depart-

ments to travel abroad. However no person below the age of

21 years is allowed to travel abroad unless he obtains a writ-

ten permission from his guardian, though the adulthood age

in the Kingdom is 18 years .

The Society has spotted lists of persons barred from traveling. Many authorities that bar traveling exist, a situation which call for assigning the authority on bar of traveling solely to the judiciary, providing the bar should be limited to a specified term of which the barred person should be notified, or they may be accorded the right to bring action in the court of law against the bar decision if issued by the executive authority.

In spite of the development that took place in regard to the freedom of movement of the residents within the Kingdom, some of the sponsors bar the persons under their sponsorship from traveling by retaining their passports. This practice is used as a means of pressure to force the mentioned persons to concede their rights or to settle matters to the satisfaction of the sponsors.

Chapter Three****

The Civil Human Rights in the Kingdom

The Civil Human

Rights in the Kingdom

The civil human rights include the freedom of belief, the

right to obtain nationality, the right to bring action in court

of law, and the right to get a fair, swift trial. We are going to

tackle each of these rights as follows:

-1 The Right of Belief

Islam has made available to the human being the freedom

of belief. This is expressly stated in the Holy Quran: No

coercion in religion. No one shall be forced to give up ones

belief and convert to another. The freedom of the human

being in faith is the basis of belief. This is why Holy Quran

affirms this beyond doubt in Gods saying: let him believe; and whoever wills, let him disbelieve. (Al Kahf 29)

On the other hand, the Prophet (pbh) acknowledged the free-

dom of belief in the first constitution of Al Madinah when he

disclosed to the Jews that they form with the Muslims one nation. From the viewpoint of the concept of freedom in Islam, the second caliphate, Reverent Omer Bin Al Khattab, accorded the Christians of Al Quads peace of their lives, churches and crosses, that no one of them shall sustain harm or coercion because of their faith. Also, Islam has sponsored the freedom of religious discussions on an objective basis without wrangling or mocking the others. In this respect God says: Invite mankind to the Way of your Lord (i.e. Islam) with wisdom and fair preaching (Al Nahl 125). Therefore the discussion between Muslims and non-Muslims should be based on these noble principles. This invitation to the people of the Scripture to debate has been laid down in the Qur an: O people of the

Scripture, come to a word that is just between us and you‘

that we worship none but Allah (Alone), and that none of us

shall take others as lords besides Allah. Then, if they turn

away, say: Bear witness that we are Muslim (Al Omarn

.(64So, if the debate proves to be inconclusive then each has

his own faith in which ones belief. This is expressed in the

last verse of the Chapter of Al Kafirun which ends by the

saying of God addressed to the unbelievers quoted by the

Prophet (pbh) To you be your religion, and to me my religion.

Persuasion is the basis of belief: The genuine faith is the

faith that is based on persuasion and certainty and not imita-

tion and coercion. Each individual is free to belief what he

thinks and to adopt what conceptions one likes - nobody can

prohibit him from doing so as long as one keeps such con-
ceptions to oneself and does no harm to others by reason of
such conceptions. However, in Islamic Shariah, the apostates
deserve to be punished for instigating disorder and distur-
bance of the general discipline of the Islamic State. The
Kingdom of Saudi Arabia follows in these lines as its faith is
Islam which is based on the Holy Quran and the Prophetic
Sunnah. This is also prescribed under the Basic Governance
Act.
Ever since the inception of the Society no case of execu-
tion by reason of conversion from Islam has been reported.
The Society has not spotted so far any case of apostasy in the
Kingdom. Over the last years, the State has been encourag-
ing and furthering the values of religious tolerance. This is

evident from the States adoption of the national debate doctrine and the participation of all citizens of different sects and clans. Moreover, the State seeks out to prevent hatred and violence against non-Muslims by exposing the tolerant values of Islam in an environment devoid of fanaticism and extremism. The Saudi law indict all forms of aggression, whether against Muslims or non-Muslims. The Kingdom welcomes the Muslim pilgrimages of all sects. Non-Muslims perform their rites freely at their homes as well as at their venues of gathering. The Society has not so far received any report on an instance of arrest of a person for practicing his rites unless in the event of transgression or disturbance of the general discipline. However, over decades of the adoption of conservative religious culture, the general sentiment in the

Saudi community is disinclined to accept practice of non-Muslim rites publicly. This is not detrimental to the freedom of belief which is basically a personal conviction inherent in human nature.

-2The Right of enjoying nationality. Each individual has a right to enjoy his countrys citizenship. He who is deprived of this privilege shall not have his human civil rights documented. Therefore this privilege is considered a human right which is prescribed under Article

(15)of the International Declaration of Human Rights as well as under Article (24) of the Arab Declaration of Human Rights. Article (35) of the Basic Governance Act includes a referral concerning how to grant and drop the Saudi Citizenship. The Saudi Citizenship Act is intent on avoiding any cases of non-availability of citizenship and accordingly

grants the Saudi Citizenship to the sons of the Saudi woman whose husband is anonymous or without citizenship, and to the foundling, and maintains the citizenship of the Saudi national who concedes it unless he actually obtains a foreign citizenship etc.. The recent revisions to the Saudi Citizenship Act focus on granting the Saudi citizenship to the experts and professionals of specialties needed by the Kingdom.

The problem concerning this right does not relate to granting the Saudi citizenship to a person of other nationality. The State is at liberty to determine the conditions for granting foreigners the Saudi Citizenship which is not a violation to their rights as this is considered a purely sovereignty issue. However the problem lies in denying the Saudi citizenship to a person who resides in the Kingdom for years

and doesn't bear any nationality. Some people, who happen to have Saudi relatives, have been born in the Kingdom but still do not have a Saudi citizenship or any other nationality.

The Society has received many complaints concerning citizenship which may be categorized as under:

*Individuals whose identities have been withdrawn without known reasons, and have not been granted any documents evidencing their Saudi citizenship :

The Society has learned that the citizenships of these people have been withdrawn following receipt of reports telling that they have had obtained the Saudi citizenship illegally.

Some of the mentioned complaints mention that these people have been forced to confess after being arrested.

Also,

Some of them have put forward documentation evidencing that they had been government employees for a long period

and that the withdrawal of their citizenship had left them without identity for (15) years. This had a severe negative impact on them, such as depriving their children from education, medical treatment, employment in the government sector, upholding payment of their entitlements at some of the government departments etc.. These people possess documentation evidencing that they are Saudi nationals by origin and birth, whereas the heads of the tribes to which they belong affirm that they are of Saudi origin, but, nevertheless their status is still unresolved.

*Another set of complaints concern some people who have submitted their identity data to the Central Committee of Identity Cards for revision in response to the Royal Decree No. 8/471 dated 16/6/1410H, but their identity cards have been withdrawn on the pretext that their Saudi tribal

belongingness has not been established. These people
sus-
tained damage as a result of non-execution of the
mentioned
Royal Decree despite the fact that they have
produced clues
and proofs evidencing their testimony of
belongingness to a
Saudi tribe.

*A group of people put forward their complaints con-
cerning their claim that they have been born in the
Kingdom
but still have not been granted the citizenship for
reasons
relating to either the father or mother. Another group
(called
Al Houlaifa the allied) carry the five-year card but
have not
been granted the Saudi citizenship, although the
Royal
Decree No. 8/471 dated 16/6/1410H ordains that
those who
bear the five-year card and belong to a Saudi tribe
shall be
granted, along with the family members, the Saudi
citizen-
ship under Article (9) of Citizenship Act, and that
anyone

who proves to be belonging to a tribe of a Saudi origin and have not been granted residency shall be exempted from the condition of residency and be granted the Saudi citizenship under the above-mentioned Article. However, the indicated Royal Decree solves problems as such and need only be applied.

*Another category of people had arrived in the Kingdom for the purpose of performing Hajj and had overstayed contravening the residency rules in the Kingdom. These people possess nationality documentation but they attempt to conceal them to abort being deported. This situation create problems for them as they are considered individuals without nationality, although from a legal viewpoint they do hold nationality. The members of this category have been staying

in the Kingdom for decades and are on the increase. This situation, if continued, shall create problems for them, their sons and grandsons and the society. Any attempts at resolving this issue, no doubting, require cooperation of their country, in addition to application of some local regulations to limit this phenomena. Special committees may also be set up to study each case individually so as to decide upon the possibility of granting the citizenship to those who meet the requirements and conditions of acquisition of citizenship, meanwhile taking the initiative by granting special cards to the individuals who haven't had identity documentation until their problems are resolved.

-3The Right of litigation

Fair and quick trial:

The right to bring action in a court of law is a basic guarantee

of human rights. Article (8) of the International

Declaration of Human Rights affirms this right. It states:

Each individual has the right to resort to the national con-

cerned court of law to obtain justice against any action that

violates the basic rights accorded by the constitution or by

law.. In this respect Article (47) of the Basic Governance

Act states: The right to bring action in a court of law is

guaranteed equally among the citizens as well as residents

the regulations outline the relevant procedures.

Article (12(

of the Arab Declaration of Human Rights states: The State

guarantee under its sponsorship the right of everyone to

bring action in a court of law.

The right to sue is well maintained in the Kingdom and

there is no case in which this right is rejected because the

claimant is not a citizen or because of his affiliations.

No

violation is considered to have occurred if a court of law rejects a case because it doesn't fall within its specialty. The action should be brought before the relevant court of law. A violation is considered to have occurred if a judge refuses to adjudicate the case despite the fact that it falls within the court's specialty under the rules, justifying this refusal by claiming that the case is not corresponding to the established provisions of the Islamic Shariah. The judge is bound to adjudicate the case and pass on judgment that realizes the court's viewpoint. The right to sue should be made easy by facilitating access to the judiciary whether by establishing more courts throughout the Kingdom, or by facilitating the judicial procedures so that the process of bringing action in a court of law shall not be fettered by obstacles or difficult

conditions. In order to facilitate litigation, efforts should be exerted, which will be discussed later in this report . The right to a fair and swift trial is a natural right and the cause for resorting to the judiciary. A fair trial need guarantees that should be considered. In this respect the Islamic Shariah is rich in examples of valuable lessons and impact. God, Glory be to Him, says: O you who believe! Stand out firmly for justice, as witness to Allah, even though it be against yourselves, or your parents, or your kin, be he rich or poor. Allah is a better protector to both. So follow not the lusts, lest you avoid justice (Al Nisa 135) and, says, All Reverence to Him.. and that when you judge between men‘ you judge with justice. (Al Nisa 58), and also says, The Most Noble of all: O you who believe! Stand out firmly for

Allah as just witnesses; and let not the enmity and hatred of others make you avoid justice. Be just: that is nearer to piety

‘and fear Allah. Verily, Allah is Well-Acquainted with what

you do. (Al Maidah 8.)

