

The National Society for Human Rights,



**Second Report on
The Status of Human Rights
in
the Kingdom of Saudi Arabia**

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INTRODUCTION

The National Society for Human Rights issued its first report on the status of human rights in the Kingdom of Saudi Arabia in 2006 (1427H). The report was met with wide positive reactions both locally and internationally since it was the first report published by a local legislative society, and included watching the legislative situation in the Kingdom in a transparent, realistic, and unbiased manner.

The report has contributed to brightening up the image of the Kingdom abroad owing to the legislative information it included on local legislative affairs. This is what has transpired to the Society from the foreign delegations that have visited it, or what some of its members have overheard while participating in some forums and symposia abroad. In allowing for the issuance of an internal legislative report, the Saudi government is emphasizing its intention to do reform and its acceptance of constructive criticism of its various governmental bodies.

We will refrain from reiterating talk about the theoretical side that has been dealt with in the first report. That was certainly important at the time in order to show the existence of the legislative and legal laws that protect human rights in the Kingdom. In this report, however, emphasis will be laid on a direct diagnosis of reality, and on getting acquainted with the developments that have occurred in some areas that have been dealt with in the first report, and determine the extent to which the situation has improved, worsened, or remained status quo.

In addition, for the last four years the society has continued receiving complaints, which amounted to 12,400 distributed as follows: administrative (26%), inmates (18%), labor (12%), legal (6%), civil affairs (7%), personal affairs (7%), family violence (8%), other (17%). In 1428H, complaints amounted to 3,800 distributed as follows: administrative (33%), inmates (18%), labor (9%), legal (6%), civil affairs (9%), personal affairs (8%), family violence (7%), other (12%).

As referred to in the first report, the Society would focus in the next stage on two objectives: introducing human rights in school curricula at

all educational levels, and raising awareness about human rights among citizens, expatriates, and governmental bodies. At this level, the Society has accomplished various activities:

- Organizing a workshop on teaching human rights in higher educational institutions, to which representatives from Saudi universities have been invited, and which has ended with a number of recommendations that have been forwarded to His Royal Highness, who forwarded it to the concerned bodies for study and adoption. The Society has also been striving to introduce human rights concepts at the various levels of public education.

- Organizing some symposia, lectures, and workshops in a number of cities in the Kingdom, publishing and distributing the texts of some international conventions and local laws related to human rights. In addition, the Society has kept issuing its monthly publication, "Rights," and has endeavored to develop its website as well as preparing a center for information, statistics, and documentation, and doing some studies on the extent of conformity of Saudi laws with the fundamental human rights conventions, on the abolition of sponsorship laws, and on mending the employers-expatriate employees relation. Within the series GET TO KNOW YOUR RIGHTS meant by the Society to consolidate legal awareness among community members, some booklets have been published such as the ones on the rights of the accused during arrest, prosecution, investigation, and trial; the rights and duties of male and female inmates; and the rights of the handicapped.

- Contributing to training some national security officers in the areas of Riyadh, Meccah, and the eastern region on respecting the principles of human rights and the Code of Criminal Procedure. In addition, the Society has prepared a bill for the rights of HIV-positive individuals affected by AIDS. These studies and projects have been forwarded to the concerned bodies to investigate and activate them.

The current report is divided into three main parts:

- Part One deals with the legislative framework through the

investigation of whatever human rights-related laws and legislation have been issued in the Kingdom during the period covered by the report, and points out to the rights that still suffer lack of legislation.

- Part Two tackles a number of human rights-related governmental bodies and institutions, looking into its records in the previous year in order to be acquainted with the extent of their contribution in consolidating and protecting human rights.

- Part Three is titled Reality and Practices, and addresses a number of legal rights and issues such as woman, child, right to participation, right to freedom of speech, combating corruption, living conditions, health care, education, and inmates and prison.

PART ONE: LEGISLATIVE FRAMEWORK

This part of the report discusses some of the most conspicuous new laws that have appeared between the first report and this one, and evaluates and determines the extent of their conformity with human rights norms.

It should be pointed out that the Society has published a detailed study on the extent of conformity of Saudi laws with the international conventions on human rights that the Kingdom has joined. The study has showed that some laws include material that might contradict those international conventions, which, according to the Governing Statute, should enjoy priority over local laws even if they occupy a position lower than Islamic Shari'a, which per the first article of this Statute is the constitution of the Kingdom.

It is known that the laws in the Kingdom are issued by royal decrees. They start as bills at the Council of Ministers or governmental bodies, where they receive preliminary drafting by the commission of experts at the Council of Ministers, after which they are forwarded to the Consultative Council to be debated. It is also known that the Council of Ministers and the Consultative Council share in the legislative power in the Kingdom. Owing to the fact that it represents the executive power in the state's institutions, the Council of Ministers enjoys an important role in legislature, with this operation starting at the Council as bills and ending up therein. Thus, the Council is entitled to ratifying laws after the Consultative Council gives them their final shape.

Even though the requirements, activities, and various developmental programs of the state's administration nowadays demand that the executive and legislative powers should participate in voting laws, which is what happens in several states, the dual role of the Council of Ministers gives the executive power in legislature equal or even superior power to that of the Consultative Council, which is considered the representative institution of legislature in the Kingdom – a flaw in legislature in the Kingdom.

During the period covered by this report, there have appeared some

bills, and some regulations and laws that have an impact on the protection and consolidation of human rights such as the Judicial System and the Law of the Bureau of Grievances and their executive mechanisms, the bill for public societies and institutions, the law for combating information technology crimes, the new Traffic Code, the law for competition and public acquisitions and the approbation of its executive bylaw, the issuance of the executive bylaw for centers of social development. In addition, the Arab Charter for Human Rights has been ratified, which includes a number of important articles aiming at protecting the rights of individuals and freedom of opinion and expression.

Some of these laws and legislations will be addressed in some detail, including:

1. Judicial Code and Bureau of Grievances Code

Discussion in this section will be restricted to the Judicial Code and the Bureau of Grievances Code, and in Part Two of this report the Judiciary will be addressed, pointing out to observations that have been suggested through complaints received by the Society from citizens and expatriates.

The Judicial Code and the Bureau of Grievances Code were issued by royal decree number M/78 dated 19/9/1428H. The new Judicial Code has substituted the former one issued by royal decree number M/64 dated 14/7/1395H while the new Bureau of Grievances Law has substituted the former one issued by royal decree number M/51 dated 17/7/1402H.

The issuance of both laws is considered one of the legal booms in the Kingdom, and their issuance can be likened to that of the three judicial codes some years ago (the Code of Penal Procedures, the Code of Judicial Procedures, the Bar Law), whose value and effectiveness, as experience has it, reside in updating the Judicial Code.

Although the preparation of the bill of both laws by a specialized committee has taken a long time in order to send it to the Consultative Council, the latter has expedited its discussion, proportionately giving it little time as compared to its importance and to the discussion of other

less important laws. Undoubtedly, this is a shortcoming in the records of the Consultative Council, despite the efforts made by some members of the Council to debate it during the rather short time that has been allotted for its discussion.

Despite this shortcoming, the issuance of the Judicial Code and the Bureau of Grievances Code have met with tremendous enthusiasm on the part of the community especially through what the media has written about it, which reflects a tremendous desire to develop the judicial service that directly and importantly touches individuals' lives.

The new Judicial Code includes eighty-five articles, and concerns itself with the independence of the Judiciary and its guarantees; the formation of the Supreme Judicial Council and its powers; the courts and their competencies; the nomination, promotion, transfer, appointment, vacations, duties, inspection, disciplinary punishment, and end of service of judges. The Law has also restricted the role of the Ministry of Justice to the administrative and financial supervision of courts and public notaries, and created a research center whose responsibility is releasing select judicial judgments after their approbation by the Supreme Judicial Council.

One of the most prominent additions by the new Judicial Code is allowing for litigation in three stages included in Article (9), which shows that courts involve the Supreme Court, Courts of Appeal, Courts of First Instance, Criminal Courts, Personal Status Courts, Commercial Courts, and Labor Courts.

It should be noted that the Court of Cassation has been replaced by the Supreme Court and Courts of Appeal, whose responsibilities involve those of the Supreme Judicial Council. As is well know, the right for appeal was not guaranteed by the former judicial system, whose function was restricted in bringing appeal for cassation of legal judgments, and in restricting the rights of litigants in principle to proposing a rebuttal without the right of pleading.

In addition, the new Judicial Code has added another attribute consisting in judicial specialization, thus creating specialized courts such as Commercial Courts, Labor Courts, and Personal Status Courts. This is

indeed very important in the current situation, which is characterized by slowness of trials and rulings especially with regard to personal status and labor lawsuits.

The new Judicial Code has entrusted the Supreme Judicial Council with the power to issue the bylaws of judicial investigation, the rules regulating the responsibilities and powers of presidents of courts and their deputies, and the rules for selecting judges. However, it would have been better to lay the foundation of such issues within the Code, especially those related to the judicial investigation and the way of selecting judges. Reality on the ground has proven that there is a dire need to activate the role of judicial investigation and the mechanisms of selecting judges. Therefore, the Society calls for clear, straightforward, fair, and unequivocal texts that are immune to individual interpretation in setting up these bylaws in order for the judicial investigation body to perform its effective role, and for the current mechanism of selecting judges – blamed for not submitting to clear rules that ensure justice, objectivity, and competency in selecting judges – to be improved.

The Supreme Court subsumed under the new Judicial Code performs its responsibilities through specialized divisions as need arises, each including three judges with the exception of the penal divisions, which include five judges, and litigate in judgments about murder, amputation, stoning, retribution, or below.

Beside the responsibilities stated in the Code of Judicial Procedures and the Code of Criminal Procedures, the Supreme Court controls the application of the rules of Islamic Shari'a and the laws that do not contradict it issued by the ruler, and having to do with the judiciary in the following specializations:

1. Reconsidering the judgments and decisions issued or corroborated by Courts of Appeal such as cases of murder, amputation, stoning, retribution, or below.
2. Reconsidering the judgments and decisions issued or corroborated by Courts of Appeal in cases that do not figure in the previous paragraph, final cases, or other, without addressing the facts of lawsuits just in case

objections to the trial are as follow:

- a. Breach of the rules of Islamic Shari'a and the laws that are issued by the ruler and that do not contradict it.
- b. Issuance of a ruling by a court that is not constituted in accordance with this Code or other laws.
- c. Issuance of a ruling by a non-specialized court or division.
- d. Error in relating or describing events.

The Code has entrusted the Supreme Court general assembly, consisting of the president of the court and all its judges, with the determination of the general principles of the judiciary, which will hopefully minimize differences in rulings between similar events or lawsuits that are noticeable under the former Code. Article (14) of the new Code states that if one of the divisions of the Supreme Court deems it necessary to depart from a previous principle it has adopted or adopted by another division in the very court in previous lawsuits, or if one of the divisions of the Court of Appeal deems it necessary to depart from a previous principle that has been adopted by one of the divisions of the Supreme Court in previous lawsuits, the case shall be forwarded to the president of the Supreme Court, who, in turn, submits it to the general assembly for a decision.

The legislator has done well by establishing one court (or more) in each Court of Appeal district, performing its duties through competent juristic divisions (law divisions, criminal divisions, personal rights divisions, commercial divisions, labor divisions). Each division includes three judges with the exception of the penal divisions, which include five judges, and litigate in judgments about murder, amputation, stoning, retribution, or below, which enables litigants to access litigation.

The new Code has made provisions for the establishment of executive divisions within public courts in districts, and divisions to decide on lawsuits about traffic accidents and violations that are stated in the traffic code and its executive bylaw. The Code has also made provisions for the establishment of divisions for juvenile lawsuits within criminal tribunals, which is an important fact.

Regarding the conditions of litigation, the new Judicial Code can be

criticized for setting the minimum age of the judge at twenty-two (at one of the echelons of the judicial body below the rank of judge of appeal). The minimum age should have been raised to twenty-five for judges that are nominated in the judicial body. Requiring a diploma from one of the colleges of Shari'a in the Kingdom (or an equivalent one), but provided that the candidate has eventually succeeded in a special exam prepared by the Supreme Judicial Council, may not be enough for judges nominated in commercial and labor tribunals. Deciding on lawsuits in such courts depends on regulations and laws, which requires colleges of law graduates. It would have been better to require that for a judge to be nominated to the judicial body he should have a BA in Shari'a coupled with a diploma in law, or a BA in law coupled with a diploma in Shari'a, because deciding in lawsuits nowadays requires knowledge of Shari'a and law. It would also have been better not to nominate in the judicial body those whose distinction in university qualification is less than "Very Good," rather than "Good," and that competence should be the first criterion in promotion rather than absolute seniority that the new Code has adopted.