On the other hand the honorable prophetic Hadith (sayings of the Prophet) in this respect abound, as well as the

orthodox caliphs practices, which are splendid applications

of these Qur anic verses.

The International Declarations have taken into consideration

the right to a fair, public trial. Articles (10) and (11) of

the International Declaration of Human Rights state consec-

utively: Each human being has the right, on the same footing

with others, to have his case adjudicated by an independent,

neutral court of law, fairly, justly and publicly to pass

judgment on his rights and obligations or on any other puni-

tive charge. - Anyone charged with a crime is considered innocent until legally indicted in a public trial at a court of law in which all guarantees for defending oneself have been secured.

On the other hand, Article (13) of the Arab Declaration of

Human Rights state: Each individual has a right to a fair

trial on any punitive charge or on an action to settle ones

rights or commitments, in which adequate guarantees are

available provided that such trial should be conducted by a

specialized, honest, and independent court of law pre-established

under the law. Each State should sponsor the financially

strained- the judicial subsidy- to enable them to

defend their rights

Article (12) of the Declaration states: The member States

guarantee independence and protection of the judiciary from

any interference, pressures or threats.
The guarantees stated by the international
Declarations to
which the Kingdom is a member include the
independence
and neutrality of the lawcourt, publicity of trial,
presumption
of innocence if indictment is not proved etc, in
addition to
the guarantees covering fair trial in full compliance
with the
provisions of our true religion and Islamic Shariah.
The
Agreement on the Struggle against Torture,
Inhumane, and
Severe Punishment, to which the Kingdom is a
member,
contains many provisions to this effect .
On the other hand, the internal regulations affirm and
detail these guarantees whether in relation to the
Basic
Governance Act or the Judicial Systems. Article (47)
of this
Act stresses equality among the citizens and residents
before
the law and that the judiciary is open equitably to all
so that

no discriminative procedures exist between the citizens and residents, no bias exists towards the citizens on account of the residents, all are equal before the law. On the other hand,

Article (46) of the mentioned Act lays down the legal foundation for the independence of law. It reads: The judiciary is an independent authority. The judges are independent in their adjudicating and are not subordinate to any power except the power of the Islamic Shariah. Additionally, there are other detailed guarantees stated in the Islamic Proceedings Act and the Punitive Procedures Act.

It is important to respect these rules and Acts enacted by the State, which constitute the controls of the judiciary. The judges should be well versed in these Acts so that they should not be rejected or considered novelty in adjudicating

between the Muslims and throwing away their rights,
in

addition to elongating the judicial procedures.

The Society has spotted some violations in regard to
fair

trial, out of which:

*Non- equality between males and females in some
instances-women are not allowed to appear in
lawcourt

unless accompanied by their respective guardians or
unmar-

riageable persons. This situation causes womens
rights in

adjudicating to be held up. Moreover women are held
suspi-

ciously in matrimony actions i.e. creating problems to
sepa-

rate from their husbands, therefore they do not get
divorced

in some instances unless after lengthy proceedings.

This may

drive a woman to concede a part of her right relating
to

alimony or dowry or child nursing in order to obtain
divorce.

Although Article (100) of the Proceedings Act gives
the right

to each party to the dispute to interrogate the other party and receive response directly during the session this is beneficial in that the mentioned parties share equal rights but the Society has noted that if a party to the dispute is a woman this right is often denied to her, even worse than that her argument may not be heard in totality whereas her male rival is fully heard. The court may pass decision ordering the wife to pay compensation despite the fact that the case is a justifiably divorce case. Nevertheless the Society has perceived progress in enabling women to enjoy their rights in the adjudicating process at some of the lawcourts, not Kingdom-wide. However the Ministry of Justice is exerting appreciable efforts in this respect.

*Non-abidance, in some instances, by the right of equali-

ty in adjudicating, such as discriminating between rivals in sessions and prohibiting either party to reply to a claim, or forcing a party to shorten his claim or threatening him with punitive action i.e. detention as disciplinary measure for non-compliance with the general ethics during the sessions. In addition to other cases of discrimination between the citizen and other in some of the legal cases relating to financial claims where a party has been forced to concede part of his right or otherwise a new date for payment would be set.

*Inequality, in some instances, between the accused in terms of punishment so that more than one punishment is brought against an accused although the perpetrated crime is one . This can be attributed to disorganization of corroborative penalties.

*Avoidance of public trials by holding secret sessions of

some presented cases. This violates the local rules as well as the commitments of the Kingdom under the International Agreements, which, as mentioned before, are considered part of the Saudi legal system.

*Discriminating, in some instances, between the witnesses testimony, which is accredited from some without verification. For instance summoning policemen, members of the Commission for the Promotion of Virtue and Prevention of Vice and others to testify to their reports or claims relating to the case in which the accused has been put under detention, violating the legal rules providing for non-acceptance of the testimony of the officials vested with the authority of control and welfare such as security men, members of the Commission for the Promotion of Virtue and Prevention of Vice and others. This deprives the accused from exercising his

right in defending himself and getting his argument heard.

In addition to the above realistic instances noted by the

Society through the complaints it has received, there are

some phenomena that need to be considered by the judic-
ia-

ry authority, such as:

- *Lengthy trial durations especially the trials of the pris-
oners.

- *The accused are often deprived from their right to have
attorneys.

- *The number of the judges is small compared with the
population and the number of cases, and are inadequately
distributed throughout the Kingdom.

- *Only a few prequalification programs and appropriate
mechanisms are available to prepare and select
judges.

- *No effort is being made to enlighten the accused on his
right to object to the verdict.

*The judge carries out administrative work in addition to his duties as a judge, which draws on the time set for trials.

*The lawcourt judges are not specialized on the different types of trials (family, criminal, labor, traffic etc. (..

*Some of the judges refuse to adjudicate some cases even if they fall within their specialization. This violates the right to sue which is provided for under the Basic Governance Act, and being undertaken by the Kingdom under its international commitments .

*Sometimes the evidence is not written down, relying on affidavits and testimony in passing on verdicts.

*Some of the semi-judicial committees, in particular the Banking Arbitration Committee, do not give heed to the principle of adjudicating based on two degrees, which represent a guarantee to the parties involved in the dispute. This is considered an odd situation as most of the other semi-judicial

committees respect this principle as well as the mentioned guarantee.

The Society hopes for the positive impacts of some of the decisions which have been taken, such as:

*The issuance of the Judicial Acts: Legal Proceedings Act, Punitive Procedures Act, The Bar Act.

*The issuance of the Royal Decree concerning restructuring of the Kingdoms judiciary system, which we hope would be swiftly executed.

*The allocation of a budget for the establishment of additional courts of law at some of the Kingdoms districts and cities, as well as increase of the number of judges.

*The establishment of a new department for receiving complaints relating to the Judiciary Authority at the Ministry of Justice.

Chapter Four*****

Political Human Rights In The Kingdom

Political Human

Rights In The Kingdom

The political rights encompass the following rights:

- 1 The right to political participation
- 2 The right to set up and join Associations
- 3 The to freedom of opinion and expression

The Legal Framework of the Political Rights

The political rights are prescribed under many International

Declarations starting from the International Declaration of

Human rights issued in 1947, which provides for the follow-

ing:

-1 Each individual has the right to participate in managing

the general affairs of his country whether directly or through freely elected representatives.

-2 Each individual has the right, on equal footing with the

others, to assume public positions in his country.

-3 The will of the people to elect the government shall be

demonstrated through just election to be conducted periodically through public confidential polling by the

voters, on equal footing, to ensure free election .

The Declaration affirms the right of everyone to the free-

dom of participation in peaceful conferences and Associations‘

whereas Article (19) states: Everyone has the right to the free-

dom of opinion and expression including belief in opinions

without harassment, as well the freedom of seeking out, receiv-

ing and disseminating news and conceptions by any means

regardless of boundaries.

In view of the importance of political rights the interna-

tional community has established in 1966 a special Declaration for these rights called the International Treaty

of Political & Civil Rights. The steps being taken by the

Kingdom to join this Treaty are significant steps as the

Kingdom is one a few countries that has not joined this

Treaty, which includes detailed decryption on political and

civil rights, and calls for the setting up of a committee to

ensure that each country commits to these rights. An annex

has been supplemented to this Treaty according to individuals

the right to forward complaints to the in the event of violation

of their political and civil rights. At the regional level,

the Arab Declaration of Human Rights, issued in 2004 and

approved by the Kingdom, includes Articles affirming the

political and civil rights, for instance Article (24) states that

each citizen has the right to the following:

- 1 The freedom of political activity.
- 2 Participation in public affairs whether directly or through representatives to be elected freely.
- 3 The right to nominate oneself as a candidate for election, or elect a representative in a free, fair manner on equal footing with others providing this ensures freedom of expression on the will of the citizen.
- 4 The right to be provided with the opportunity, on equal footing with the others, to assume public positions in his country on the basis of equitable opportunities.

-5The freedom of establishing and join Associations in collaboration with others.

-6The freedom of holding peaceful meetings as well as peaceful gatherings .

Paragraph (7) of the above-mentioned Article states: These rights shall not be restraint by any limitations other

than the limitations required under the law in a community

that respects freedom and human rights for the maintenance

of national security, general discipline, public safety, public

health, public ethics, or to protect the others rights and free-

dom. As far as the freedom of opinion is concerned, Article

(26)of the Declaration states: The freedom of belief, thought and opinion is warranted to everyone.

As far as the internal regulations are concerned, Article

(8)of the Basic Governance Act states that the rule in the

Kingdom of Saudi Arabia is based on Justice, equality, and

consultation according to Shariah (Islamic Jurisdiction) (

whereas Article (43) of this Act states: The Council of the

King and the Council of the Crown Prince are open to every

citizen, and to everybody having a complaint or grievance.

Everyone has the right to address the public authority on any

affair they are presented with.

These provisions, in addition to the terms mentioned in

the international texts, to which the Kingdom is committed

under its membership to the relevant Treaties of

Declarations, constitute the legal framework for the forego-

ing rights.

-1 The Right to Political Participation:

The Saudi Community has undergone, over the last years,

a kind of political activity in a move to consolidate partici-

pation. This move which aims to expand the political partici-

ipation by means of modern mechanisms has been

announced on more than one occasion. The most prominent indication to this is the Municipal election and the revision of some of the Articles of the Consultative Council Act in order to vest it with additional authorities. Despite the significance of the election as a preliminary step towards expanding participation, it witnessed a low turn-out due to the limited authorities accorded to the Municipal Council and the fact that the election has been restricted to a half of the seats. On the other hand, voting has been denied to women due to the non-availability of the required resources and the fact that this being the first- ever election to be held.

Nevertheless, this does not mean women are deprived of the right to vote, which is guaranteed to them under the Election Act. It is hoped that the door will be open to women to exer-

cise their voting right in the next session. It is worthwhile mentioning that the Election Act prohibits gathering of candidates and enjoins that the election campaign be run individually. However, the capability of some of the candidates to exploit modern techniques (cellular telephone and the internet) and the winning of what was so called the golden lists at some of the areas followed by protests and challenges of the failing candidates has created the question on how this prohibition can be useful and thus the importance of revising the Election Act in view of the aftermath of this first ever election.

In spite of the limited participation, the results of voting affirm the preparedness of the citizens to exercise the right to elect on the basis of civil principles shunning tribalism

which has been propagated by some. parties. This affirms the importance of expanding right to vote to include all the Councils, foremost of all is the Consultative Council, so as to impart on them the representation status. The Society hereby appreciates the cooperation it has received from the concerned government authorities in setting up the Coordination Council for the Control of Election and the fairness and independence of the election process. In order to establish political participation, steps have been taken to revise some of the Clauses of the Consultative Act to enable it to assume wider role i.e. the provision of Clause (23), which gives the right to ten members to suggest debating a particular subject if approved by the King, has been revised to allow debating a suggestion of a Council member without having to obtain the Kings approval. These

are effective revisions, but still there remains the urgent need to develop the Council organization to act as an influential participatory tool, which can only be realized by moving to the electing mechanism instead of the present mechanism of appointment, as well as granting the Council additional authorities such as debate and approval of the budget and the right to question the executive authorities.

The adoption of national debating by the State is considered a positive step and a sign of reform towards the dissemination of tolerance culture and the recognition of cultural sectarian pluralism in the Saudi community, but considering that the previous meetings concluded a set of recommendations only justifies the need to reassess the idea of national debate so as to maintain its role in the reform process.

The letters issued by the Saudi Leadership concerning encouragement of political participation have prompted scores of citizens to put forth their opinions and present scenarios on how to realize participation. A number of memorandums signed by citizens of diversified cultural and social categories have been published, but many of them have been detained and those who have been released have undertaken to abstain from reverting to such practices which is deemed by the security authorities as opposing of the State. Those who refused to sign an undertaking were held on in detention and afterwards were referred to a lawcourt where sessions had been held, most of which were inconsistent with the provisions of the Punitive Procedures Act.. Eventually, they had been pardoned under a Decree issued by the Custodian of the

Two Holy Mosques directly following His Majesty's accession of the throne. This gave out a positive sign on the priority of political reform.

-2The Right to Form & Join Societies:

The Kingdom houses a number of Commissions and Vocational Associations through which the professionals organize their affairs and trade interests. The right to set up and join Associations is surrounded by a lot of vague procedures and complications as well as hindrances to serious attempts at achieving this objective. This led many parties to give up such attempts and thus only a few, fragile Civil Organizations are being established voluntarily. The Acts and Laws under the international and regional agreements, which enjoin this right, are the impetus to the required interaction and activity within the civil society.

There are 358 Charity Associations, and 34 Philanthropic

Organizations in the Kingdom, most of which lack the civil identity whether in terms of structure or method of establishment or field of their respective activities. The National Association of Human Rights and the Journalists Commission- in spite of the doubts, which shrouded their establishment, on whether they qualify to assume the status of civil organization- represent the first step in the formation of civil organizations. However, the first prerequisite to establishing civil organizations in such a way that reflects the cultural and social transformation achieved by the Saudi civil community, lies in setting up civil organizations expressive of the intellectual and cultural diversity being experienced by the Saudi community, provided that participation in public affairs shall seek to create systems and statutes that

impart legality to the establishment of organizations as well as protection of the right to participate in and join these organizations.

In addition to the above mentioned Organizations there are 153 Cooperative Associations operating in different fields, but most of them are considered multi-purpose Organizations. The Organization which employs more than a hundred laborers is allowed to set up a workerscommittee through election so as to look after the workersaffairs within the Organization.

-3The Right of Opinion and Expression
The right to the freedom of opinion and expression (of that opinion) takes particular significance among the other civil and political rights because its absence or limitation subjects the other rights to violation, for instance, if one doesnt express ones opinion on public issues, the

Government Agencies will not be able to conduct their public duties efficiently under the Act. It is presumed that this

right is guaranteed to all people of the Kingdom without dis-

tinction, in particular Article (39) of the Basic Governance

Act states: The media and publication agencies and all

other means of expression undertake to adhere to the goodness of word,

the States regulations, and to contribute to

educating the nation and supporting its unity, abstaining

from anything that may provoke disorder or disparity, or

harm the national security or the nations public relations, or

violates human dignity or human rights. The relevant regulations outline the details thereof.... On the other hand,

Article (8) of the Publication & Printing Act states: The

freedom of expression is guaranteed, within the scope of the

of the

legal and statutory provisions, to all means of Publication .

Moreover, Article (9) of this Act sets down eight controls‘

but paragraph (8) states: The media undertake to abide by

objective, constructive criticism based on credible facts and

observation aiming to benefit the public. It is feared that

this provision may grant the concerned authorities a wide

margin to interfere in media, which may stir individual intel-

lectual struggle and personal fancies. In spite of this, the

Saudi media has witnessed a degree of openness evidential

from the improvement of the newspapers coverage of pub-

lic affairs whether in terms of transparency or tackling issue

which have been banned, for instance, family violence‘

bribery, the conduct of some of the government authorities

characterized by negligence or violation of the citizens and

residents rights. Article (40) of the Basic Governance Act

affirms that all correspondence, intelligence, and communi-

cation means are maintained and banned from being confis-

cated, delayed, read out, or listened to unless otherwise

required under the rules. On the other hand, the reader of the

Saudi newspapers can perceive the transparency in quality of

the issues and opinions published therein. However the vari-

ance in the level of transparency among the local newspa-

pers affirms a prevalent belief that the improvement in free-

dom of expression may be credited partially to the Editorial

Presidency. This drives us to call upon the editor-in-chiefs to

offer opportunities to exercise this freedom of expression of

opinion to the extent permissible under the Islamic Shariah.

The Society encourages maintenance of the perceived

transparency, and hopes that no attempts would be made to impose limitations on the media personnel, or to bar them from editing in the event that negligence or transgression is revealed through their journalistic investigations. If such bar have occurred, the freedom of journalists and their role in disclosing transgressions will have been violated under Article (24) of the Publication & Printing Act, which states:
The local newspapers are not subject to local control unless under exceptional cases decreed by the Prime Minister. The attempts at imposing limitations on the freedom of journalistic business have made the internet a replacement tool whether for obtaining information or for communication and expression of opinions. Scores of sites on the internet are being visited by people of local opinion although some of

these sites have been blocked in line with the restrictive policy, without apparent justifications. Some people have been subjected to detention by reason of communicating with the media, as well as commenting on the public affairs in the Kingdom. The Society has received complaints about the detainees being held beyond the term prescribed under the Punitive Procedures Act. However, it is well known that the right to freedom of expressing ones opinion, which is the foremost of the human rights, is guaranteed under the International and Regional Declarations approved by the Kingdom. It is worthwhile to mention that the Society has been established under the approval of the Custodian of the Two Mosques, and has published a number of brief, selected essays about terrorist acts and how to address them, but this

has distorted the Societys image. The Society has also sent a news report to the News Agency about the damage and losses sustained by some areas of the Kingdom as a result of the sweeping floods. The report pointed to the negligence of some of the government departments, which caused aggravation of the damage, and demanded that these departments be held responsible towards the citizens. It was surprising that all newspapers abstained from publishing this report.

But, the Society has concurrently put forth a statement published by the newspapers, in which it expresses its resentment against the decision of the president of the supreme court preventing the Societys representatives from attending the verdict session on the opinion prisoners case; an explicit violation of Article (182) of the Punitive Procedures

Act which states: The verdict shall be pronounced in an open session even if the proceedings have been conducted in closed sessions.

Chapter Five*****

Social & Cultural Human Rights in the Kingdom
Social & Cultural Human Rights in the Kingdom

The social and cultural rights cover a wide range of human rights that often do not receive enough concern on

the part of Human Rights Organizations. These rights include: the right to security and employment under fair, sat-

isfactory conditions in a safe, healthy environment, the right

to equality in promotion opportunities, the right to a paid

vacation and fair wages, and the to set up and join unions‘

the right to boycotting, the right of the family to protection

and support, the right to social insurance and adequate level

of living, the right to emancipation from hunger, the right to

physical and cognitive health, the right to education and orientation, the right to participating in cultural activities, and the right to a safe environment. Some of the most significant rights are discussed hereunder:

-1 The Right of Security

This right comes on top of all social rights due to its significance in that its absence bars a human being from leading

an upright life. The Holy Prophetic tradition mentions

that he who stays safely overnight in his shelter in good

physical health, with his days ration secured, looks as if the

whole world is in his possession. This saying of the Prophet

(pbh) enumerates the basic social rights of a human being,

foremost of which is security including security of the

soul, money, honor, cognition, and religion. These are the

five necessities sponsored and cared for by the Islamic reli-

gion.

This right has received considerable concern under the

International Agreements, for instance, Article (3) of the

International Declaration of Human Rights states: Each

individual has a right to living, freedom, and security on his

person. This is also prescribed under Paragraph (b) of

Article (5) of the Treaty on the Struggle against Torture⁶

Severe Penalties or Inhumane Treatment: A human being

has a right to safety of his person, and to be protected by the

State against any violence or physical harm whether origi-

nating from government employees or from any individual⁶

group of individuals or organization. At the local level⁶

Article (36) of the Basic Governance Act states: The State

provides security to all citizens and residents of its territory .

Maintaining this right is foremost of the duties of the

State and its agencies whether in relation to protection from external aggression or internal transgression. It is incumbent upon the State to conduct this duty without violating any of the other human rights. Over the last years, the rate of perpetration of crimes have grown, diversified, and even more than that felonies strange to the Saudi community have emerged, some of which are organized naively. In the of this development it seems that the responsive of the police departments is lax, some of the reports are neglected or lack follow up or investigations on them remain suspended unless pursued by the complainant. This could be attributed to the inadequate police workforce at the police stations Unemployment among the youth is a reason why the crimes are on the increase. The growing rate of perpetration of theft and ethical crimes is reaching alarming proportions.