On the other hand, the new Bureau of Grievances Code includes twenty-six articles, pointing out that some of the provisions of the Judicial Code do apply to the judges of the Bureau of Grievances, and insisting that the Bureau of Grievances is an independent administrative judicial instance directly related to the King.

The new Code has established an administrative judicial council, and showed that the courts of the Bureau of Grievances are made up of the Supreme Administrative Court, Administrative Courts of Appeal, and Administrative Courts, which exercise their powers through competent divisions that are constituted by three judges except for the divisions of Administrative Courts that can be presided over by one judge.

The new Bureau of Grievances Code has insisted on the importance of principled precedents reached by previous rulings, showing that if one of the divisions of the Supreme Administrative Court deems it necessary to depart in deciding in one of the rebuttals from a principle that has been decided in one of its previous rulings or one of the divisions of the

court, the division should refer the rebuttal to the president of the court, who, nominated by royal decree with a rank of minister, in turn refers it to the general assembly of the Court to make a decision about it. The general assembly of the Supreme Administrative Court is presided over by the President of the Court, and is made up of all its members, therefore bestowing unification on interpretative judgments, which is praiseworthy.

Furthermore, the new Bureau of Grievances Code has emphasized existing laws such as the impermissibility for the courts of the Bureau of Grievances to adjudicate in sovereignty-related lawsuits. It is tremendously crucial to determine the meaning of “sovereignty,” or set up a criterion for lawsuits related to it. The Society has observed in the application of the former Code that the Bureau refused to litigate some lawsuits under the pretence that they were sovereignty-related. Such cases included some lawsuits against some governmental bodies because they issued decisions precluding some individuals from travelling, which may have caused damage to the rights of some individuals due to interpretative judgments about “sovereignty” by some judges. The new Judicial Code could also be criticized for not allowing the principle of contestation of laws that may contradict the Islamic Shari’a, the Governing Statute, or the regional and international conventions that the Kingdom has joined.

2. Bill for public societies and institutions

The issuance of a unified code for all professional alliances, whatever their names are, instead of the current dispersed situation, is indeed crucially important. Such a code would determine the conditions for formation, membership, and supervision mechanisms without discrimination or separation.

It is no exaggeration that the bill for public societies and institutions is considered the most important project ever to be discussed by the Consultative Council since its reshaping. It is one of the most prominent modern laws in the history of the Kingdom, and constitutes a new era in public work. The importance that the project has received can be explained by the community’s elites and individuals’ interaction with the Consultative Council that, unlike by the past, has not kept the bill away from public

opinion in order for people not to emit their opinion about it. This secrecy in the Council's dealings with bills is one of the most prominent shortcomings of the judicial operation in the Kingdom.

Its compliance with the elites and concerned bodies' call for slowness in preparing and establishing the project owing to its tremendous importance, is to the credit of the Council. The first draft of the project included too many restrictions, and granted the parties responsible for supervising public work broad powers that, if ever established, would have emptied public work of its substance, and would have made it a formal, useless sector.

The institutions of civic society have taken the initiative to criticize the draft, and called on the Council to reconsider many of its articles. The Council has responded favorably, and formed a special committee to reformulate the project. The Committee has tried hard and accepted many of the comments made, organized meetings to which representatives of the public sector have been invited and listened to their comments, and has eventually reformulated the draft of the bill, rectifying it in such a way that many of the restrictions against public work found in the preliminary draft of the bill have been decreased.

The bill in its new form has been put to the vote at the Consultative Council, and sent to the Council of Ministers to establish it. Although the project in its final version constitutes a step forward, it was not immune from shortcomings that may impede the development of public work in the Kingdom, which is considered one of the objectives of the law.

One of the most important drawbacks of the project that has been voted by the Consultative Council, is interdicting the establishment of societies and institutions that contradict public order, which is undoubtedly vague, allowing for broad interpretations and explanations, and making it likely to be used against licensing societies and institutions under the pretence that their regulations contradict public order.

Up to the drafting of the current report, this code has not been issued. The Society urges for rapidly establishing it, insisting on the need to revise it in order to clear it from texts that tie up the activity of the societies of the civic community.

3. Information Technology Crimes Code

The code to combat information technology crimes was issued in Rabi' I, 1438H, in order to curb the spread of information technology crimes through enforcing punishment going from a ten-year prison sentence or a fine going up to SR5 million. In spite of the importance of the Code in interdicting the misuse of informational networks, the Society has noticed that the definition of informational crimes in Article (6) may justify restricting the use of the informational network for reasons that have nothing to do with information technology crimes, thus restricting the freedom of speech and access to information.

Paragraph (1) of the Article includes a description of one of the punishable crimes by the Code as follows: "Producing, preparing, sending, or storing through the Internet or computers what could affect public order, religious values, public morality, or the sanctity of privacy." According to the Article, anyone guilty of committing these acts will be sentenced to no more than five years imprisonment and a fine not exceeding SR3 million, or one of these punishments.

The criticism of this definition has to do with the meanings of public order, religious values, and public morality, which are general concepts that can be loosely interpreted to penalize many writers and contributors to the Internet owing to their infringement of these concepts. Therefore, the Society requests that this Paragraph should be reconsidered, and reformulated in a precise enough fashion so that it would not be misused in precluding individuals from exercising their natural right to expression, and contributing their opinion to public issues.

4. Traffic Code

The new Traffic Code was issued by the royal decree number M/58 dated 26/10/1428H, replacing the former Traffic Code issued by the royal decree number M/49 dated 6/11/1391H and its amendments. This Code will hopefully realize the objective behind it, creating at the Ministry of Interior a Supreme Council for Traffic whose formation, responsibilities, and powers are determined by royal decree, and which would act as a

supreme power in supervising traffic affairs in the Kingdom. This Council will hopefully contribute to setting up some plans and policies that would curb traffic accidents in the Kingdom, which are one of the biggest dangers threatening the right to life and immunity from handicap. The Code has also empowered a competent court, for considerations to be determined, to stop the sentence decided, which grants the judge discretionary power in the enforcement of sentences according to a case-by-case procedure.

However, this Code includes some articles that need to be drawn attention to owing to the likelihood of jeopardy to some of citizens' rights such as the contents of Article (36) when it requires:

The applicant for a general driving permit or public works driving permit must not have been sentenced in crimes of physical assault, honor, or money, unless he has been rehabilitated.

The applicant for a driving permit, whatever category, must not have been sentenced in crimes of drug dealing, manufacturing, smuggling, putting into circulation, or possessing, unless he has been rehabilitated.

This subsequent punishment, which deprives individuals guilty of these acts to get a general or specific driving permit, shows deprivation or restriction not only to the very individual to make use of the most popular means of transport in the Kingdom, but also to his dependents owing to restricting his movements, which jeopardizes their interests. For that, the Society calls for a reconsideration of the substance of these articles.

The expression "unless he has been rehabilitated" does not alleviate the situation since the mechanism of rehabilitation is not clear and determined neither in time nor in terms of the body that the concerned party resorts to apply for rehabilitation. On the contrary, requiring rehabilitation and criminal record have become impediments for individuals to exercise their right to employment. The Society calls for a reconsideration of the issue of rehabilitation and criminal record so that they would not impede the rights of individuals to work and movement.

The Code has also entitled the Minister of Interior to create non-governmental public societies to raise the citizens' awareness about and curb road accidents, which is needed to protect man's right to life and

physical safety. However, the articles of the Code that relate to criminal procedures such as the way violation points are dealt with and the violator’s right to challenge the type of violation, require – for the sake of justice in implementing it – the creation of traffic divisions in general courts in order to apply the new Judicial Code. It would have been better to turn these divisions in the future into competent traffic courts since part of the functions and responsibilities of the traffic has been granted to commercial companies as is the case for towing away wrecked or contravening cars, forwarding accident reports, registering violations, and ensuing manifold grievances and complaints in this regard.

PART TWO: INSTITUTIONAL INFRASTRUCTURE

This part of the report will be devoted to discussing the work of a number of agencies and governmental institutions during the period that the report covers, investigating the extent to which they are in conformity with the standards of human rights, or assisting in consolidating and protecting them.

Even though this period has witnessed the creation of a number of governmental bodies and some societies within civic society such as the National Society for the Protection of Integrity and the Control of Corruption, the Public Society for Housing, the Consumers Protection Society, these are still in the process of creation and crystallization. Once their establishment is complete, these societies, it is hoped, will contribute in consolidating and protecting human rights. Discussion will consist in talking about the following societies and governmental bodies:

1. Consultative Council
2. The judiciary
3. Ministry of Interior
4. Bureau of Investigation and general Prosecution
5. Commission for the Promotion of Virtue & Prevention of Vice
6. Human Rights Commission

1. Consultative Council

Although it has continued to play its traditional role, which consists in studying laws, revising international conventions, and evaluating the performance of governmental bodies, the Council has not evolved toward enlarging participation and consolidating its controlling role over the bodies and institutions of the executive power. The Council's activity has been too much restricted – owing to lack of required powers – with regard to solving the community's problems that affect citizens' standards of living. The following items will be mentioned:

1. The collapse of the stock market, which made investors incur great losses, especially small ones, who have entered the market seeking easy gains in order to preserve and improve their standards of living in light of the growing costs of living.

2. The problem of goods and services and rent prices, which have witnessed a huge increase, thus jeopardizing the categories whose income is lower in the community in particular.

Although the Council has insisted on following up these issues through forming committees to study, discuss them in several meetings, and forward recommendations to resolve them, these efforts have had a limited effect.

Undoubtedly, the limited responsiveness of the Council to these crises that have affected citizens and expatriates alike, is amenable in the first place to the limitedness of its powers, which consist in legislating, issuing recommendations, reviewing the reports of government bodies without a clear straightforward right to control them or questioning individuals responsible for them in case of negligence. This may explain the lack of responsiveness of some ministers to invitations by the Council to attend its meetings and discuss the performance of their ministries.

Moreover, restricting the discussion of what happens in the community to a limited number of members as individuals, emphasizes the restrictions that stem from the mechanism of nominating members rather than electing them, and the extent of their capacity to perform the role of representing and defending the citizen. For that, there is a dire need to the following:

1. Reconsidering the formation mechanism of the Council, and establishing the electoral rather than the nomination method. It is advisable to gradually move in this direction by coupling election with nomination for a certain period of time, then opting for a full election of members by setting up conditions of candidacy so that only competent and qualified individuals reach the Council.

2. Broadening up the powers of the Council so as to include control especially budget control and the right to questioning ministers.

3. Generalizing the review of the performance of governmental bodies to all the ministries without excepting the Ministry of Finance, the Ministry of Interior, the Ministry of Defense and Aviation, and other bodies that receive their budgetary resources from public funds.

It should also be pointed out that even though it has lately opted for communicating its proceedings to public opinion, the Consultative Council

still clings to secrecy in dealing with bills and to refusing to acquaint the community with them. What actually reaches public opinion is no more than members' comments without knowing the substance of the bills until they are issued as laws. This is no doubt a shortcoming about the process of looking into laws, especially those that have immediate impact on the citizen's life.

Believing in the citizen's right to participation and clinging to the consolidation of transparency, the Society calls on the Consultative Council to make public the bills while they are being discussed and formulated so that public opinion can participate in the discussion and emit opinions about them since citizens are the first to be concerned with these laws. The Society also calls on the Consultative Council to post the bills on its website and to publish them in newspapers to give the opportunity to concerned people and specialists to comment upon them, which gives them opinions about them. Apart from that, some committees of Council could ask specialists to attend their discussions and give their opinion about whatever bills and bylaws are submitted to their consideration.

Lastly, the amendment that has been made to Article (17) of the internal regulations of the Council, reducing the members' right to discussion to five minutes instead of ten, which is a negative development both in terms of content (restricting the members' opportunity to discuss) or form (being amended by a royal decree. Such a development weakens the Council's independence since it would have been better for the change to be in the hands of the Council. Moreover, reducing the time of speech for the member to give his opinion can be interpreted as an attempt to restrict unwanted statements.

2. The judiciary

The Saudi Judiciary has been undergoing development and modernization as supported by the Custodian of the Two Holy Mosques and His Crown Prince. Work is underway to implement the project of developing the Judiciary to which the ruler has allotted SR7 billions. Despite this, implementation is not so steady, especially with regard to

the general judiciary as compared to the Bureau of Grievances, which has managed in record time to organize itself according to its new Code that has restricted its responsibility in general to administrative litigation.

Despite the efforts made by the Ministry of Justice to develop the judicial service, the establishment of different kinds of courts mentioned in the new Judicial Code, the habilitation of its judges, and their diffusion in regions and districts, are going very slowly, and need multiple efforts from the Supreme Judicial Council to implement them.