The scarcity of Sports or Recreation Clubs where these youth can discharge their excess energy is another factor that leads to deviant conduct among the juvenile and young.

In addition to the above, absence of traffic control is responsible for loss of thousands of lives of citizens and residents every year, especially the young. This puts the Kingdom at the top of the world countries with the highest rate of deadly traffic accidents.

On the other hand, the Society has noted the obvious absence of the authorities responsible for controlling and following up the security forces and calling them to account for violations incurred by them, or to compensate those whose right have been violated notwithstanding the provision of the punitive Procedures Act in this respect. Accordingly, the State has recently increased the number of the public positions, part of which are assigned for the security depart-

ments, especially security officers and policemen. The concerned security departments have also organized training courses for their security members in various security fields including sending them abroad on scholarships to gain expertise.

-2The Right of Education

Education is a significant issue that affects the national security of any country. It is considered an investment for the future. Therefore, the efficiency, quality, and size of financial support earmarked for education are indications to the extent of advancement of any country, which also naturally reflects on the economic, social and cultural progress of the community.

Islam encourages education and learning, whereas the Holy Quran is rife in verses calling for education, to cite

one: And say, may Allah bestow upon me more knowledge.

On the other hand, the Prophet (pbh) pioneered the drive to exterminate illiteracy when he had associated the release of Badr Battle captives with the condition that each of them should teach ten of the Muslims how to write and read. Recently, education has taken up a considerable share in the formulation of International Agreements & Treaties, for instance, Article (26) of the International Declaration of Human Rights states: Everyone has a right to education which should be imparted free of charge over preliminary and basic stages at the minimum. And, whereas the basic education should be compulsory, the technical and vocational education should be made available to the public. On the other hand, high education should be available to all eligible candidates. Article (13) of the International Treaty on

Economic, Social and Cultural Rights sets forth the following:

-1The states which are members to this Treaty recognize the right of everyone to education and orientation, and are unanimously agreeable that education and orientation shall be directed towards comprehensive development of the human character, the feeling of that characters dignity, and consolidation of respect of human rights and basic freedoms.

The Member States agree that education and orientation shall be targeted toward enabling each individual to contribute beneficially to the establishment of a free society, and to strengthen the ties of understanding, tolerance and friendship across the world among all races, ethnic or religious categories, and to support UN activities aiming to maintain peace.

-2The Member States acknowledge that to fully guarantee exercising this right, the following requirements should be fulfilled:

a- Making the preliminary education compulsory and free of charge.

b- Disseminating all forms of secondary education, including vocational/technical secondary education, making it available to all by all appropriate means.

c- Making high education available to all, on equal footing, and by all appropriate means.

d- Encouraging or intensifying basic education to the extent possible for those who had not received or completed basic education

e- Working altruistically towards establishing a labyrinth of schools of all levels, and continuing the efforts to improve the financial status of teachers.

-3The Member States undertake to respect the freedom of fathers or guardian, if any, in choosing non-government schools for their sons, provided that the chosen schools shall abide by the minimum standards of education set forth by

the State, and to educate those sons religiously and ethically

as per their own convictions.

On the other hand Article (14) of the International Treaty

on Economic, Social and Cultural Rights states: Each State

who is a member, or would-be member, to this Treaty that

has been able to sponsor free compulsory basic education in

its State or other regions under its sovereignty shall, within

two years time, draw up and approve a detailed working plan

for actual, gradual execution of the principle of compulsory

free education for all during a few years to be determined in

the mentioned plan.

Moreover, Article (34) of the International Declaration of

Human Rights states: Literacy is a binding duty, and edu-

cation is a right to every citizen, provided that basic educa-

tion at the minimum should be compulsory and free of

charge. Secondary and high education should be made

accessible available to all.

Also, Article (28) of the Declaration of the Childs Rights

states: All Member States recognize the right of the child to

education, and in order to establish this right gradually on

the basis of equal opportunities, shall conduct the follow-

ing:

a- Making basic education compulsory, free of charge

and available to all.

b- Encouraging all forms of secondary education whether general or vocational, and making them available for all children, taking appropriate steps, such as introducing free education, extending financial support when needed.

c- Making high education available for all eligible persons, by all means.

d- Making information, orientation and vocational principles available and at hand for all children.

e- Drawing up measures to encourage regular attendance

and cut on drop out. The Member States shall take all appropriate measures to ensure that management of schools is consistent with the human dignity of the child, and with Agreement.

-4The Member States to this Agreement shall encourage and consolidate international cooperation in education affairs, and particularly contribute to exterminating ignorance and illiteracy across the world, in addition to facilitating access to knowledge, technology, modern educational means, taking into consideration the requirements of the developing countries in this respect.

On the other hand, Article (30) of the Kingdoms Basic

Governance Act affirms the right to education by stating:

The State provides general education .. and commits to fight

illiteracy. Also Article (13) of this Act states: Education

aims to ingress Islamic faith into the young and impart them

with the knowledge and skills and prepare them to become useful members in the building of their society, loving to the nation, and proud of its history. Whereas Article (29) of this Act stresses the States role in sponsoring science, literature and culture, and encouraging scientific research. The Kingdoms education policy (under Article 10) makes it incumbent upon everyone to seek education as enjoined by the dictates of Islam. On the other hand, it is incumbent upon the State, within the limits of its resources and capability, to spread and facilitate education at the various stages . The accomplishments which have been achieved in the Kingdoms education sector are quite satisfactory in terms of the right to education. Here are some of these accomplishments:

*Establishing free education for all in the Kingdom
COV-

ering all stages (preliminary or basic through to high education.)

*Continued efforts to cut down on the rate of illiteracy in the Kingdom.

*Spending profusely on education. This is evidential from the allocations and appropriations under the States budget for education.

*Provision of school transportation especially in areas where means are not available, in addition to subsidizing those who reside far off schools.

*The Kingdom allows foreign communities to open schools for their sons to study according to the curriculum adopted in their respective countries .

*The Kingdoms current valid rules allow prisoners, and social houses dwellers to continue their education .

*The remarkable expansion in the establishment of Universities and High Education Institutions throughout the Kingdom during the last year.

No doubting the fulfillment of the right to education as a

human right is of paramount importance. The more plans and achievements are realized by the concerned authorities the more this field remains in need of efforts. The following points have been noted by the Society:

*Schools at some areas are overcrowded due to insufficient schoolrooms to accommodate the increasing number of students.

*A great deal of schools are still being run under lease and lack the standards and conditions conducive to conducting education and orientation as required.

*The claim that some of the teachers are being turned into administrative jobs: The Society has received complaints in this respect, especially from Shiite teachers, but it has recently learned that the concerned authorities at the Ministry of Education have issued instructions deterring this

practice unless otherwise required under the regulations.

*The carelessness in attending to the health of the children at the preliminary education stage by providing appropriate nourishment .

*The lax attitude of the concerned education authorities to pursue the families that abstain from admitting their children to school, in addition to the insistence on producing the identification documents as a prerequisite to admitting children to school.

*The low level of human rights culture in the curriculum of all stages, which results in the students of both sexes being hardly aware of these rights.

*Some of the teachers and educationists are not versed in human rights culture .

*Non-availability of clear-cut criteria to protect the teachers and preserve their rights whether in relation to their

relationship with the educational administrative authorities,

or with the students. This is noted as aggression instances

against them and their property is on the increase.

*Non-availability of clear-cut criteria to protect the students

from harm being inflicted by their teachers.

*Some of the school buildings in different areas are not

properly maintained for lack of shortage of funds appropriated

for maintenance. Even so, this situation has improved

lately.

*No specific controls are available regarding the situation

where female teachers employed at schools located far

off their family lodging suffer the risk of traffic accidents

which actually resulted, in some instances, in the loss of

lives of some of them. The Society has received, at the

beginning of its activity, some complaints concerning non-

abundance by the criteria for the transfer of male and female teachers.

*Some of the prisoners, asylum houses inmates, and boarders of social care sanctuaries at some of the Kingdoms areas are unable to continue their education.

*Inflicting disciplinary punishment on some of the students including holding them up from study for specified periods notwithstanding the negative aspects thereof.

-3The Right to Health Care
Public health and the health of the citizens are issues that governments should care for. Health is a wealth that should be preserved as the human being is the target for all the programs and development plans drawn up by those governments. To live, is the first of requisites of a human being. As health is fundamental to living, the Islamic Shariah stresses this right in the honorable Prophetic saying: No ailment has

been descended by God without the cure thereof. The knowl-
edge or ignorance thereof is ordained by Him. The Prophet

(pbh) also says: He who treats people, but not known to be

a physician, and happens to hurt a soul is answerable. The International Treaties and Declarations have paid special concern to the right of health care. Article (12) of the

International Treaty on the Economic, Social & Cultural

Rights states the following:

-1 The States who are members to this Treaty acknowledge

the right of each human being to enjoy the maximum standard

of physical and cognitive health that can be achieved.

-2 The measures undertaken by the Member States under

this Treaty aim to fulfill the following objectives:

a- Cutting down on the death rate of new-born and suck-

ling, and ensuring a healthy growth of children

b- Improving all aspects relating to hygienic environment including industrial environment.

c- Prevention of contagious, indigenous, vocational, and

other diseases, as well as the provision of relevant cures and control means.

d- Establishing an environment in which medical treat-

ment and services can be provided to all people in need thereof.

Article (39) of the Arab Declaration of Human Rights states:

-1 The Member States acknowledge the right of each individual in the community to enjoy the maximum level of

physical and cognitive health, and to obtain basic health care

free of charge without any kind of discrimination.

-2 The measures undertaken by the Member States include the following:

a- Developing basic health care and ensuring free of charge, easy access to the Centers providing these services regardless of the geographical location or economic status.

b- Disseminating health culture and awareness among the people.

c- Combating harmful traditional habits.

d- Providing basic food and potable water to everyone.

e- Controlling pollution and establishing sewage drainage systems.

f- Controlling drug abuse, mental stimulants, smoking, and harmful materials.

On the other hand, the Basic Governance Act affirms the

right to health care prescribed under Article (31) which

states: The State shall pay concern to public health .. and

shall secure health care for every citizen and his family

against diseases, disability, and senility. In order to attend to

this right and to lay down relevant controls and punitive

measures against infringements thereof, the Act on the

Practicing of Human Medicine & Dentistry Professions has

been issued, but recently revised to Health Professions Practicing Act, which specifies and regulates the duties of

physicians as well as all those involved in health profes-

sions.