The Society calls for more needed guarantees for the independence and development of the Judiciary both quantitatively and qualitatively. It is hoped that this will materialize through laws. It is urgent to set up a suitable and coherent mechanism on the part of professional bodies from outside the Ministry of Justice and the judicial body in order to develop the human cadres working in courts including judges in order for litigants' rights to be guaranteed.

The right to a fair and speedy trial is a natural right, which is the reason why the Judiciary is resorted to. A fair trial requires guarantees that need to be there. The independence and impartiality of the court, equality before the Judiciary, public trial, presumption of innocence as long as guilt is not evidenced, speedy trial, etc. are all guarantees that need to be available in practice. Resort to the Judiciary should be made easier both by materially creating more courts and spreading them across the Kingdom's regions, and by procedurally not making taking legal action burdened by long procedures and slow by not delivering speedy trials in disputes and conflicts.

The most important thing is for laws adopted by the State to be complied with and implemented since they are the main criteria for the Judiciary to fare well. Moreover, judges should be acquainted with and trained in laws so that the latter would not be rejected or ignored as novelties and causes for lengthening judicial procedures.

The Society has observed the continuation of some violations of the criteria of a fair trial, some of which were referred to in the first report such as:

- Lack of obtainment of the right to smooth litigation by woman in some cases, where some obstacles still exist owing to the fact that some women do not carry a civic affairs card, some judges or notaries do not acknowledge them, or the person responsible for them or their unmarriageable person refuses to accompany them to the court or notary. The situation gets worse when the judge or notary requires the presence of the person responsible for them, who happens to be the woman's litigant, which lengthens the period of litigation or deprives women of their right. Despite all this, the Society has observed progress in enabling woman to get her rights to litigation in some courts though this does not apply to all the regions of the Kingdom. To this end, the Ministry of Justice is making huge efforts to facilitate woman's access to the Judiciary when need be.

- Lack of commitment to equality of litigation in some cases such as discriminating between litigants in proceedings, preventing some of them from defending themselves, pressurizing them into cutting their litigation short, rejecting their litigation in writing, or terrorizing them with censure such as imprisonment for indiscipline and punishment for infringing public morality during sessions. Lack of equality between the accused has also been at times noticed regarding censure punishment, where the same guilt and circumstances lead up to different penalties since censure punishments are not codified and recorded.

- Lack of public litigation, where recourse is made to secret sessions in some lawsuits, which is in contradiction with local laws and the Kingdom's commitments to international conventions that can be considered part of the Saudi judicial code.

- Discrimination at times in accepting testimony from witnesses such as accepting it without thorough examination from policemen, investigators, or officials of the Commission of Promotion of Virtue, and others, whose testimony against those that they have arrested is accepted, testifying for the truth of what they have written or alleged against the accused. This procedure is in breach of some of the legal rules that presuppose that the testimony of those who have been nominated by the ruler of Muslims

(such as policemen, officials of the Commission, investigators, and others) should not be accepted. Such a procedure constitutes a waste of the rights of the suspects to be listened and to defend themselves. For that, the Society calls for a reconsideration of reliance on the testimony of those who have arrested the suspects.

Apart from these realistic cases that the Society has observed from the complaints it has received, there are phenomena, some of which were mentioned in the first report, that still deserve the attention of the judicial system such as:

- Long periods of litigation in some lawsuits before courts, with the litigants being aggrieved from this especially in labor lawsuits and some personal affairs and inmates lawsuits.
- Scarcity of judges compared to the number of inhabitants and lawsuits, distributing them unequally in the regions of the Kingdom, and insufficiently controlling their fair distribution on courts in the regions of the Kingdom with regard to studied cases, as well as nominating some judges then allowing them to be transferred to the Ministry or other bodies, leaving the court without a judge for a period of time that could be fairly long.
- Lack of commitment of some judges to the timing of lawsuits or postponement of litigation to other sessions, where listening to litigants and deciding the outcome of the conflict occur at the very same session.
- Scarcity of rehabilitation programs for judges and weakness of a suitable mechanism to form and select them, although the Society has observed some efforts made by the Higher Institute for Law to organize training sessions and workshops for judges in order to raise their competence and acquaint them with applications of the laws in force. However, there is a dire need to organize specialized training sessions for judges to form them in order for them to be able to work in the competent courts that have been created by the new Judicial Code (Personal Affairs, Criminal, Labor, Commercial, Traffic, etc.).
- Failure of some judges to acquaint the suspects of their rights such as their right to demand punishment of those who use violence against them

or compel them to admit to a crime, and their right to challenge a judgment especially regarding inmates.

- Exaggeration in some censure punishments by imprisonment or beating.
- Entrusting the judge with some administrative works beside his job, which is at the expense of litigating lawsuits.
- Refusal of some judges to litigate some lawsuits that are within the scope of their competency, which is in breach of the right to litigation that is guaranteed by the Governing Statute, and to which the Kingdom has committed herself internationally.
- Failure to activate modern tools to evidence some lawsuits where deciding depends on these tools such as DNA testing.
- Determination of a judicial position on compensation for errors in procedures of arrest, detention, custody, imprisonment, torture, abuse, and turning influence to advantage.

Although the Bureau of Grievances, which represents administrative litigation in the Kingdom, has established the principle of compensation for errors made by the administration, all the precise rules and criteria for compensation for errors made by the administration still need clarifying, especially regarding compensation for errors about the procedures of arrest, detention, custody, imprisonment, torture, abuse, and turning influence to advantage.

The determination of the essence of errors and their compellingly compensatory dimensions, the extent of compensation, and the kinds of damage requiring compensation (long period of detention, the extent of physical and moral damage incurred by the victim of unlawful detention and his relatives, the gravity of the error leading up to detention), are urgently needed. The situation may call for a law to these important issues, otherwise the outcome of the lawsuit incurred by the victim of errors made by the administration will remain unknown as to its acceptability and extent, which would lead up to administrative practices uncompensated for.

The Society has observed that some individuals have been compensated

for judgments pronounced against them. However, some others have not been compensated for various reasons such as that the judgment given to the lawsuit for which compensation is asked has not declared the suspect innocent but dismissed the case owing to inadequate evidence, or that the judge thinks that the reasons advanced by the administration are reasonable, therefore compensation of the victim was not litigated.

Although Article (217) of the Code of Criminal Procedures states that "anyone who suffers damage owing to false accusation, to the length of his imprisonment, or more than regular detention, has the right to ask for compensation," guaranteeing the implementation of this right requires its organization through a text in the procedural code or its executive bylaw, determining the criteria of such a compensation based on what is referred to above, thus leaving nothing to the discretion of judges.

The Society has great hope in the positive impact of some tendencies that have been noticed in the judicial system such as:

- Adoption by some judges in Courts of First Instance alternatives to imprisonment, though some of these judgments have not had the support of the Court of Cassation.
- Issuance of the code of judgments in spite of its selectiveness, and previously recorded comments that it uncovers about some judges, most prominent of which is issuing judgments without infringement of laws that state so.
- Existence of a feeling among some of those working in the judiciary service about the importance of development and modernization whose impact is positive on materializing justice.

3. Ministry of Interior

Most of the communication that the National Society for Human Rights does is with the Ministry of Interior, be that about inmates, nationality, violations, or grievances about which the Society receives complaints from citizens and expatriates.

Although the concerned parties at the Ministry reply to the Society's correspondence, belatedness is a characteristic feature of this

communication, reaching sometimes several months. Moreover, some of the replies do not carry convincing answers about the Society's comments and inquiries. Restricting the Society's correspondence to the various sectors of the Ministry (including the governorates of provinces) to the Under-secretariat of the Ministry, has delayed decisions in lawsuits, whereby the Under-secretariat has been made responsible for replying to a great deal of lawsuits while addressing by the past directly the governorates of provinces, prisons, and other administrations used to be punctually responsive. Such a situation has made the Society request going back to the former situation, which has been publicized lately to the bodies affiliated with the Ministry of Interior in order for them to be responsive to the Society in application of the two royal decrees number 2/B/4616 dated 24/1/1425H and number 605/MB dated 22/1/1429H.

The Society praises the Ministry for taking this step since opening channels of direct communication between the Society and the Human Rights Organization on the one hand, and all the sectors of the Ministry on the other, leads up to the protection of the rights of citizens and expatriates, contributes to speeding up the process of deciding on their grievances, enables senior officials at the Ministry to get acquainted through an impartial party about what is happening on the ground, and helps senior officials in the Ministry to indirectly control the situation. There is, however, need to amend the related circular in order for the concerned parties to afford more freedom to reply and move away from centralization, which may contribute at times to delays in assisting the aggrieved.

During the period covered by the report, the Society observed a few breaches and grievances on the part of some security and administrative bodies affiliated to the Ministry of Interior, which requires the insertion in the training programs of officials responsible for the implementation of the law such as soldiers, officers, and others, be they civilian or military, of texts of law interdicting assault on individuals or behaving with them in a degrading or inhumane manner, and determining their duties and interdictions in a clear and accurate manner. It is important that judges and the Commission of Control and Investigation assume their responsibility

in this respect. When a suspect alleges that he has been victim of torture or that a confession has been taken from him under duress, his grievance should be referred to a neutral party to investigate his allegation rather than send him back to the same party that brought him to justice, who may practice unlawful means against him to compel him not to raise the issue of torture or duress before the judge again. In the same fashion, facilitating and guaranteeing for those who claim to be victims of torture to see a neutral medical doctor speedily is not available or guaranteed.

The Society has observed that some individuals have been victim of such practices without having been given the opportunity to see a doctor or to see their allegation investigated. It is known that in cases of allegation of torture against public officers the Commission of Control and Investigation assumes its responsibility or an ad hoc committee is formed to investigate the issue, who then forward the result of its investigation to the concerned authority to resolve the problem. All crimes of torture are punishable by virtue of the rules of Islamic Law. Moreover, the royal decree number 43 dated 29/11/1377H makes provisions for punishment going up to ten years imprisonment for any official who is evidenced to have committed misdemeanor or duress in the name of the profession such as torture or inhumanity. Furthermore, the royal decree number 6368/M dated 7/5/1426H states that any security forces officer accused of abusing power shall be referred to the Commission of Control and Investigation. If the Commission ended up filing a case against him, they should bring suit against him before the Bureau of Grievances. After the incriminatory judgment is issued and punishment takes place, whoever has a suit for private right can take it before a criminal court.

The Society has also observed that the majority of security and administrative bodies affiliated to the Ministry of Interior do not have state-owned headquarters, which makes it difficult for those bodies to be faithful to the preservation of human rights in terms of space when individuals are detained or investigated. The employees, workers, and those who frequent those bodies suffer from the smallness and unsuitability of these spaces for the objectives for which they have been destined. The Society calls

on the Ministry of Interior to set up a plan, if it does not exist already, to establish permanent, exemplary, and state-owned headquarters with all the specifications that allow for respect of human rights. This plan can be gradually implemented, beginning with regions, provinces, and centers, including headquarters for investigation, police, traffic police, civil defense as well as civil administrations such as headquarters of provinces, centers, and civil affairs. The Society also calls on the Ministry of Finance to allot the Ministry of Interior the required finances to implement this plan. Work in the current spaces does not help the personnel to work in a way that is amenable to respecting the rights of citizens and expatriates, which is clear in some police, traffic police, and civil affairs headquarters.

It is also important to take care of the situation of the security personnel especially those working in prisons, police, and patrols, enable them to obtain their employment rights such as rewards and holidays, and ensure that officers behave well with those who are under their command especially those who work on the ground since that exemplary behavior has a positive impact on improving their performance at the job, and ensuring respect for human rights. Moreover, all those working in security forces should be reminded now and again that it is imperative to abide by the guarantees of the law in case anyone happens to be a target of situations or events involving security forces. It is also imperative to mention the recurrent complaint about the behavior of some of those working in police stations, which consists in showing no readiness to be responsive to declarations made by individuals about violations they are victim of such as theft, assault, etc.

There are two issues that deserve further attention and serious solutions on the part of the concerned authorities, namely, (i) the issue of security prisoners, and (ii) the issue of people without identification or with temporary papers:

(i) The issue of security prisoners

The Ministry of Interior has managed during the period covered by the report to preserve the security of the community, and defeated several

terrorist attempts and operations targeting vital facilities, requiring the arrest of several people, the search of their abodes, and the investigation of all those that they had relations with. In most of these cases, the texts of the Code of Criminal Procedures have not been complied with. The Ministry, however, has been keen on giving material assistance to the suspects' families, and setting up a rehabilitation program for security prisoners based on intellectual persuasion in order to change some erroneous religious concepts they believe in, and urge them to commit such terrorist acts, which is to the Ministry's credit.

However, the Society has continued receiving complaints from citizens and expatriates about the arrest of their relatives by the investigative body for periods going up to four years without bringing them to justice. In response to its correspondence to inquire of the Ministry of Interior about the causes of arrest and non-litigation, the Society often receives belated replies whose essence is that the suspects have links with the devious faction, that they intend to go to Iraq, or that they would be brought to justice without specifying a date. The Society has received complaints about suspects who have already spent their imprisonment sentence, and yet they have not been released. The Society has also been informed that a number of inmates have been transferred from prisons in areas where their families reside to other areas without any reason, which has resulted in material or travel difficulties for their families to get in touch with them. The Society has reiterated its call for the necessity to refer the detainees to justice or release them as stated in the Code of Criminal Procedures, which states that detention for more than six months without a trial or release is unlawful.

The Society has welcomed the announcement made lately by the Minister of Interior to engage the procedures of litigation for some detainees, and the Society is looking forward to seeing the detainees enjoy their rights during trials in accordance with the laws in force, guaranteeing a speedy release of those who have been proved innocent or whose imprisonment sentence has come to an end. Moreover, the Society has come to know that the investigation of the detainees was done by inspectors rather

than by the Bureau of Investigation and Prosecution, which is a blatant breach of the law. The detainees have also been deprived of recourse to an attorney, which is a right guaranteed by the Code of Criminal Procedures. The Society welcomes the enablement of the Bureau of Investigation and General Prosecution by the Ministry of Interior to practice their powers regarding the detainees who have been referred to courts for judgment.

The Society does not see it fit for individuals to continue being detained owing to their mere intention to travel to Iraq since laws do not penalize man for his intentions without the latter being coupled with deeds. Moreover, a distinction should be made between those who have actually committed terrorist acts and those who hold propitiatory opinions; between those who have actually travelled to Iraq and those who have the intention to go there; and between those who have been tried and whose imprisonment sentence has come to an end and those who have repented and regretted what they have committed. These differences have to be taken into consideration in dealing with different individuals. In prisons, those who hold propitiatory opinions should be isolated from the others since the Society has observed from the grievances of certain inmates' families that their children can get contaminated by certain devious thoughts held by other inmates.

The reasons for transferring inmates from one prison to another should be explained by the General Administration of Investigation, which is also requested to facilitate visits to the families and relatives of detainees, and enable them to choose an attorney to defend them – a right guaranteed by the Code of Criminal Procedures (Articles 4 and 119). The Society has received grievances about mal-treatment of inmates and their relatives during investigation and visits, and indifference of some officers to comply with human factors and legal regulations during investigation, upon bringing an inmate to see his relatives, or upon his family's entrance, which is against the directives and instructions issued by senior officials at the Ministry of Interior. Should these individuals or officers not understand that their behavior is punishable by law, this situation may continue and reflect a negative opinion not only upon the investigative body but also upon the Ministry.

The Society, thus, calls for control over these behaviors on the part of trustworthy people, and for their eradication at all the stages of arrest, investigation, detention, or visits owing to the importance of this for public opinion, since the objective is to protect the community's security and stability rather than torture the government's opponents as is the case in some other countries. It should also be insisted that persons selected for these positions be trained in communication skills, positioned in the reception of the public, and given the necessary powers to solve any problem that may arise during visits. It has been reported to the Society through some grievances that people make the journey to see their relative inmates but find themselves being denied by prison officials the right to meet them, or being told that their relative inmates do not want to see them. And even if inmates truly did not want to see their relatives, it should have been made possible for them to hear that from him directly, which may importantly have made his family a facilitating factor in clarifying the situation.

The Society strongly believes in the possibility of protecting the community's security and stability and at the same time respecting human rights through commitment to the implementation of regulations and laws. In case these do not exist, there is need to propose and forward them to the judiciary bodies to study and issue them as laws.

(ii) The issue of people without identification or with temporary papers

These people's problem is the fact that they do not have a Saudi nationality, and that they carry no identification, though they have been living in the Kingdom for so many years. They may have no nationality at all, or they may have that of one country that they do not want to go to owing to the fact that they were born in the Kingdom or that they have been living here for quite a long time. As stated in the first report, the Society has been receiving several nationality-related complaints, which has continued for the period covered by this report. They can be classified as follows:

- Individuals whose nationality has been withdrawn from them without known reasons, and have not been given any identification that they hold the Saudi nationality. It has been reported to the Society that this withdrawal occurred owing to declarations that they have obtained the national identity in an unlawful fashion. Some of these complaints stated that this has been acknowledged under duress and torture after arrest. Some of them have provided documentation that they worked in the civil service for a long time. The withdrawal of their nationality entailed that they have been without one for more than fifteen years now, with the result that their children are without schooling, health care, work in the civil service, and without being paid their dues from the state's bodies. These individuals have documents proving that they are Saudi in origin, provenance, and birth, and even though their tribes' elderly still testify to the fact that they have Saudi origin, their problem has not yet been solved.

- Individuals who have applied to the Central Committee for Self-preservation to rectify some information in their identity in accordance with the royal decree 8/471 dated 16/6/1410H, but have seen their identification withdrawn from them, claiming that their belonging to the Saudi tribal system has not been proven. They are followed by other known as "Allies," who hold a five-year identity card, but have not been granted the Saudi nationality even though the royal decree 8/786 dated 11/9/1422H states that whoever holds the five-year card and belongs in one of the Saudi tribes shall be given, together with his family, the Saudi nationality in accordance with Article (9) of the nationality law, and that whoever can prove his belonging to one of the Saudi tribes and has not received a residency permit shall be exempted from the residency condition, and shall be granted the Saudi nationality as per the same Article. This royal decree tries to solve such cases, and only needs implementation.

- Individuals who were born in the Kingdom without acquiring any nationality owing to reasons that have to do with their mother or father, or have come to the Kingdom for pilgrimage or visit, and remained in the Kingdom in breach of the law of residence and their relation was severed with their home country. Some of these may have a nationality,

but deliberately hide it away to defeat attempts to repatriate them. This situation makes these people individuals without a nationality from the legal perspective, and the continuation of such a situation creates problems for them, their children, their grand-children, and the community. There is undoubtedly need to solve their problem by granting those who hold no identification provisional cards until their situation is settled.

However, it seems that the concerned bodies are not capable of dealing with this problem with impartiality, realism, and speed as has transpired from the replies received by the Society about the cases of these people, in spite of the issuance of royal decrees solving some of them. Indeed, even though the status quo is in breach of their rights and that of their children and their families in depriving them of their right to work, education, health care, movement, social security benefits, and support of charitable organizations, yet there is another problem consisting in the growing number of these, which across time may make the solution of their problem quite difficult owing to ensuing security, social, and political dangers.

During the meeting of the President of the Society and some of its members with His Royal Highness Prince Naif bin Abdulaziz Al Saud, Minister of Interior, a number of issues of interest to the Society and related to the responsibilities of the Ministry, have been discussed, including these two issues. His Highness has directed His Undersecretary to follow them up with the Society.

4. Bureau of Investigation and General Prosecution

The Bureau of Investigation and General Prosecution is one of the most responsive bodies to the Society's correspondence regarding the inmates' conditions. However, the Society has been receiving complaints from inmates about not having been enabled to meet the members of the Bureau, whose law states that their responsibility consists in controlling and investigating prisons, detention houses, any other place where criminal charges are implemented, listening to inmates and detainees' complaints and ascertaining the lawfulness of their imprisonment or detention or their being remanded in prisons or detention houses after their prison sentence has expired.

The Society has also observed that some investigators do their job without enabling a suspect to seek the assistance of an attorney, as well as lengthening the period of investigative procedures without any justification. The Society has also received some complaints whereby suspects or their relatives have been target to attempts on the part of investigators to influence their will, which is in blatant breach of Article (102) of the Code of Criminal Procedures that forbids influencing the suspect's will in giving his statements. However, suspects enjoy a sort of guarantee not to see their rights breached in cases investigated by the Bureau as compared to those who are investigated by inspectors and the police forces.

The scarcity of visits by the members of the Bureau can perhaps be amenable to the impediments it suffers, thus restricting its performance in jobs entrusted to it. Some of the impediments that the Society has noticed are:

The number of employees is insufficient, and the incentives are weak. The Bureau is also denied investigation and prosecution in lawsuits of detainees in the general investigative prisons, and cannot visit them. The Society calls for broadening up the Bureau's powers to include all places of arrest and detention, supporting it to cover all the Kingdom's provinces as the only body habilitated to investigate, and making sure that security forces do not so often combine detention and investigation.

In order for the Bureau to assume its responsibilities with transparency and independence, it should be directly linked to the Prime Minister. If the affiliation of the Bureau was good at the start of its mission, there is need now to reconsider this as long as the relation between the regions' governors and the responsibilities of the Bureau of Investigation and General Prosecution about deciding upon some lawsuits is not determined. And although his Excellency President of the Bureau and its senior officials have indicated in a meeting with the President of the Society and some of its members that the Bureau of Investigation and General Prosecution is capable of assuming its responsibilities as stated in the law, there is need to support it with human trained cadres that would enable it to serve all the provinces and centers without exception, and to set up plans for exemplary

headquarters for it and for its branches in the various regions, provinces, and centers of the Kingdom, thus replacing the rented and unsuitable headquarters of the Bureau.

Furthermore, Article (19) of the Code of Criminal Procedures should be reconsidered since it gives the investigator the right to preclude an inmate or detainee from communicating with other inmates or detainees, and from being visited at all for a period going up to sixty days. If the first part of the interdiction related to communicating with other inmates or detainees might be acceptable, the second part precludes the inmate or detainee from communicating with his attorney and relatives for a long period of time, which counts as an inhumane treatment that needs to be reconsidered or at least restricted to individuals suspected of dangerous crimes.

The motivations of arrest should be confined within the context of one code, which is not available for the time being. The Code of Criminal Procedures includes one motivation for arrest, the *flagrante delicto* (M.33). In cases other than the *flagrante delicto*, Article (35) stipulates that it is unlawful to arrest or detain any individual unless by a summons from the concerned authority, leaving the motivation for arrest unspecified, even though Article (2) of the Code stipulates that “No individual shall be arrested, investigated, detained, or imprisoned except in the cases stated in the law.” In an attempt to determine and narrow down the motivations of arrest, Article (112) states that “The Minister of Interior, based on a recommendation from the President of Bureau of Investigation and General Prosecution, determines what are considered serious crimes necessitating arrest.” In spite of the existence of a decision determining the crimes that necessitate arrest, this issue, together with the numerous breaches and immoderation in cases of arrest, requires confining these motivations within the same code, determining the consequential punishment or impact of unlawful arrest or detention.

5. Commission for the Promotion of Virtue & Prevention of Vice

Although the Commission for the Promotion of Virtue & Prevention of Vice is committed to an important religious duty, it performs this role

as an arrest body whose actions are restricted, like any other body of arrest, by the texts of the Code of Criminal Procedures. However, the Commission, in accordance with its code issued by royal decree M/37 dated 26/10/1400H and its bylaw number 2740 dated 24/10/1407H, enjoys broad responsibilities and powers consisting in arresting, detaining, searching, and investigating. These powers are not precisely determined in the Commission's code and bylaws, which might be a cause for fear that individuals' rights be violated. This is what happened in some cases treated by the Commission during the period covered by the report, whereby these breaches have resulted in some deaths and lawsuits before courts against some members of the Commission, some of whom received judgments of innocence.

These lawsuits have attracted the attention of the media, which have made them public and followed them up, causing officials of the Commission to accuse the media of amplifying and highlighting any lawsuit in which the Commission takes part. Some of those who have been arrested by the Commission confirmed to the Society that they have been transferred to the Commission's centers, where they have been detained and investigated, with some of them assaulted and confession taken from them under duress, by inveiglement, or promise to cover up, and with mobile phones searched. They have also been denied communication with their relatives, insulted with bad language, and cruelly treated.

During the period covered by the report, several incidents involving members of the Commission have occurred in Riyadh, Tabuk, Medina Munawara, and Najran, occasioning damage going up to five life losses that have been uncovered by the media in Riyadh, Tabuk, Medina Munawara, and Jeddah. In its comments upon these incidents, the Commission has tended to deny them or belittle their importance, stating that they are individual acts, and that the Commission receives strict instructions to comply with the regulations stated in the Code of Criminal Procedures.