The World Health Organization has laid down nine basic

integrated elements relating to health care, they are:
health

care should be open to everyone, available,
acceptable, fair,

cost effective, of quality, and coordinated in terms of
med-

ical disciplines.

Many Governmental Institutions in the Kingdom
share

out the responsibility of rendering health service to
the citi-

zens through the Hospitals and Health Centers which
are run

by various Ministries and Departments such as the
Ministry

of Health, the Ministry of Defense, the National
Guard, The

Ministry of Interior, the Universities, in addition to
those run

by the Private Sector.

The move taken by the Ministry of Health recently to
cover all areas of the Kingdom with medical services

is a

positive step towards alleviating the impact of the
concen-

tration of medical service in major urban areas. On
the other

hand, the accomplishments in the field of health care give an indication to extent of development realized in this field.

Here are some of these accomplishments:

*The number of private and public Hospitals and Health Centers has increased.

*The recent expansion in medial education represented in the establishment of Universities, Colleges, and special-ized Health Institutes.

*The move to establish a number of Hospitals at some of the Kingdoms areas with the aim of providing health care to psycho-patients and the aged.

*The issuance of the Compulsory Health Insurance Act now being executed in favor of the residents, and later on shall cover the citizens employed in the Private sector.

The realization of Health Care is a significant indication of fulfilling a human right and, the more the conditions

under the International Treaties and Declarations are being honored, the more the State pays more or less care. Here are some of the shortcomings which should be considered in order to meet the conditions of health care in its broad conception:

- *The number of the existing Hospitals is inadequate compared with the population.

- *The services provided by some of the Government Hospitals and Health Centers are inadequate. On the other hand, some of the health services provided by some private Hospitals and Medical Centers are based on commercial principles.

- *Patients have to wait for months in order to get an appointment at some hospitals, for example in Riyadh city.

This obliges the patients to arrive in hospital before the break of dawn to get booked to see the doctor.

- *The Specialists Hospitals are not distributed fairly across the Kingdom.

- *Some of the staff members do not pay heed to the

respect that should be given to the privacy of the patients.

*Most Medical Centers do not have permanent special-ists in important disciplines.

*The poor condition of some of the buildings and medical equipment and appliances at some of the remote areas.

*Some of the Health Centers suffer shortages of medicines.

*The number of the Centers for the disabled is inadequate.

*Poor monitoring of some of the private Clinics where some of the staff are disqualified.

*The medical errors at some Hospitals and Clinics are on the increase without being accounted for. The Society has observed some instances and has received complaints from persons in which they describe instances of medical errors, some of which had been fatal or disabling, that had befallen

them or their relatives. Even some of these instances have engaged the attention of the public.

*In the cases where medical errors have been evidenced, the victims or their relatives have been poorly compensated by the concerned Medical Commissions.

*The medical errors being sued involve lengthy procedures and take a long time in proceedings and hearing.

*Emergency Sections receive little attention. Many cases have noted to be treated improperly. Also, procrastination in emergency operations has been noted.

*Poor monitoring over private Pharmacies: which may encourage sale of expired medicines or marketing of unlicensed cosmetics.

*The role of medical inspection is inactivated.

*Little efforts are being made to enlighten the patients on their rights, or the physicians on the ethics of the profession.

*Slow response is being noted in the event of an out-

break of a contiguous disease. Also, specialist laboratories are unavailable in most of the areas.

*Only poor services are being offered at the Health Centers affiliated to prisons.

*Geographical discrimination is being noted with regards to the medical and preventive services being offered at the rural and urban areas.

*The impossibility of performing major surgical operations at the large Hospitals located at some areas, because of non-availability of qualified medical staff.

*Arise in the prices of medicine has been noted lately.

The Society calls on the Ministry of Health and the Health Cooperative Insurance Council to look into the prob-

lems thwarting the rights of the citizens and residents in

health and distinguished services without exaggeration or

exploitation. There is a dire need to activate the organiza-

tional and supervisory role to monitor the health service

providers in the Kingdom.

-4The Right of work:

The right to employment is particularly engaging the Kingdoms attention in view of the high percentage of unem-

ployment among the youth. The right to employment is con-

ferred upon the citizen to earn a living without which he can

not live naturally.

The Islamic Shariah takes the view that a working indi-

vidual is better than the one who spend all his time worship-

ping, because a working individual protects himself from

begging. The Prophet (pbh) recommends that the wage earn-

er should have his wage for the work he has done before his

sweat dries up.

This right is also prescribed in the International Agreements on Human Rights such as Article (23) of the

International Declaration on Human Rights which states:

Everyone has a right to employment, a right to freedom in

choosing their employment, a right to a fair, satisfactory employment terms, and a right to be protected from unemployment without discrimination, in addition to a right to earn a wage proportional to the work done On the other hand

Article (24) of this Act states: Each individual has a right to a rest in the free time, in specified working hours, and in a periodical paid vacation On these lines Article (32) of the Arab

Declaration of Human Rights states: The State guarantees equal opportunities for employment, fair wage, and equal wages for the work equivalent in value. On the other hand,

Articles 6 & 7 of the international Treaty on Economic, Social, and Cultural Human Rights outline details on this right.

Article (28) of the Basic Governance Act states: The State shall facilitate employment for each physically indi-

vidual, and shall enact the statutes that protect both the

worker and employer

In addition to the Civil Service Act, the new private sec-

tor Labor Act has been issued under the Royal Decree No.

M/51 dated 23/8/1426H which touches on the lines of the

previous Act with modifications and additions in the interest

of the laborer. On the other hand, the Social Insurance Rules

and the Retirement Regulations guarantee the rights relating

to pension and compensation.

Here are some of the new modifications of the new Labor Act:

- *Raising the percentage of compulsory employment of

the disabled from 2% 4% of the total number of a Company or Establishment employees.

- *The non-Saudi employment contract should be manda-

tory in writing with a specified term.

- *Raising of the laborers annual vacation from 15 days

to 21 days, and to 30 days if the laborer spends 5
contin-
ued years in service of the employer.
Unemployment, especially among graduates, has
become
an issue of public concern and a source of worrying
to fam-
ilies. The reports point to the rising percentage of unem-
ployment of the physically able manpower (officially esti-
mated at 9% of male population, and far more among
of pop-
ulation), especially among female graduates for
whom
opportunities of employment are far less. In order to
protect
the unemployed and to preserve their right to a
minimum
decent living, the Society suggests the adoption of a
program
based on providing monthly subsidy to the job
seekers with-
out discrimination ensuring that such a subsidy be
main-
tained until the unemployed is offered an opportunity
of

employment that guarantees an income for him. This should be subject to firm non-exploitable controls. In spite of the efforts of the Ministry of Labor and the complexity of the issues it handles, there is still a need to adopt a serious strategy to solve unemployment problem, which should be based on tackling the aspect of rehabilitation and the obstacles of the labor market, in addition to taking other relevant procedures and measures, such as:

- *Paying special concern to supporting women employment in fields that suit their nature, and in compliance with the ordains of Islamic Shariah.

- *Looking into the possibility of finding means to resolve the problem of the Saudi worker if a dispute arises between himself and the employer, including the condition that the employer allows the worker to continue working until the

dispute is settled by the concerned judiciary party

*Enabling young candidates to be employed in jobs consistent with their respective educational qualifications. This requires that coordination be conducted between the educational institutions, Ministry of Labor, and the Civil Defense.

*Solving the problem of discrimination in the right to employment at Government Institutions where some individuals are only accepted to assume certain jobs, which is considered a breach to their right to be employed on equal footing with the others.

*The Companies and Establishments should commit to a specified minimum wages to avoid exploitation of the individuals need for employment by violating his human rights prescribed under the International Agreements.

*Future plans concerning some of the public desirable

jobs should be drawn up to avoid over-manning of these jobs, which is a form of unemployment, whereas some other public-sector stand in need to be staffed with adequate manpower.

*Attempts should be made to handle the hastiness in laying down the condition of Saudization in some work areas, especially the vocational one without having qualified the Saudi youth on these vocations or crafts, in addition to disallowing failure or procrastination in applying the Saudization program in some possible, appropriate areas, without there being a justification thereof.

-5The Right to Decent Life

In order to lead a decent life the minimum of basic materialistic requirements of living must be made available to enable one to secure ones lodgings and livelihood. If thi

right is associated with the right to employment and the availability of a minimum limit of wages as a matter of exigency to provide for the above-mentioned requirements, the problem shall remain unresolved in regard to those who are unable to seek out employment, for whom the Islami Shariah provides the basic requirements of living through the Zakat Fund or through the MuslimsFund House, thus making all Muslims responsible for sponsoring them. On the other hand, Paragraph (1) of Article (25) of the International Declaration of Human Rights states: Everyone has a right to a standard of living adequate for the preservation of health and welfare for them and their families, including nourishment, clothing, housing, medical care, and social services. Moreover they have a right to have their livelihood secure.

in the event of unemployment, illness, disability, widow

hood, senility and other forms of loss of ones ability to secure ones livelihood as a result of circumstances outside

ones control. Also, Article (38) of the Arab Declaration of

Human Rights states: Everyone, and their families, have

right to a standard of living adequate for providing welfare

and decent living, including nourishment, clothing, housing

and services, in addition to the right to a healthy environment.

The Member States should take the necessary steps to

meet these rights according to their respective capabilities.

Article (27) of the Basic Governance Act states: The state sponsors the citizens right and his family in the event

of emergency, illness, disability, and senility, as well as supports

social insurance and encourages Establishments and

individuals to contribute to charity activities.

Whereas

Article (20) of this Act forbids imposing taxes and fees

unless required but on grounds of fairness.

Among other essential requirements which need be pro-

vided to the citizens to lead a decent life are housing, control-

ling unemployment, determining the line of poverty, increas-

ing subsidy for those who are below the line of poverty.