The Society has received complaints showing the frequent occurrence of breaches that have been observed in the previous report such as:

Unmotivated search of private property, arrest of women without

unmarriageable guardian, compulsion to sign proceedings without reading them, and use of private cars to move suspects to one of the Commission's centers. Owing to the frequent occurrence of these incidents and ensuing damage, a circular has been issued, insisting that the role of the Commission for the Promotion of Virtue & Prevention of Vice ends with arrest, after which the suspects should be entrusted to the specialized security centers, that under no circumstances shall any individual, male or female, be moved to the Commission's centers, and that should any member of the Commission move any suspect to the Commission's centers he shall be immediately removed from his duties and taken to justice. The Commission for Investigation and General Prosecution has been entrusted with following up this matter and organizing investigative campaigns without prior notice for the benefit of the Commission's centers to make sure that no suspects or detainees are being investigated by the Commission.

Complying with this circular would help curb the breaches that might be committed by some members of the Commission and some of its collaborators, and would help them comply with the Code of Criminal Procedures. Instructions have been issued by the presidency of the Commission compelling its members to stay official by showing their professional card, and urging them not to chase people. Last year, the Commission organized training sessions to its staff to acquaint them with the Code of Criminal Procedures. However, without changing the Commission's code, which grants it broad powers as the Society signaled that in its first report, these procedures remain insufficient.

There is a dire need to expressly determine the powers and responsibilities of the Commission's staff out of fear for the Commission for the Promotion of Virtue & Prevention of Vice, and the reputation and security of its staff, some of whom have been assaulted, as well as minimize their mistakes and people's complaints about them. It is compellingly important to determine the work mechanisms of the Commission's staff, especially field workers among them, in such a way that people's liberties are safeguarded and at the same time the Commission's staff members are enabled to perform their duties toward the community.

During the meeting of the President of the Society and some of its members with his Excellency the Commission's President and its senior officials, it has been insisted that the Commission would not admit any breach from its staff, that there exist training programs to promote their competencies, and that they are eager to cover in the majority of cases. The Society urges the Commission to continue its staff's intensive training sessions, penalize those of its staff who chase people, investigate complaints by impartial and independent parties, and concentrate on advising and counseling more than arresting and penalizing.

6. Human rights commission

The establishment of the Commission for Human Rights has come to emphasize the Kingdom's endeavor to protect human rights and make efforts to root them since the Commission has been granted through its organization broad powers including receiving complaints, visiting prisons without prior notice, emitting opinions about laws, and disseminating the culture of human rights. The Commission has been directly linked to the President of the Council of Ministers, which shows the concern that the Saudi leadership has for the Commission's role in protecting and consolidating human rights in accordance with international criteria of human rights in all fields. Since its inception, the Commission has endeavored to assume its responsibilities. However, it has been met with weak collaboration on the part of some governmental bodies in spite of the issuance of royal directives of collaboration with and facilitation of its job.

The Commission has been in contact with regional and international institutions, explaining the official stance about issues raised against the Kingdom. The Society commends what the Commission is doing, and calls upon the Commission to activate all their responsibilities incumbent upon it such as visiting prisons and detention houses without prior notice to ascertain the inmates' conditions, listening to their complaints, and verifying the lawfulness of their detention in prison especially in investigative prisons. The Society also calls on the Commission to intensify the control of the performance of governmental bodies, uncover the breaches committed, and

publicize them in the media so as to enhance human rights and enlighten public opinion. We hope that the unresponsiveness and dissatisfaction on the part of several bodies and the reception of insufficient funding will not prevent the Commission from materializing its objectives that the Society shares with the Commission.

It is hopeful that if the Commission continues its current policy, principles and foundations will be established which will persuade the other governmental bodies about the importance of respect of human rights in their dealings and behaviors, be that at the level of formulating laws or at the level of application, and practice. However, there is need to support the Commission financially and morally to enable it to assume its responsibilities in protecting and consolidating human rights and disseminating its culture across the community.

PART THREE: HUMAN RIGHTS: REALITY AND PRACTICES

In this section, the reality of human rights and positive or negative developments (or lack of them), compared to what has been observed in the first report, will be dealt with. A number of rights and issues will be isolated, which are thought to deserve special scrutiny in this report without in the least belittling the importance of other rights.

1. Woman

Human rights-wise, the Kingdom is undoubtedly experiencing a period of remarkable openness. And woman's conditions are expressly improving, with the government taking steps in this direction especially the country's leadership's eagerness to meet with women, be they employed in education or businesswomen, to listen to and support them. Encouraging woman to occupy key positions is also noticeable, with the nomination of female president of university, and female nominations at the Ministry of Instruction and Education, and with the opportunity given to a Saudi woman to represent the Kingdom's government at the international level, to participate in the work of international organizations, and to open some new university tracks for them. Furthermore, the Consultative Council agreed to the recommendation 198 issued by the General Convention of the World Labor Organization in its ninety-five session, which organizes the employer-employee relation and urges for the materialization of the principle of man-woman job equality.

The Society hopes that these steps will continue, and will be translated on the terrain by the concerned authorities. The laws that guarantee woman's rights are in most cases available; however, the trouble is in their implementation or in their erroneous interpretation by some authorities. In spite of this, the texts of law and instructions should be revised that disparage the legal capacity or personality of woman in a way that contradicts the principles of Islamic Shari'a, especially those laws that necessitate her guardian's permission. Such cases include all forms of guardianship over woman's financial transactions, which prevent her

from managing her money without the guardian's consent, entering into financial contracts without a male guardian, educating herself, working, or doing commerce without her guardian's consent.

Unlike for chambers of commerce and some other societies, allowing woman to be a candidate for or a voter in municipal elections is still an unclear issue, even though this is not due to a text of law but to a decision or practice, which is in blatant breach of some international conventions joined by the Kingdom. To avoid this, a law determining the conditions for candidacy to elections and right to vote, should be issued, which would set up a specific legal frame and ensure equality (or lack of discrimination) between man and woman. The Saudi woman is capable of being successful in several fields since she has had the experience of elections in some chambers of commerce and industry and the councils of some professional societies, and was able to win many seats.

And in spite of the efforts made to consolidate woman's contribution to development in order for her to have a say in social issues, the developmental procedures taken in this area are in need of being codified for their continuity to be guaranteed. On the other hand, there is a noticeable increase in problems threatening familial cohesion, on top of which are family violence, divorce, and irresponsibility in child or elderly care, whose causes need to be studied to solve them.

It is important to clarify some terminology in texts of law, based on reasonable opinions in Islamic jurisprudence in order not to leave that to individual interpretations, thus restricting the violations that woman is subject to, and that restrict its participation in social life such as mingling, unlawful privacy, lawful veil, and situations where a guardian is required for a woman. Determining the meaning of these concepts helps restrict violations on the part of those who call for woman's compliance with the rules of Islamic Shari'a and on the part of some women that do not abide by such legal norms.

The extent to which the legal supports are strong in the issue of equality in marriage should be reconsidered since its current applications, which harm woman, bump into Islamic principles that do not discriminate between a non-Arab and an Arab, and starts from the assumption that men are

equal. The current legal applications to the guardianship issue in marriage contradict these principles and Article (12) of the Governing Statute, which comes under part B titled, “Foundations of Saudi community,” which states that “consolidating national unity is a duty, and saves the State all that leads up to separation, sedition, and disunity.” These applications can be considered a form of racial discrimination, which is prohibited by Article (1) of the International Convention on the Elimination of all Forms of Racial Discrimination.

Separating husband and wife or the revocation of their marriage contract on the basis of inequality in lineage, especially after giving birth to children and with husband and wife wishing to stay together, is a fact that is not based on substantial legal criteria, thus contradicting the very principles of Islam as a global religion. Holding on to this legal trend of equality in marriage still raises several problematics, and occasions harm to the family, which requires to radically solve this problem with written texts from the principles of Islam as a faith that abhors discrimination and disunity, and to commit judges to implementing them. The Society has observed cases and received grievances from people complaining that they have been discriminated against on the ground of inequality in lineage, and that they and their children have been harmed owing to the responsiveness of some judges to those who wanted to separate them under the pretext of driving away considerable evil in spite of the couple’s desire to stay together.

There exist some legal texts that should be amended to clear them from any discriminatory tendency or any interpretation that restricts woman’s rights such as Article (76) of the Civic Affairs Code, which requires the woman’s guardian’s consent for her to obtain her civic affairs card. This condition leads to her deprivation or restriction of her right to obtain one, the consequential effect of which is that she is deprived of her right to freedom of decision. Likewise, Article (7) of the political and private passports law and Articles (5, 8, 9) of the bylaw of the travel documents law, can be said to disparage woman’s legal personality, and should be reconsidered.

And if the Civic Work Law, the Labor Law, and Social Insurance

Law do not include clear discrimination against woman in the field of employment, there is need to amend the Civic Retirement Law to discard any text that deprives the working woman or her heirs from the right to retirement salary as is the case with the retirement salary of the Saudi woman married to a foreigner, which requires that her foreign husband and children have the Saudi nationality in order to deserve their mother's retirement salary while the Saudi woman who is married to a foreigner gets this retirement salary.

Furthermore, the Saudi Arabian Monetary Fund should make it clear to banks through a circular to do away with requiring the guardian's consent for an adult woman to open a bank account in her own name. And any other governmental body should refrain from discriminating against woman or inserting in its bylaws anything that can be considered discriminatory against her. In the same vein of thought, the Saudi Nationality Law and its executive bylaw should be reconsidered to remove any discriminatory behavior between man and woman in applying for nationality, and their impact on children and husband/wife's obtaining nationality through a total of points as is the case with nationality applicants, which is discriminatory against woman. Indeed, if it is enough for the Saudi father to get three points, to get these points a mother needs to satisfy an extra condition: her father should also be a Saudi. However, if the mother alone is Saudi, two points only are totaled by nationality applicants rather than three as is the case with the father. It is also noticeable that this discrimination against woman is active when a nationality applicant is married to a Saudi whose father is a Saudi, which wins him two points. However, if his Saudi wife's father is not a Saudi, the nationality applicant receives only one point, which constitutes a form of discrimination between man and woman in favor of man.

Likewise, the Real Estate Development Fund Law should be reconsidered, which confines housing loans for women to the following categories:

a) Women whose age is over forty and who have never married, who are widows, and who are divorced ones even if they happen to be childless.

b) Orphans whose age is under twenty-one and who are in possession of shared land or house that is unsuitable as an abode and needs demolishing and rebuilding with one loan in their own name, and on condition that neither of their parents has obtained a loan from the Fund, and provided that this should not in the future deprive those who satisfy the conditions for contracting a loan to obtain a private one.

Clearly, this text constitutes discrimination against woman, with the right for man to contract a loan as a clear right as soon as he becomes twenty-one while this right for woman is too restricted and confined to particular categories.

On a more positive note for woman, however, the new Labor Code has reserved a separate section from Articles (149 to 159) to organizing woman's employment, including all protection and advantages to working woman, who is rather distinguished from man on the issue of retirement. Indeed, Article (74) of the Code determines the age of retirement for woman at fifty-five and sixty for man. Moreover, Article (87) entitles her to the right to end of service allowance in entirety "if she terminates her contract within six months from the date of her marriage or within three months from giving birth."

The controls of woman's employment should also be reconsidered, which could be interpreted as restricting woman's equal opportunities as man in employment without ignoring her physiological makeup or jeopardizing lawful controls. However, there exists opposition from some layers of the community to the government's endeavor to integrate woman in the job market. The decision of woman's employment in shops as selling woman's necessities has been faced with difficulties in practice owing to the tremendous opposition on the part of some parties for various reasons. In spite of all this, the Saudi community as a whole supports specific rights for woman provided that this does not lead to infringement of customs, traditions, and the regulations of Islamic Shari'a.

It seems that the issue of woman's employment is not an issue of laws as much as a matter of administrative regulations to be taken in order to overcome the obstacles that face her employment. The most important obstacle is the one that arises from customs and traditions, which do not

admit woman's employment in some domains such as working as an attorney. There is no law in the Bar Code that restricts this profession to man; for that, legal studies as a specialization has been opened for woman in some Saudi universities, which requires setting up a national plan to start changing social archetypes that contradict Islamic Shari'a. Such archetypes consider woman to be less competent than man, the consequential effect of which being a waste of lawful and legal rights. It is, therefore, necessary to set up committees or mechanisms to support woman's work and litigation to acquaint her with her rights and the necessary procedures to provide her with necessary legal protection. The current situation does not allow woman to practice her right to litigation in many cases. And the progress made by the Saudi woman in education and in some governmental positions occupied, has not been accompanied by a similar progress in integrating her in the job market. Women selling woman's necessities in open-air at some markets are still a familiar sight, which does not protect their dignity.

A few decisions have been issued that concern woman's employment and aim to enlarge her contribution to development, and were referred to in the Society's first report. Such decisions include the Council of Ministers' decision number (120) dated 12/4/1425H regarding the Saudi woman's job opportunities and types, the Council of Ministers' decision number (187) dated 17/7/1426H regarding the decrease of working hours for Saudi woman working in shops selling woman's necessities, and the Council of Ministers' decision number (63) dated 11/3/1424H which includes legal procedures regulating woman's employment in the public and private sectors. However, these decisions are in need of constant follow-up to ascertain their activation. Integrating woman in the job market in accordance with the Islamic Shari'a counts as an important fact not only to give her rights but also to help restrict leisure time from which a great many women suffer, which might have negative effects that surpass those that opponents to her participation in the job market invoke.

To make woman's life easier, a decision has been issued, after a study made by specialized bodies, to enable a woman who carries an identity

card to put up at a hotel without an unmarriageable companion. A royal decree in this sense has been issued on 22 Du Alhajja 1428H. This decision has aroused a reaction on the part of those who refute it, saying that it might cause some social and security problems. Others, however, think that the decision is suitable, and meets the needs of many families in light of the developments occasioned by the changes in living conditions. The issue of unmarriageable companion arouses some problematics to female students to be delegated to study abroad, especially those that do not have one, which necessitates studying this problem from the lawful and legal perspectives, and setting up clear specific rules where these cases are taken into account.

There is also need to codify the issues of personal affairs so that woman's rights in marriage, divorce, and child custody are specified and determined in order to be understood. Rules for evidencing in these special cases should be facilitated, and personal affairs courts should be speedily created. In parallel, initiatives to limit family violence should be consolidated such as by creating a national program for family safety, centers for social protection at the Ministry of Social Affairs, centers for protection within hospitals, and follow-up committees in girls schools at the Ministry of Instruction and Education.

2. Child

Although the fundamental child's rights such as right to life, to health care, to education, to self-expression, and to dignity and physical protection, are protected in a way or another, some of his other rights such as his family and parents-related rights and his right to obtain nationality are still impaired. For example, a child born before his parents are bound by a marriage contract is not affiliated to his father even if the latter has recognized him, even though jurisprudence-wise this is admitted. Worse, identification documents may be withdrawn from his parents or from one of them, with impact falling back on the child who becomes without known nationality, which is a breach to the child's right to have a nationality at birth as stated by the Convention on the Rights of the Child that is joined by the Kingdom.

The issue of determining the legal age in the Kingdom still raises several problems. The age of eighteen is accepted in employment, business, and bank dealings. However, there exists no specific legal age for marriage. There is a further age at which people are employed as a general employee, determined at seventeen in Article (4) of the Civil Service Law. Regarding the age of legal responsibility of juveniles in crimes and punishment, nothing is specified. Courts tend to take fifteen as the age of legal responsibility, which impedes the implementation of the Convention on the Rights of the Child in the Kingdom. It would be advisable to adopt what Article (1) of the Convention has determined, i.e. eighteen, and generalize it to all the previous cases since national laws have not determined a legal age. One of the decisions of the former Consultative Council has also adopted eighteen, Article (1) Paragraph (J) of the bylaw of the Nationality Law has also adopted eighteen as the legal age, as well as Article (41) of the Residency Law that considers an underage someone who is under eighteen.

The text of Article (7) of the Saudi Arabian Nationality Law is in need of amendment to include the case of a child whose mother is a Saudi and whose father's nationality is known but who was unable to transfer his nationality to his child for one reason or another. Lack of amendment will occasion the fact that this child will not obtain his foreign father's nationality, neither will he obtain his mother's, thus becoming without nationality. Therefore, it would be better for Article (7) of the Law to extend the Saudi nationality to a newborn to a Saudi mother whose husband is a foreigner if the child has not obtained his father's nationality whatever the reason and without restricting these cases to a foreign father with unknown or without a nationality. It would be better for a newborn on Saudi soil to a Saudi mother whose husband is a foreigner, to be given the Saudi nationality in order not to live and be treated in his mother's country as a foreigner. Article (7) compels him to live as a foreigner in his mother's own country. If he resides in the kingdom and satisfies the other conditions stated in Article (8) of the Law, this does not radically change the possibility of obtaining his mother's Saudi nationality when he becomes of age since the Article does not entitle him automatically to the Saudi nationality and it is not guaranteed that he would obtain it.

Worse, girls to a Saudi mother are not entitled to the Saudi nationality, but are granted a provisional card, and if they marry they will obtain their husband's nationality, which is in breach of the current Nationality Law as well as a form of discrimination against woman. The Society has addressed the Ministry of Interior concerning some of the cases it received, and the reply has been that there is an old royal decree regulating this. The Society calls for equality between boys and girls regarding this issue, and for ignoring whatever regulations or decisions preceded and contradicting the substance of the Nationality Law, or the substance of the Convention on the Elimination of all Forms of Discrimination against Women, which the Kingdom joined in December 2000.

There is also need to set up criteria regarding a newborn to a Saudi father and a foreign mother in a marriage that the State does not recognize since this marriage has not been authorized in advance. The current situation disallows the transfer of nationality from father to child. Furthermore, if the nationality law of the mother is similar to that stated in Article (7) of the Saudi Nationality Law, i.e. a newborn to a national mother and a foreign father whose nationality is known is not entitled to his mother's nationality, this child born of a foreign mother may not obtain his mother's nationality, thus becoming without a nationality.

It is in the interest of children that Article (23) of the Saudi Nationality Law be reconsidered, which states that "withdrawing the Saudi Arabian Nationality from a naturalized person also applies to his dependents who have acquired it through dependency. If it can be evidenced that those who acquired it through dependency are good-mannered, and that there is nothing against granting it to them, it shall be granted to them with retroactive effect." According to Article (14) Paragraph (B) of the Nationality Law, the underage children of a naturalized person acquire the Saudi nationality through dependency to their father's naturalization by the Saudi nationality if they come to reside in the Kingdom. In application of Article (23), if it has been withdrawn from the father, the Saudi nationality will in principle be withdrawn from his children even though the reasons for nationality withdrawal may be because of the father's inculcation "for breach of law or more than a one-year imprisonment

period for committing a crime related to trust or honor” as stated in Article (21) Paragraph (B) of the Saudi Nationality Law. According to these texts of law, the children of those from whom the Saudi nationality has been withdrawn for crimes determined by the previous Article, may find themselves without a nationality as per Article (23) of the Saudi Arabian Nationality Law since they have acquired it through dependency. Even though this contradicts an important legal principle (“no bearer of burdens can bear the burden of another”) and that punishment is personal and cannot be extended to anyone who did not commit its crime, this does not preserve children’s interests and is in breach of the Convention on the Rights of the Child.

Therefore, Article (23) of the Saudi Arabian Nationality Law should be amended so that nationality withdrawal may not be extended to the children, who have acquired it through dependency in case their father has committed a crime of the kind stated in Article (21) following the example of the impact of denaturalization on children stated in Article (19) Paragraph (B) of the Law. The latter Article stipulates expressly that “the denaturalization of a person from the Saudi Arabian nationality in application of Article (11) does not entail the denaturalization of his wife, children, or those of his relatives that used to enjoy it by dependency.” The Society has received complaints about children aggrieved from the depreciation of their father’s legal position by nationality or identification documents withdrawal without their committing any crime.

Likewise, any practice, decision, circular, or law whose consequential effect would be the male child acquiring more rights than a female child other than those stipulated by Islamic Shari’a, should be ruled out such as forbidding sports activities for female children, or discriminating against them in some educational fields. It should also be interdicted to discriminate between the rights of a Saudi child and those of a non-Saudi one as long as the latter is under the control the Saudi state’s residency and guardianship. It would be more appropriate and effective to issue an organizational decision interdicting all forms of discrimination between children especially in the educational field and in all the child-related fields.

The child should also be given the opportunity to be listened to in every legal or administrative procedure that concerns him such as custody either directly or through a representative or suitable commission such as the social protection administration at the Ministry of Social Affairs in order not to harm him. This has been stated by the principles of Islamic Shari'a, and accords with Article (12) Paragraph (2) of the Convention on the Rights of the Child that has been joined by the Kingdom. A number of children have been victim to family violence that resulted in death or permanent disability in some cases, which requires that the judge who decides the case to listen to the child before giving custody, and to ascertain that those to whom it is attributed have legal capacity so as to guarantee that children would not be subjected to violence.

There is need to set up clear specific legal rules regarding the child's guardianship, custody, and punishment (either as limits or reprimands), or to penalize those who aggress him in case the latter is a member of his own family such as his father, as derived from best practices in Islamic jurisprudence, leaving no room for individual interpretations on the part of some judges as is the case currently. The legal procedural rules in the Kingdom such as the Code of Judicial Procedures and the Code of Criminal Procedures do not state the necessity of listening to the child (who can express himself) in lawsuits related to him, which is left to the discretion of the judge. It would perhaps be more in conformity with the conventions joined by the Kingdom to state this right in procedural laws, and imperatively state that the child should be listened to in all lawsuits related to one of his rights as long as that is possible. The merit of such a text would be that it binds the judge to listen to the child and does not leave it to his discretion to decide. The activation of such a text requires penalizing either one of the parents who seriously breaches his/her commitment to educating and protecting his/her child. The Society has observed several cases where an able father leaves his children without alimony, protection, or identification documents. The inexistence of a legal mechanism to penalize these deeds by the father or the mother constitutes lack of protection for the child. One of the most important tools to activate the child's rights within the family such as child custody, alimony, child

visit for one of the parents, etc., is codifying the family rules within the Islamic Shari'a, which constitutes a tremendous benefit for both parents and children and a protection of the rights of each member of the family including the child.

There should be a restriction to giving very young girls in marriage in light of a respectable, legal opinion. The Society has observed some cases where very young girls have been given in marriage by their parents or guardians, which calls for setting up a minimum age for marriage that commits the marriage official not to draft any marriage contract as long as the two partners have not reached a certain age. In other cases, the consent of a judge should be sought, linking guardianship with legal competence in other cases through the determination of the legal age for both sexes in a text of law that would settle this problem. Owing to lack of civic codification of transactions, an alternative would be a text in the Code of Judicial Procedures that determines the legal age at eighteen for males and females to be able to enter into transactions.

There is also need to set up laws or regulations special to juveniles, regulating their situation in terms of arrest, investigation, trial, and penalty (and place of implementation). Article (1) of the Prisons Law includes the expression “without breaching the rules for treatment of juveniles,” without the Prisons Law including rules specific to juveniles except what has occurred in Article (16) of the bylaw of the foundation of arrest such as the necessity to provisionally release juveniles on bail according to certain controls. The explanatory memorandum to the Prisons and Arrest Law states that the rules of juveniles' arrest will be included in the project of the Code of Criminal Procedures. Article (13) of the Code of Criminal Procedures explains that “juveniles are investigated and judged in accordance with the laws and bylaws regulating that.” However, no comprehensive law for juveniles has been issued, which is what the Society forcefully calls for. The bylaw of the houses of social observation issued in 1395H, the complementary circulars issued by the Ministry of Interior, and decision (25) dated 26/1/1421H of the Council of Ministers and its amendments, are all insufficient since they did not include enough procedures about investigating the juvenile, and did not include details

about the procedures of trying a juvenile, the composition of the court and the convening mechanisms, the possible penalties to be directed against the juvenile, etc. All this makes the issuance of a comprehensive law specific to the juveniles a necessity. The implementation and activation of the rights of the juveniles require the existence of enough rules specific to the juveniles, and do not dispense with the issuance of the controls regulating the placement of juveniles in houses of social observation through a Council of Ministers' decision (169) dated 19/6/1429H, which states that the prosecution in juveniles' lawsuits, especially those under the age of twelve, should decide in these lawsuits by alternatives to imprisonment.

There is also need to speed up the issuance of a law for child protection from all forms of harm, neglect, trafficking, beggary, sexual abuse, etc. Such a law should explain the penalties corresponding to all sorts of child assault, and ensure that these penalties be deterring and suitable. In addition, this law should include a number of arrangements aiming at remedying the psychological, social, and economic impacts that accompany and result in assault on the child. Maybe the bill for child protection from assault, which is being discussed, includes such elements.

If the new Labor Code includes guarantees for the protection of the child's rights to employment, and the military laws forbid military service for those under fifteen, the situation of disabled children needs more care through the creation of a law regulating their conditions at the levels of health, education, assistance, and other rights that help integrate them in the community.

It is noticeable that children and the youth in the Kingdom are lacking in organized cultural and leisure tools that are useful in shaping their personality such as establishing libraries, social centers, and sports clubs in residential areas. In this connection, the Society calls on the concerned bodies such as the Ministry of Instruction and Education and the General Presidency for the Youth in the Kingdom to set up and implement plans for the benefit of the children and youth's rights.