On the other hand, a great many Saudi citizens do not have houses of their own and face difficulties in owning

them in the near future. This situation need to be considered

with concern and care so that adequate funds are assigned

for this issue. Meanwhile the program for granting plots of

lands to the those entitled should continue and these plots

provided with the necessary services for construction pur-

poses, as well as expanding the process of granting real

estate loans, which are being offered by the Kingdom with-

out interests, so as to realize this objective. The Society appreciates the initiative of the Custodian of the Two Mosques in supporting the Real Estate Development Fund with huge amounts to contribute to bringing down the waiting lists and to facilitate grant of interest-free loans to the citizens to enable them to construct their own houses. The initiative of the Custodian of the Two Holy Mosques is also extended to the so-called Development Centers at the outlying and remote areas in order to provide low-income citizens with housing free of charge, as well as to the establishment of the National Fund for Controlling Poverty. Moreover, the Society thanks the Custodian of the Two Holy Mosques for his directive concerning the establishment of public housing at some of the Kingdoms areas standing in need thereof. In spite of the efforts being exerted by the government to

raise the standard of living, represented in the increase of the social security allowances, the rise in the pay of the public sector manpower by 15%, the establishment of the National Fund for Controlling Poverty, the encouragement to establish development centers and free of charge housing to be granted to the poor, support of the charity housing, still the need stands for the formulation of a distinct long-term strategy to uplift the standard of living for a considerable portion of the citizens, and to lay down effective mechanism to hold down unemployment notwithstanding the endeavors being conducted by the Ministry of Labor in this respect, which often face obstacles.

The deterioration of the living standards of some of the Saudi families and the spread of the beggary phenomenon

and what is so-called the traffic signals children (peddlers of petty items to help out their families) as well as the news stories published in the local papers about families petitioning help. All these are painful phenomena unworthy of the wealthy Saudi society (some of the local papers have published recently that a great deal of citizens in some areas of the Kingdom reside in tin houses because of their dire poverty).

The Society appreciates the efforts being exerted by the Ministry of Social Affairs lately to reach the poor and needy who have not been registered at the Social Security Offices, as well as the endeavors of the Ministry to facilitate delivery of the aids to the targeted poor such as women without guardians, orphans, and disabled men.

The Society calls upon the concerned parties to augment

the support offered to the Social Security so that the Ministry could be able to accommodate a maximum number of the eligible and the needy. However, we must not satisfy ourselves by only distributing aids, but must work towards resolving the problems creating poverty and attempt to control beggary, admit the disabled citizens to the Social Care

Houses to benefit from its services, establish a Social Guidance Unit and Development and Social Services Centers, and care for the aged through the mentioned Social Houses.

Moreover, the Subsidies Department and the General Administration for the Welfare of the Orphans are conducting great charitable activities in conjunction with the citizens and Charity Associations, but they lack organization and coordination on the one hand, and the beneficiaries' ignorance about their rights thereto on the other hand. The Ministry of

Social Affairs bears the responsibility of disseminating all that relates to these rights as well as regulating them through a governmental Organization or Commission who should be responsible for solving this problem.

-6The Right to Healthy Environment
Environment has become a significant issue on account of the direct impact it has on the life of a human being. No doubting that the concern about environment is growing in view of the growth being witnessed by the various developmental sectors in the Kingdom of Saudi Arabia. The Kingdom has witnessed an unprecedented development in all fields. This calls for the discussion to be focused on this issue as a human right that should be maintained and attended to.

Stockholms 1972 Declaration recognizes the environmental elements as basic to human life. On the other hand,

The Decision issued by the United Nations on 1990 affirms everyone's right to an environment conducive to their health.

Moreover, Article (32) of the Basic Governance Act provides that the State shall work towards protecting, developing,

and maintaining the environment, as well as controlling pollution. For these purposes, the Kingdom has enacted comprehensive regulations for the protection of the environment,

namely The General Regulations of the Environment vide the Royal Decree No. M/34 dated 28/7/422H. Under these regulations a special department has been set up to look after and protect the environment. Concurrently, these regulations commit the public sector, the companies, the Establishments,

and individuals to abide by the following:

-1 Preserve, protect, and develop the environment, and prevent pollution thereof.

-2Protect the public health from the risks of activities and acts harmful to the environment.

-3Preserve, develop, rationalize the use of natural resources.

-4Making environmental planning an integral part of the comprehensive development planning of all industrial, agricultural, architectural areas and other.

-5Upgrading awareness on the environmental issues, and establishing the spirit of individual and collective responsibility in order to preserve and improve environment, and to encourage voluntary national effort in this respect .

In reality, many positive results have been achieved, thanks to the efforts being exerted by various concerned parties such as the Presidency of Meteorology & Environment,

the National Commission for Wildlife Conservation etc. The

most tangible of these efforts is the organization of hunting in

accordance with specified timings so as to protect rare

species from extinction. On the other hand, His Majesty's approval has been awarded recently on the establishment of the Saudi Association of Environment, which will polarize under its auspices all the environmental Associations in the Kingdom. However, the Board of Directors of the Saudi Association of Environment, which is supposed to look after the environmental affairs in the Kingdom, shall be elected soon.

Notwithstanding the above, the Society has received complaints some of which are stated hereunder :

-1 Some of the areas suffer from the problem of infiltration of sewage and the proximity of the same to populous areas.

-2 Some people have raised objection to establishing poultry projects near their villages.

-3 Crushers and Cement Factories have been erected in proximity to populous areas.

In addition to the above the following activities detrimental to environment have been noted:

*Cutting off trees for firewood, sale of coal, wrongful grazing, architectural expansion, and pollution.

*The spread of the phenomenon of setting up telephone towers in close proximity to residential areas, even some are installed on the top of buildings.

*The society's lack of awareness on the dangers of pollution and the need to intensify enlightenment programs, especially at schools and Universities.

Chapter Six*****

Rights of certain Social Categories in the Kingdom..

Rights of certain Social Categories in the Kingdom.

The categories that need special care in the Kingdom from the points of view of Human Rights are: The woman,

the child, the prisoners, foreign Labor, the non-nationalized,

and foreigners without regular residence permits.

This chapter sheds light on their conditions as greater

efforts should be made towards them in particular .

-1 Woman Rights:

The woman has rights that are preserved by the Religion

and taken care of by the law. Despite the fact that there are

natural differences between man and woman, Islam has been

very fair and equitable and established equality between

them with regards to the human value. The worship rituals

and the rewards of the woman are equal to those of man and

that is clear in the different portions of the Holy Quran i.e.

)And their Lord hath accepted of them and answered them:

Never will I suffer to be lost the work of any of you, Be

male or female: Ye are members, one of another(‘

Ali- Imran: 195

If any do deeds of righteousness * Be they male o female * And have faith, They will enter Heaven,

And no

the least injustice will be done to them.

1 Nisa: 124 .

Islam has given the women the right to property ownership, right of entering contracts, to buy and sell and to inherit. Islam has further preserved the woman independent personality and the right of keeping her line of decedency and not to lose it by marriage.

The percentage of women education in the Kingdom of

Saudi Arabia is high in the different stages of education

whether primary, intermediate, secondary, university or

adult education. The women are working in the Schools

education colleges, girls sections in the universities and they

are also working in the medical centers and in the Hospitals

The Society is appreciating the efforts made in women

adult education and in the other fields of education that led

to the graduation of thousands of women who are holding

higher certificates and university degrees in a relatively short period.

The woman has started to occupy higher professions in

the education sector, and in the health and social affairs sec

tions in addition to her successful elections to the commer

cial chambers as the percentage of women registered in

those chambers is very high. Women have also been nomi-

nated to the leaderships of several independent societies and

of other private and government institutions and she also

participated in foreign delegations. The Society is of the

opinion that Higher Organizations and councils should be

established for the women affairs and their reference should

be the council of Ministers directly .

At present, some initiative have started to appear calling

for the increase of women participation in the public affairs

such as the promise of enabling her to take part in the next municipal elections, nomination and elections of the civil organizations and assuming the higher jobs that suit their natures.

The Kingdom joining of combating all kinds of discrimination agents the woman agreement in the year 2000G is considered a positive step in that direction, despite the reservations of the Kingdom on any matter that contradicts the Islamic Shariah and the reservations with regards to para (2) of article (9) and para (1) of article (29) of the agreement.

The civil service law and the labor law have made equality between man and woman in the salaries and other financial benefits. Those laws gave the woman long leaves that may extend to six months in some occasions such as pregnancy, delivery and child breast feeding.

The laws ban employing women in hard works that are not compatible with her natural formation in accordance to what is ordained in the Holy Quran And no wise is the male like female.

)Al Imran-36.(

Recently, a number of resolutions were passed in relation to women work. Of these resolutions is that of the council of

Ministers under No. (120) on 12.4.1425H, pertaining increasing chances of women work in the Kingdom.

Another

resolution is that passed by the Council of Ministers under

No. (187) dated 17.7.1426H., dealing with women licenses

and the Ministerial Resolutions limiting some works to

women only and that resolution came under No. 793/1 on

22.5.1426 H. the Council of Ministers also passed another

resolution bearing the number (63) dated 11.3.1424H, com-

prising legal procedures related to women work in both the public and private Sectors.

Those resolutions are indications for the efforts to expand

the participation of Woman in the path of development and

they are a recognized steps in the way of correcting the

woman situation, but there are still some needed actions to

put into reality the contents of those resolutions within the

concept of the Islamic Shariah

What shall strengthen those efforts, is the formulation of

a national code for the woman rights in accordance with the

provisions of the Islamic Shariah, the terms of the interna-

tional accords that were joined by the Kingdom and in com-

patibility with the local laws and that code shall be available

before the courts and other related authorities .

However, time and then, some attitudes appear and diminish the rights of woman. Some of these are-:

*In some cases a rational woman is forbidden from taking actions in person, but through a guardian or an attorney.

That shall render her harm, result in degrading her personality and her legal competence even if she wants to file a claim in front of courts.

*There is condition that the Woman whatever her age and education may be, she cannot get an I.D. Card or a passport without the consent of her guardian. Despite the recent directives passed by the competent authorities in that respect, the presence of her guardian is still necessary if not for his approval, then it is for identifying her before the official or even before the judge.

*There is a discrimination in the Saudi nationality law between man and woman. The man can, automatically pass his nationality to his sons from his foreign wife uncondi-

tionally, and the woman does not have a similar right.
The

law gives the man the right to pass his nationality to
his for-

foreign wife with some conditions, but the woman lacks
such a

right.

With regard to the woman sons from a foreign
husband,

the law gives them the right to apply for the Saudi
national-

ity when they reach the age of eighteen. The law also
gives

the woman the right to pass her nationality to her
sons if the

father is not known or has no nationality.

There are some problem in relation to the marriage of
a

Saudi with a foreign woman. She may not be added
to the

family registration card, or to add her sons to the
other wife

or she may not be allowed to enter the country with
her sons

if the husband does not have a prior permit to marry a
for-

foreign woman. This situations needs some correcting
legal

procedures.

*The foreigner who is married to a Saudi woman can be deported when committing some offences, without giving consideration to the harm that will affect his wife and children. Moreover such a husband has no right to represent his wife in some affairs even if she desires that.

The Kingdom joined the agreement pertaining elimination all kinds of discrimination against woman, but made some reservations on para two of article nine that stipulates that:- The state shall grant both the man and the woman equal rights with regards to the nationality of their children.

As the law gives the child of a Saudi woman from a foreign father the right to apply for a Saudi nationality when child reaches the age of 18, it is better to given both her male and female children that right at birth in the Kingdom or outside

on condition that they forfeit their original nationality when they reach the age of 18, to evade the harms that they may face before that age.

*The woman suffers from the limited chances in the field of education as the specialties opportunities are limited in the spheres of institutes, colleges, universities and in the educational and qualification centers. Their specialties are only limited to arts, medicine, nursing and social services and recently the field of law is added. As the labor market requires skills, knowledge and new technologies, the way should be opened before the woman to enter the field of modern scientific specialties that will suit her nature and does not contradict the Islamic Shariah .

*There is some sort of mixing the abilities, skills and roles and rights of the woman between the Shariah and the

norms and traditions in addition to the ignorance of the woman herself with regards to her rights given to her by Islam, and such a situation is in reality a retardation factor and a hindrance in the way of the woman achieving her rights .

The woman needs to be assisted to understand what has been given to her by Allah of numerous rights in all fields.

*There is a problem represented in the arbitrary treatment of the males towards the women. Sometimes the woman is forced to marry a man she doesn't like and the one she likes in other instances is rejected. The woman's education, work, activity and public role is at the mercy of her guardian whatever his age or education may be and without regard to her age or education .

Although the Kholoe (right of woman to get divorce) is a

clear right set by the Islamic Shariah, its application is very difficult and faces a lot of hurdles, and the guardianship of children and their rights of expenses take very lengthy time at the courts. There is a real need for rules that make the courts take urgent and conclusive decisions with regards to the family affairs involving divorce, guardianship, expenses and visits.

*There is another endurance seen in the family violence.

The number of cases received by the Society in this respect indicate that this phenomenon is increasing and with negative effects upon the community. The cases of family violence are usually very sensitive and not easy to be disclosed.

For that reason women, wives, sisters and also children are suffering at the hands of fathers, brothers or husbands.

The percentage of family violence received by the

Society is very high compared with other cases. Some times, violence occurs out of a psychological disorder or because of drug use, but there are some fathers who abuse their guardianship authority and inflict very harsh actions against women and children and in some case result in permanent disability or death.

The Society is of the opinion that the treatment of that problem should not stop at extending awareness and security follow up, but rather requires making laws and legislations that incriminate family violence and inflict hard penalties on these who commit it. There is a also need for more shelter housing in the Kingdom different regions for the victims of family violence because some of them may not find any solution but to flee their own house with the probability of falling into other problems.

The solution of the family violence requires joint efforts to solve it and one party cannot face it as it is very complicated and has many faces. It can take the shape of bodily injury, or moral injury. It may comprise hitting, insults, negligence, sexual assault, humiliation, divorce, deprivation of expenses, and withholding visits to children and refusing divorce arbitrarily .

From what has been understood by the Society, it is clear that the problem needs well-understanding of the principles of the Islamic Shariah and separating it from the customs and traditions and to understand the traditions of the Prophet, peace be upon him. Such understanding together with the efforts of the information media, other authorities, the judiciary and specialists in security, education, medicine etc. may lead to the best required solution of family violence

and may also induce the development of the laws and other protection procedures.

-2The Childis Rights:

Islam has established clear principles with regards to the

provision of great care to the child and his raising.

An international treaty was made under the heading Child Rights Agreement and the kingdom has joined it,

but had reservations on all the articles that contradict with

the Islamic Shariah .

The child rights in the Kingdom are set in a variety of laws such as the rules of employing children and the mini-

imum age of employment. These laws comprise several rules

of child protection and special consideration for the disabled

children. The kingdom has made the elementary education

compulsory to erase ignorance and cater for the future of the

young. The Kingdom, on the other hand, has established

hospitals for the children, shelter centers, Social welfare,

orphans shelter, subsidies for the needy children, social care

programs, woman charitable societies in addition to King

Abdul Aziz Center for providing care to those talented and

also established centers for the disabled etc.

The Society directs a call to the National Society for Children care under its new organization made in accordance-

with the Council of Ministers Resolution No. 238

dated 14.9.1426H, to perform its duties to preserve the child

rights and to adopt the following recommendations:-

*To unify the legal age in the kingdom as the child is sometimes considered mature and sometimes minor and that

has negative effects on his rights.

The age of 18 can be considered the legal capacity age

with regards to criminal liability (penalties and juvenile

cases) and with the civil responsibility (work, commerce and

contract cases) and for the administrative affairs (application

for public employment). That will be compatible with the principles of Islamic Shariah and with the definition stated in article one of the International Agreement of Child rights and also with the Declaration of Child Rights in Islam.

*Constitution of deterrent penalties against fathers who attack their children in body as the society has registered several cases where children has been subjected to attack from their guardians and some cases ended in death as a result of torture .

*Formulation of a national code for the child rights to be a guide for the government and private organizations in their dealings with child affairs.

*Intensifying the role of the state in combating foreign children begging.

*To investigate the reasons behind the big number of children outside schooling which could be resulting from the

ignorance of some families, bodily punishment or eviction from education institutions. The punishment that entail suspension of student study should be cancelled and substituted by another suitable procedures of correction.

*Provision of the means of knowledge extension, recreation and reading for the child .

*Equality in the provision of all educational services to both males and females in all the Kingdom cities and villages. It has been observed that there are differences in the school facilities at the different education stages with regards to buildings, laboratories and skills, where those of males are preferred to those of females .

*Formulation of rehabilitation vocational programs for the disabled children to integrate them in the society to help themselves instead of depending on the others.

*Furnishing a mechanism for accepting the children who

have no identification documents in the elementary schools and later ask their guardians to bring the required documents. If the guardians do not respond to such a request the matter may be referred to the responsible authorities to take action to preserve the right of the child in education.

*Extension of kindergartens to prepare the child for the coming education stage .

-3The Rights of Prisoners-:

The members of the National Society for Human Rights,

following the society objectives, paid visits to some of the

Kingdom prisons to observe their conditions and the situations of the prisoners. The Society is also making attempts to

visit the Investigation Authorities prisons as the society has received complaints related to those prisons .

The Society visited more than eighteen prisons and observed several positive facts and some irregularities.

Of those positive facts are-:

*Good cleanliness in most of the visited prisons .

*In some prisons, there are chances of education in some skills such as operating computer, fixing some electronic equipments, cleaning clothes in addition to education in some other sorts of education and social affairs.

*The prison authorities are keen to provide cultural and social programs inside the prisons.

*Some correction and assistance methods are followed to help the prisoners such as the cancellation of term quarter or reducing it to those who memorize the Holy Quran or parts of it, in addition to the pardons given at times by the Custodian of the Two Holy Mosques specially in the month of Ramadan.

*Good co-operation from the part of the prisons authorities during the visits.

*Cleanliness of the places of the Legitimate Shariah Privacy in some prisons.

*The existence of modern buildings under construction

in some prisons .

*Good treatment of prison authorities towards the pris-

oners in some of the visited prisons.

*In some of the visited prisons it was observed that the

authorities are keen to realize developments and provision of

the best services they can within their material and human

abilities .

*The Directorate of Prisons was keen to acquaint the Society of their future plans to develop the prisons and to

provide the best care for the prisoners within their available

resources.

The Society has also observed some negative facts shared

by most of the visited prisons.

*Some prisons are over crowded and the number of pris-

oners in most of them are more than their official capacities

and sometimes it becomes more than double. That situation

is apt to deprive the prisoners of some of their rights.

*Some riots have occurred in some prisons by the prisoners (al Jouf Najran-Olaysha Buraidah) as a way of expressing their lack of some rights .

*There are some prisoners who have completed their imprisonment terms and were not released for some reasons

or others. This phenomenon has been observed to spread

specially among the expatriates as some of them stay in the

prison for long periods that may reach nine months despite

the end of their prison terms. That may be due to the sponsor refusing to issue them the travel tickets or to the absence

of the sponsor himself or due to lack of co-operation of their embassies. This situation requires the formulation of some

correcting rules with regard to deportation tickets costs

where the sponsor is abstaining or not found. These cost can

be covered from the visas returns and fees.

*There should be rules for decreasing prison terms with

regards to certain cases. Some prisoners complained that the visits of the investigations official are very few and that will delay their release out of prisons.

*The Directorate General of Prisons lacks a data base through which the situation of the prisoner can be followed up, and the general conditions of prisons can be assessed.

That data base can facilitate giving information about imprisonment terms, the prisoners numbers, congestions and other related matters and that base should be fed regularly by each prison in the kingdom.

*Some prisoners complain from bad treatment by the prison guards such as beating, humiliation, solitary confinement and reducing meals .

*Sometimes the prisoners miss the attendance of court sessions because they are not informed by the prison authorities or the prison authorities themselves lack notification in

some cases. In other instances, the prisoners may not be allowed to attend certain sessions for different reasons .

*Some prisoners are subjected to transfer to far places away from the residence of their relatives on the pretext that their conduct is bad and that shall make it difficult for their relatives visit them .

*Severe weakness in the material potentialities of the prisons with regards to buildings and their equipment and with relation to the very slow bureaucratic actions in building maintenance. The workers in some prisons are very few compared with the number of prisoners. In the women deportation prison in Jeddah which is the worst of the prisons visited, there is a very few number of supervisors females for a very great number of women prisoners and to that can be added that those supervisors are not well-qualified.

*Weakness in the prisoners medical services. There are shortages in doctors, medicines and in nurses taking in mind that the crowded situation in prisons can lead to infectious diseases break with the lack of ventilation and the spread of cigarettes smoke.

*Some prisoners complain that they are not allowed to go to hospitals in the fixed dates and that leads to the deterioration of their health conditions .

*There is no presence of psychologists and there is a short the social specialists and in most cases there is only one for all the inmates .

*Absence of the judicial visits and supervision in the prisons.

*Education in prisons in limited to the basic education stages and there no sufficient consideration to vocational training and sports towards the inmates in some prisons .