3. Reform and right to participation

Last year did not witness any significant activity regarding reform

and right to participation. Raising the level of citizens' expectations three years ago with a reform project consolidating the right to participation, has not seen any developmental procedures since the municipal elections, the establishment of the National Society for Human Rights, the Commission for Journalism, the Commission for Human Rights, and the start of national dialogue. Municipal councils, save for limited exceptions, have done very little toward meeting expectations that accompanied the electoral campaigns. The Society has observed indignation among some journalists against the Commission for Journalism for not moving in the direction of consolidating the freedom of the press and not having done what should have been done owing to the restrictions imposed by the bylaw regulating its activity. On the other hand, the National Society for Human Rights has witnessed endeavors to curb its own role if not for the royal decree 605/MB dated 22/1/1429H, which emphasized the Society's independence and its freedom to set up its own policy and determine its work mechanisms. Thus, the Society expresses its tremendous thanks and respects for the Custodian of the Two Holy Mosques, King Abdullah bin Abdulaziz and His Crown Prince Sultan bin Abdulaziz, for their support that has enabled the Society to perform the mission that is stipulated in its internal regulations.

As to national dialogue, which has succeeded in its earlier sessions in stimulating the cultural and intellectual situation in the Kingdom, and started to establish a tolerant and pluralistic environment, it has experienced some setback since it has changed to what is known as service issues, which ended up changing the dialogue into a mere confrontation ground in which officials and some layers of the community exchange accusations and criticisms about procedural issues without real dialogue about the vital issues that are confronting the community and their solutions. These changes indicate that the community is entering a period of inertia in the operation of national dialogue and political reform, which calls on King Abdulaziz Center for National Dialogue to revise and intensify its work mechanisms, ascertain that the recommendations reached are implemented, devote some of the meetings of the dialogue to the discussion of the difficulties that impede such recommendations, and show no hesitation

in discussing some public issues that raise certain problematics such as human rights, the judiciary, reform and political participation, etc.

4. Freedom of speech and degree of transparency

The media have continued to offer broad, transparent solutions to many social problems, and direct criticism to the performance of some governmental bodies, as well as offer, though in a rather relative fashion, channels through which citizens can express their concerns and problems. The discrepancy in the level of transparency among newspapers that was noted in the first report should be reiterated here, which emphasizes again the role of editors-in-chief in determining the ceiling of freedom of expression in the media. It is noticeable that the institutions of the official media have been influenced this year by transparency in dealing with societal issues, in particular the Al-Ickbaria channel, which has managed through a number of programs such as Issue Owner, the Sitting, and From Al-Ikhbaria, to offer coverage characterized by a high degree of straightforwardness and criticism of the performance of several governmental bodies. Likewise, the broadcast of the second program direct from Jeddah has managed to offer a channel through which citizens could express their concerns and problems. These programs have had good popular echoes and signaled a positive direction towards further transparency and freedom of expression in the official media. It should also be noted that it is important to forward some issues related to publication to the Ministry of Culture and Information in accordance with article (37) of the Printing and Publication Law rather than litigating them before incompetent courts.

These positive developments have been counterbalanced by strict procedures resulting in restrictions on the freedom of expression, which emphasized that informational openness without “institutionalization” can only be short-lived, and expresses mere individual industriousness that does not verge on cumulative change towards the establishment of freedom of expression and guaranteeing it in the Kingdom. Some of the most important negative indicators are the prevention of a few journalists from writing in some newspapers, and the censure of one of the local

newspapers for three days for refusing to suspend one of its writers whose articles have been quite daring in criticizing the performance of governmental bodies, which infuriated some officials who called for his suspension. When the newspaper was unresponsive to such a suspension, its own distribution was censured. In addition, one of the presenters has been suspended from presenting a live program owing to his daring comments on citizens' complaints and concerns. Therefore, the Society reiterates its call in the first report for the necessity of preserving transparency, giving leeway for workers in informational institutions, and enabling them to undertake journalistic investigations to uncover some breaches or carelessness, which, if not granted, would be a breach on journalists' freedom in performing their duties and restricting their contributions to uncovering breaches in accordance with Article (24) of the Printing and Publication Law, which states: "Local newspapers shall not be subjected to censorship save in exceptional circumstances that are determined by the President of the Council of Ministers."

The Society has also observed the detention of a number of individuals concerned with public affairs, and the detention of ten individuals on allegations of fund raising to send Saudi youths to troubled regions. It has been noted that there was no respect for the Code of Criminal Procedures such as the controls of detention, investigation, arrest, enablement to be represented by attorneys during investigation, and permission to be visited by relatives in legal times, as well as their referral before the judiciary after six months of detention stated in the Code of Criminal Procedures, before which they should either be judged or released. It should also be noted that they have been investigated by the security forces rather than by the Bureau of Investigation and General Prosecution—the body entitled to conduct investigation.

The Society has also observed the detention of a blogger, who was famous in his writing about public affairs and criticizing some personalities. After the Society has been addressed about his problem, correspondence from the Ministry of Interior announced that he was released. One of the presenters and a female citizen have been arrested after a televised

program in which this citizen denounced some breaches by one of the governmental bodies. The Society has also known about the arrest of one faculty member in his office on campus in breach of the Code of Criminal Procedures, and asked for enabling him to enjoy all his rights as stated in the laws, and judge or release him. The Society has received a complaint from his family, stating that they have been prevented in some cases from visiting him, and that no suitable health care is given to him, but the Society has endeavored to smooth the causes of the complaint.

The exclusion of some of the media leaders owing to their statements and comments with some citizens on some decisions in a live program, signals the existence of a tendency to restrict channels of expression available to citizens. Some of the aspects of this restriction of freedom of expression consist in prohibiting a number of cultural weekly forums dealing with some intellectual public affairs topics in some of the Kingdom's regions. It should also be noted that the Commission for Communication and Information is continuing to block websites such as the Arabic page of the Organization of Human Rights' website, the Arab network of information on human rights, and the site of Correspondents Without Frontiers that defends the freedom of the press. One of the most serious indicators of the setback of informational openness is what has been reported at the Consultative Council about the rejoince of one of the satellite channels on the infliction of punishment to one of its correspondents for broadcasting a report showing some members of the Council as drowsy or absent-minded during its sessions.

These negative procedures constitute a negative reflection on the freedom of expression, and cause to be bitterly disappointed those optimists about informational openness that protects freedom of self-expression, grants citizens the opportunity to convey their voices and opinions, and enables them to participate in evaluating the government's performance, especially with the accumulation of problems and difficulties that face citizens, the deterioration of the performance of some governmental bodies, and their weak responsiveness to the claims made by His Royal Highness to face up to these problems.

5. Combating corruption

The Bureau for General Control and the Commission for Control and Investigation are two control bodies in the Kingdom as stated by the internal regulations of both of them. However, these two bodies, especially the Bureau for General Control, are incapable of assuming their effective control responsibilities under their current regulations. Although the presidents of both bodies emphasized in their meeting with the President of the Society and some of its members that they are endeavoring that their institutions perform their duties according to the law, the situation requires amending their internal regulations speedily, especially the Bureau for General Control, so that public money spending can be controlled, public projects can be implemented, and the right to investigate any official suspected of corruption and dilapidating public funds can be enforced.

The Commission for Control and Investigation has mentioned that it dealt in 1428H with 6821 criminal lawsuits in the civil service distributed over falsification (5629 cases), bribery (848 cases), money counterfeiting (179 cases), misbehavior and power abuse (101 cases), and embezzlement (64 cases). Although the cases of power abuse dealt with by the Commission are relatively restricted, the situation in reality is practically more serious since an employee or official, whatever his employment rank, exploiting his power for personal ends to get rich or obtain illegal advantages, is quite noticeable. Some of the aspects of this have to do with the spread of talk in the community about cases of corruption within governmental bodies, and the publication on the Internet of copies of official documents showing illicit practices in obtaining projects.

The annual report of the Bureau for General Control has noted that several governmental bodies spent sums of money without any justification or legal support, and that they showed slackness in following up the implementation of the contracts of some projects and the application of their clauses, the weakness of the revenues and dues of the public treasury, and the infrequency of compliance with financial laws. The report has also showed that the treasury economized more than three-hundred million riyals owing to the result of discovery of these breaches and errors in the financial year 1426-27H. Furthermore, the report has showed that the

overall sums regained by the public treasury during the last five years totaled SR1200 million of money spent unlawfully.

The increase in cases of corruption is perhaps the growth in revenues resulting from the rise of oil prices, the boom in public projects and the enormous sums spent on them, and the weakness of the control and accountability system. In addition, the deterioration in standards of living and the incapacity of many state employees to provide for the needs of their families may explain the increase in aspects of corruption such as bribery, which has been uncovered by the report of the Commission for Control and Investigation. Furthermore, the complexity of the laws of bids and public acquisitions has contributed to the delay of execution of some public projects and lack of implementation by some governmental bodies of their projects in the specified times due to the lack of commitment of some entrepreneurs, which has paved the way for some unlawful behaviors and procedures.

To block the opportunities of corruption, the principle of accountability should be established, and the Bureau for General Control be enabled to perform its main role in complete independence and high level of professionalism to monitor financial and legal control, control the performance of all state revenues and expenditure, and ascertain the competent management, use, and protection of public funds (movable and immovable). To protect public funds and curb unlawful practices, several decisions have been issued such as the Council of Ministers' decision that accepted the suggestion of the Bureau for General Control to establish units for internal control in each concerned body to consolidate the efficiency of preventive control. In addition, a royal decree has been issued, authorizing the opening of an acquittance bank account in which individuals deposit funds they have unlawfully acquired from the public treasury. The deposited sums have reached at the end of 2007 one-hundred and fifty-two million riyals.

One of the most prominent procedures to combat corruption is announcing the national strategy for the protection of honesty and the control of corruption, which includes the establishment of a National Commission for Combating Corruption. However, what has transpired

is that the proposed commission does not enjoy the required powers to play an effective role in combating corruption. Therefore, the National Society for Human Rights requests: (i) the consolidation of control bodies such as the Bureau for General Control and the Commission for Control and Investigation, (ii) granting the Consultative Council anterior and posterior control powers over all public bodies without exception, (iii) the determination of clear procedures and severe punishment of those involved in cases of corruption, and power abuse to be unlawfully rich. In addition, the Society calls for total transparency by control bodies in uncovering breaches and financial and administrative trespass, follow-up by judicial bodies, holding those involved answerable, and enabling the media to uncover aspects of corruption in whatever governmental body they occur and the rank of those involved in, and protecting journalists who uncover cases of corruption. The Society also calls on the National Commission for Combating Corruption to perform its duties, broaden up its powers, and support it in such a way that it can combat corruption to protect public funds and the civil service from exploitation as well as speed up the implementation of all the strategy of combating corruption. It is also necessary to set up a clear mechanism of coordination among the bodies concerned with the protection of public money and the civil service so that they manage to perform their role in combating corruption and that no intermingling of competencies impedes them from assuming their responsibilities.

The Society has noted that the weak administrative competence of a great deal of civil servants and their irresponsibility may have contributed to harming people's rights and delaying the completion of several transactions, which makes some governmental bodies work at a low rate in spite of the great number of employees, and gives the impression to a great deal of citizens that deal with these employees that they would want a counterpart for what the law binds them to do. To ensure that this situation does not persist, emphasis should be laid on the employee's productivity and not his presence; administrations that do not require direct contact with the public should be checked; and an employee's performance should be linked to his productivity rather than his presence and departure.

6. Living conditions

Last year witnessed economic developments that left negative impacts on the living conditions of many citizens especially those whose income is limited due to the collapse of the stock market and the rise in goods, services, and rent prices. However, the role of executive, concerned governmental bodies as well as the Consultative Council, was weak in facing up to those developments. In spite of lack of mechanisms to measure it, the level of popular complaints could be gauged through the participation and comments of citizens on radio and TV programs, and what the press has published on these developments and the impact they have made on their right to a decent standard of living, addressing criticisms to governmental bodies in negatively dealing with the crisis.