*Some prisoners are not aware of their right to have an

attorney to follow up their cases and there is no means of helping them to be provided with the sentences passed against them and in some instances they are denied that provision. There are no rules for the organization of the way of getting an attorney and the matter is left to the prison authorities discretion which may not lead to the appointment of a lawyer .

*There are young youth mixed with big age criminals.

The situation in the prisons needs urgent intervention to protect the prisoners rights and to avoid the stated shortcomings. It is observed that the solutions are not only material as there is exaggeration in the matters that may lead to imprisonment; a matter that calls for putting limits to penalties that deprives the person of freedom. An alternative of imprison-

ment should be thought of such as financial surety whenever possible and as practiced in several countries of the world.

A prisoner should not be kept in prison when his term comes

to an end and early release should be encouraged by increasing

earlier discharge and foreign prisoners should be sent to

their home countries. Such solutions are easy to apply and

only require organizational decisions.

With regards to detentions related to financial claims, a

maximum limit for the indebted should be fixed and his

insolvency should be determined and followed by release

unless the claimant can prove that the accused has money or

property to cover the claim. Such an action shall help to

reduce detention for long periods without any benefit, and in

addition to that the question of sureties should not be very

much required for.

Another recommendation is that special prisons should be established for those suffering from psychological problems and for those enduring chronic and difficult health diseases, or at least to specify for them certain quarters in the present prisons. Such an arrangement should be made under the supervision of the Ministry of Interior and the Ministry of Health and they should provide those divisions with the other necessary services. The society take this opportunity to extend their appreciation and regards to the Higher Committee for the Welfare of the prisoners still in prisons and for those released .

-4The Rights of Foreign Labirers-:

The Basic Governance Act guarantees the rights of the foreign manpower (Article 41 & Article 47) by stating that foreign manpower enjoys the same guarantees conferred

upon the citizens in regard to bringing action before a court of law. However, the size of the manpower is too large, estimated at seven millions of various nationalities, predominated collectively by South East Asian countries nationals and Arab nationals. Most of the foreign manpower are engaged in manual or simple professions and only a few assume vocational or technical jobs. In the face of this large numbers of foreign workers, and in view of the government commitment to secure job opportunities to the Saudi nationals, the Ministry of Labor has drawn up a strategy based on retrenchment of recruitment of foreign manpower to allow for more job opportunities to the Saudis. On the other hand, the Society has received complaints from foreign laborers telling that they have not received their

entitlements from their employers. The reason for these complaints is due to the rules which oblige each resident to have a Saudi national sponsor. This puts the foreign laborer in an inferior, submissive position as the sponsor is vested with extensive authority under the Sponsorship Rules which have been enacted prior to the issuance of the Decision of the Council of Ministers No. 166 dated 12/71421H which cancels the term Sponsor. Therefore, the sponsorship enables the sponsor to fully control the laborer in which case he can not transfer his sponsorship or travel to his country unless permitted by the sponsor. The Passport Dept. and the Labor Offices have monitored a great deal of such cases. On the other hand, if we look at the rules governing residency, we will find a lot

of limitations therein brought against the resident. It has also been noted that the laborer is being exploited by the sponsor who prefers to draw a monthly payment from the laborer against the later use of the former name in business. This situation puts the laborers rights at stake, which is against the valid rules in this respect. On the other hand, many sponsors keep their subordinates passports in their custody to prevent them from transferring the sponsorship or to bar them from traveling outside the Kingdom. It suffices the sponsor to just refuse to hand back the passport to the laborer to prevent him from traveling or from returning to his home leaving him held up. Also, sometimes employers act in this manner to put pressure the worker to concede or settle his rights to the satisfaction of the employer

The government has made attempts to prevent such negative practices by issuing a number of decisions and directives such as the Council of Ministers Decision No. 166

dated 12/7/1421H decrees upon the concerned authorities to

observe strictness against each employer who holds up or

delays the workers financial dues or procedures relating to

their status under the rules, or charge the workers any monies against finalizing the mentioned procedures.

This

Decision include a number of issues in favor of the worker.

out of which are the following:

*The worker may move freely within the Kingdom if he

carries a valid residency permit.

*Allowing the worker to contact Governmental Departments and other Institutions in order to go through

with the procedures for himself and his family such as

issuance of a driving license, purchase of a car, telephone

etc. without having to obtain the employers permission.

*The employer has no right to keep the foreign workers

passport or the passports of his family members.

But, it has been noticed that these instructions and direc-

tives are not being carried out, so the problem still stands and

need to be completely resolved. The drawbacks resulting

from the application of the rules relating to sponsorship still

exist, many of which have been reported to the Society.

Therefore, the Society recommends that the rules governing

sponsorship be cancelled and new solutions guaranteeing the

workers rights be worked out. This is particularly important

as the sponsorship rules are viewed as contrary to the princi-

ples of the Islamic Shariah which ordains honoring the

human being. So these rules are unconstitutional in view of

the fact that the Islamic Shariah and the Holy Quran form

the constitution of the Kingdom as prescribed under Article

(1)of Basic Governance Act. Additionally, the manner in

which the sponsorship is being conducted is inconsistent

with he Kingdoms commitments under the International

Agreements, and only serve the interests of some of the cit-

izens who misappropriate this situation, and thus may affect-

the Kingdoms reputation.

It has also been noted that workers frequently complain

about having to wait for a long time in order to have their

cases being concluded by the concerned Labor Offices and

Labor Commissions although the directives and instructions

issued by the Honorable Leadership strictly decrees that the

files of the citizens and residents be finalized on urgent basis.

It may be that the reason behind this tardiness is attributed to the inadequate number of the members of the above mentioned Commissions. But, in spite of the procedures which have been taken up recently to increase the number of the members, still delay is noted in adjudicating laborers cases, which often results in unconcern on the part of the employers at the laborers complaint. This can be added to the delay in executing the verdicts passed by the labor judiciary authorities. Perhaps, if a term is specified during which the High Commission should pass judgment, in addition to increasing the circuits thereof, the delay in concluding labor disputes could be cut down. It is worthwhile to point to the importance of abiding by the circular of His Royal Highness the Minister of Interior No. 5568 dated 1/6/1421H which prescribes that a

workers sponsorship be transferred if a dispute arises between the worker and the sponsor, but if the sponsor refuses to transfer the sponsorship, he shall be obliged to put the worker back to work against payment of a fixed, remunerative salary until the dispute is concluded.

Report Conclusion

The noble objective of the Society focuses on supporting human rights in the Kingdom within the framework of the Islamic Shariah and the valid regulations. As this report is the first one about the status of human rights in the Kingdom, the Society has made attempts to tackle the most prominent relevant issues, leaving the door open for subsequent reports in which untouched, uninvestigated issues shall be set forth such as minorities, for which the Society has set up a special committee to study the aspects and analyze the circumstances surrounding that issue.

In addition to the recommendations outlined in this

report, the following is equally important in consolidating

human rights in the Kingdom:

*Establishment of a Court of Law, a Council, or a Constitutional Commission to handle and pass judgment on claims relating to breach of the lawful rules, the Basic Governance Act, International Agreements to

which the Kingdom is a member. The judgment of any of

these bodies shall contribute to removing the impact of

the indicated infringements. However, the ordainments

of the Basic Governance Act, as well as of the

International Agreements shall not be realized unless such a judiciary authority is available to patronize

them. In the absence of this authority, no other means could be reliable in applying the basic human rights set

forth in these Acts and Agreements to which the Kingdom is a member .

*The initiative on the part of the Consultative Council, as

well as those of the related Commissions, towards pay-

ing attention to complementing the inadequacies in the

national legislations concerning human rights, and to bring the existing regulations to be consistent with the relevant International Agreements approved by the Kingdom, and to remove all provisions detracting or violating any of the human rights.

*Consolidating the independence of the Judiciary and protecting the justice from intercession or influences, bringing the negligent to account, conducting all procedures satisfactory to the citizens and residents. In addition to continuing the effort of developing and restructuring the judiciary, increasing the number of judges to solve the problem of delays concluding suits, activating application of the judiciary systems, and developing judiciary inspection.

*Consolidating the principle of accountability at all governmental levels, in particular the authority in charge of control in order to avert misappropriation of authority.

*Activating the role of the Civil Bodies to participate in the activities, debate, respect of freedom of opinion, and defense of rights.

*Formulating a course of study at the University level to be titled Human Rights in the Kingdom , which should be compulsory taught to all university students Kingdom-wide, with emphasis on the Military Colleges Students, Security Colleges Students, and the High Institute of the Judiciary.

*Organizing regular training courses on Human Rights for the concerned government parties.

*Taking the initiative to handle the complaints and grievances of the citizens who belong to some sects in the Kingdom, whether these complaints relate to administrative issues or other cultural matters touching on acquiring their national rights.

*Issuing a national Code aiming to provide protection and indict household violence, and to establish the mechanism by which victims can be safeguarded and

their rights reserved.

*Appointing a coordinator for human rights at the concerned governmental authorities to act as a link between the Society and those authorities. We recommend that this should start with the basic authorities like the Ministry of Interior, Ministry of Justice, and the District Governorates.

*Taking care to execute the strategy for unemployment and the protection of the unemployed through financial subsidies or any other solution capable of realizing this objective.

*Continuing the process of setting up the economic and social programs aiming at improving the standard of living of low-income citizens.

*Looking into the problem of Bedouins and the immigrant tribes and the other long-ago residents of Makkah Al Mukaramah and Al Madinah Al Munwarah who have no identity, and attempting to redress their status in a man-

ner that guarantees their respective rights and precludes occurrence of the negative effects of their illegal position.

*Activating the punitive measures against the negligent and violators of the rules.

*Canceling the sponsorship regulations which cause a lot violations of the foreign workers rights. On the other hand, interchangeability of terminologies is not enough

this report recommends that a study be conducted to find alternatives that rule out the shortcomings of the mentioned regulations.

*Expanding the Kingdoms membership of the International Human Rights Agreements, in addition to taking the necessary procedures to live up to the provisions of the Agreements to which the Kingdom is a party even if this requires that some regulations at the local level be modified so that the Kingdom does not appear as a defaulter of its international commitments.

*The Punitive Procedures Act should be made intelligible to the people, and all concerned parties should be given instructions on how to apply these procedures, such as the departments of the Ministry of Interior, the Judiciary, and the other controlling authorities. Additionally, everyone, whether individually or belonging to the mentioned authorities, who violates any of the provisions of this Act should be held accountable. The delay in applying these punitive procedures has often led to weakening the protection related upon human rights.

*Establishing an Academy or an Institute to prepare and qualify attorneys in a proper, professional manner.