The collapse of the stock market has caused the middle class to lose its savings and undergo tremendous debts that have had an impact upon a great deal of the members of this class, which made them unable to provide for their basic necessities. Newspapers have also published stories about the exposure of some of those who lost their income to health problems owing to the collapse of the stock market. Some others have tried to commit suicide owing to the difficult psychological situations they went through because of the tremendous debts that they have been unable to refund and have been threatened by imprisonment. Part of these debts has been intended for investment in the stock market; the other to cover growing expenses such as school and private clinics fees owing to the regression in the level of educational and health public services. As to the rise in the costs of goods and rent, it has negatively affected poor families, the retired elderly, and the families without a source of stable income. And although the government has endeavored to solve the crisis of high prices, what it has done came belatedly since some concerned officials were at the start busy justifying that the economic crisis has uncontrollable external causes. Moreover, the proposed solution, which has consisted in a slight salary raise, was based on narrow economic calculations, which has restricted the value and impact of the procedures adopted to contain the effect of higher prices, with low-income individuals continuing to suffer and to be

unable to provide for their basic needs in order to enjoy a decent life. On the other hand, weak control over markets has contributed to the failure of governmental procedures to curb the high cost of living. Dissatisfaction with the situation occasioned by the crisis has continued among citizens at a time when the State's income from oil resources has witnessed a tremendous rise, which has been described by officials as the biggest in the history of the Kingdom. Some of the procedures that the government has taken to face up to high prices consisted in creating a consumer protection society and cooperative societies aiming at improving the economic and social conditions of their members. Moreover, His Highness's directives have contributed to increasing the funds allotted to social security and the aid given to the disabled as well as paying out the winter aid to the needy families in order to alleviate the negative effects of the crisis on the beneficiaries of these aids.

The Society has also observed a degradation of some citizens' economic rights because they have been detaining real estate shares authorized by governmental bodies, which have turned into dispute about land ownership and other. Owing to the slowness of the resolution of these assets and the freeze of many of these assets, most of the contributors have lost their money. On the other hand, some of the lax governmental procedures have made it easier for some others to quickly become rich through turning their family companies into public assets offered for public underwriting at uneconomic and non-commercial real prices. These procedures have caused the gap between the layers of society to be bigger in a way that contradicts the principles of economic justice stated by Islamic Shari'a and international conventions.

Regarding living conditions, the issue of imbalanced growth, whose indicators appear in many regions that have not received due attention, should be mentioned. The Custodian of the Two Holy Mosques has announced that expressly during his visit to the regions, which imperatively requires prioritizing them in spending and projects. This positive direction is beginning to be noticed through the allotment of many developmental projects for bordering regions. However, the Society emphasizes the necessity to have control bodies related directly to the King, whose

responsibility would be to ascertain that these projects be implemented and executed in the set times and required quality.

There have also been royal directives aiming at putting an end to the sufferance of some categories and layers of society and assisting them such as by increasing bank loans especially social loans that assist them in marriage, in house repair, or in consolidating small businesses. The Custodian of the Two Holy Mosques has also directed His ministers after the issuance of the budget to imperatively provide citizens and expatriates with all that enables them to lead a decent life, and not to invoke scarcity of means as a pretext. However, the rate of unemployment is still high (11%), especially among females. It is also high among secondary school certificate holders, which requires the bodies concerned with the job market to continue making efforts towards creating job opportunities to curb the number of those seeking for the right to employment.

7. Health services

In spite of the huge expenditures on the health sector, the availability of health services at the required qualitative level in many parts of the Kingdom is still below expectations. The implementation of the Ministry's plan regarding building hospitals in regions and provinces is belated, which deprives citizens of their health needs and compels them to travel to the main cities. In its previous report, the Society emitted many comments on the health sector, which have witnessed little improvement such as lack of important medical specialties in many provincial hospitals, scarcity of medical competencies, outdated and limited equipment and medical instruments, which causes offering inadequate health service for those who need it, and bewilderment at dealing with emergencies, with hospitals and health centers in remote regions feeling contented with sending their patients to hospitals that have the required care after receiving approval from them. In most cases, waiting for approval takes a long time; in the meantime, the health condition of the patient may deteriorate and s/he may pass away before it arrives.

Capital city and main cities hospitals suffer from extreme crowdedness, where seeing a doctor may take over six months. In addition, emergency

wards in public hospitals are very crowded owing to the scarcity of anesthetization teams, which causes delays in receiving health care and waiting for long hours on uncomfortable chairs to some health conditions. The Society has also observed lack of some remedies, shortage of medical instruments in some hospitals and resort for patients to make them available, as well as continuation of medical errors especially in provincial hospitals. In addition, the Society has received complaints about the insufficiency of beds for psychiatric patients, and asks for urgent solutions to their children or relatives who suffer from psychological disturbances, with the hospitals of the Ministry of Health refusing to host them under the pretext that there are not enough beds in spite of the seriousness of their conditions for themselves and their families. Therefore, the Society calls for setting up a mechanism and controls to receive and treat such cases, mandatorily informing police stations and specialized bodies about this mechanism.

The Society has inventoried the following issues, which a delegation of the Society presided over by its President has discussed with His Highness Minister of Health and officials from the Ministry:

- Uneven distribution of health services over the Kingdom's regions
- Sufferance of patients and their relatives from travelling to the main cities to seek treatment
- Necessity to take effective measures to curb medical errors
- Shortage of medicine in hospitals' pharmacies and the necessity for some citizens to buy them themselves
- Inexistence of specialized research centers in some regions where some epidemics abound
- Request of patients' relatives to coordinate and search for vacant beds to move their relatives to
- Inadequate competency of hospitals nursing staff and its impact on serving citizens
- Weakness of possibilities in health centers in districts and villages
- Long appointments to see doctors in clinics
- Inadequate emergency centers in hospitals
- Inadequate human medical cadres in most hospitals and clinics especially in remote regions

- Inadequate health services rendered to inmates especially HIV-positive patients, psychiatric patients, and tuberculosis patients

His Excellency Minister of Health mentioned that the Ministry is bent on studying these issues, and setting up specific objectives to realize them, on top of which setting medical cities in operation such as King Fahd Medical City in Riyadh, and planning the completion of the health belt in the Kingdom, materializing a comprehensive informational health system, and following up the spread of health centers. However, there are a few obstacles that may impede the materialization of these projects such as the low wages of medical staff, unavailability of those who would accept them, and usual difficulty of getting funding.

The Society has called on the Ministry of Finance to assume its responsibilities in this connection through allotting the required financial support to execute or complete these projects Kingdom-wide so that all citizens obtain the required medical care. The Society has also insisted on the necessity for the Ministry of Health to pursue its efforts in this connection, and obstacles should be overcome that would prevent citizens from their right to health care. However, this has infuriated the Ministry of Health, and made it issue a declaration that has been immediately replied to by the Society. This is evidence that there still exist public bodies that are impermeable to criticism although His Excellency Minister has replied to all the questions raised by the Society in writing. The reply has included a clarification of the position of the Ministry, which insisted that it is endeavoring to increase the number of beds and spread out hospitals and health centers across the Kingdom, that it has taken measures to curb medical errors, and sent a circular in 1429H to the regions for them to make medicines available in all health facilities as a necessity to guarantee and pursue offering health and preventive services to patients, and that the Ministry sets this as among its main commitments and priorities, establishing a hotline to follow up any problem of or shortage in making medicine available in all the Kingdom's regions. And should any delay in providing medicine occur, it is the responsibility of pharmaceutical manufacturers. The Ministry added that it is bent on improving the

situations related to the other points that have been raised by the Society.

The Ministry has succeeded in setting up a patients' rights bylaw and repudiated the bill that concerns offering health services against money in public hospitals. It has been noted that patients who were unable to pay for their treatment have been ignored while the wealthy were taken care of, which created unfairness and injustice in offering health services as guaranteed by the Governing Statute, which emphasizes the right to health care in Article (31), explaining that the State is committed to public health ... provides health care to each citizen and his family, although the Ministry has mentioned in its reply that the reasons for cancellation had to do with the necessity for beds to work centers.

However, despite the assurances and current and futuristic efforts included in the Ministry's reply in order to hopefully offer a suitable health care for citizens and expatriates, the status of health services in the country is in great need of a serious pause in order to enable deeds to speak louder than words. Furthermore, there are no clear mechanisms to take full advantage of the graduates of private health institutes despite the dire shortage in Saudi technical competencies witnessed by the health sector. The Society has received several grievances from graduates of these institutes since they have not been unemployed after graduation, which requires setting up a fair and transparent mechanism, known by researchers and applicants, between the Ministry of Health, the Saudi Commission for Medical Specialties, and the Ministry of Civil Service.

The Society has also observed a number of cases related to newborns who have been retained by private clinics owing to their parents' incapacity to pay for their treatment or birth expenses. Undoubtedly, this blatantly breaches the simplest human rights. If hospitals have the right to ask for treatment expenses, this cannot be done through retaining children. The concerned bodies should intervene to prevent these inhumane practices such as by setting up controls that commit hospitals and private clinics to follow up such cases. It has also been noted that public hospitals do not commit to offering health services to some emergency cases especially birth ones for trivial excuses such as lack of file or irregular re-examination at the hospital, which subjects mother and fetus to danger.

In order to generalize health insurance to citizens and expatriates, there is need to take into account the availability of enough adequate hospitals, dispensaries, and health centers that could offer health service in all the Kingdom's regions in order to ensure that individuals receive adequate health service. Indeed, the status of the majority of the current health facilities is not apt to implementing health insurance as against the insurance fees they are paying. Likewise, the status of the current insurance companies requires more control and follow-up since there exist complaints whereby these companies are not reimbursing the insured, are not opening up offices in all the Kingdom's various regions to serve their customers, and are not covering all the layers of the community especially the elderly. For that, the Saudi Arabian Fund is called on, as the body in charge of controlling insurance companies, to compel these companies to be faithful to their commitments towards citizens, and to take in charge the establishment of the conditions of insurance documentation rather than leave it to the discretion of insurance companies.

8. Education

The State has invested financial surpluses to increase expenditure on some services particularly education, for which huge additional sums of money have been allotted especially for higher education, which saw the spread of public and private higher educational institutions Kingdom-wide. In addition, thousands of male and female students have been delegated abroad, which consolidates the right to higher education for many of those seeking it.

Moreover, the Ministry of Instruction and Education has endeavored to do away with rented school buildings that lack basic educational requirements following the State's allotment of huge sums of money to buy land in order to build modern schools despite what has been said about the mechanisms of acquiring this land and the consequential unavailability of suitable land to establish these schools. In addition, King Abdullah project for developing public education has started in some schools. This project will hopefully introduce the concept of e-learning and modern technology in public education, which requires a change in

educational methods through decreasing reliance on dictation and rote learning and shifting to analysis-, assimilation-, research-, and thinking-based education. Furthermore, the project of school transport of male and female students has been implemented in some educational areas, which will hopefully contribute to facilitating the transit of students to school and decreasing the sufferance of their families.

At the beginning of the second term of 1428-29H, the Ministry also endeavored to implement the project, “illiteracy-free community,” whereby a circular was issued to all educational administrations of regions and provinces to implement the program in accordance with a mechanism that aims at realizing the objectives related to developing work in the area of eradication of reading and writing illiteracy among those who were unable to have primary schooling, the aim being that illiteracy would be reduced to its lowest rate by the end of the eighth five-year plan. The mechanism has included implementing the program at the times and in the situations convenient to the learners such as by implementing it where they are, providing transport to and fro specific locations for study in villages, in the heat, and remote places, and granting them financial incentives, which is to the credit of the Ministry owing to its beneficial effects in eradicating illiteracy. In the area of human rights, the Ministry of Instruction and Education has endeavored to form committees at educational administrations in the Kingdom’s regions to observe and follow up human rights-related issues and coordinate about them with the Society and the Commission of human rights.

However, this sector still suffers from many problems that were documented in the Society’s first report such as:

- Overcrowded classes for males and females
- Continued car accidents for female teachers working in remote areas and lack of suitable means of transport. In this respect, the Society has observed the Ministry of Instruction and Education's slow transport procedures, lack of respect of human sides, and contentedness with absolute professional criteria in most cases. Undoubtedly, the female teachers' sufferance in remote areas is linked to the shortage of female job opportunities and the belatedness of some regions in

implementing royal directives to open job opportunities for them, which compels them to accept educational jobs even in remote areas, therefore standing travel dangers, loneliness, and separation from family and children. Among the proposed temporary solutions to alleviate the female teachers' sufferance, specialized transport companies should be established in all the Kingdom's regions, with specific criteria regarding the vehicle's appropriateness and the drivers' competency. Moreover, an allowance for working in these remote areas should be disbursed, doubling the period that counts for retirement, and endeavoring to provide housing annexed to schools to be used by female teachers whose conditions allow them to use it.

- Unavailability of male and female teachers for some school subjects that can extend over long periods of time in the school year at some schools, which greatly harms male and female students

- Continued reception of complaints by the Society from some male and female teachers who have not been nominated in positions that they deserve, have not been promoted to them, or have not been equated with their colleagues. The Society hopes that the directive of the Custodian of the Two Holy Mosques to form a ministerial committee to study this problem, will bring a final solution to the problem. The Society praises the Ministry of Instruction and Education's tendency to improve the male and female teachers' level in such a way that it suits their scientific qualifications and guarantees equality between them, which would have a positive impact on their performance even though a radical solution of this problem should involve the collaboration of the Ministry of Civil Service and the Ministry of Finance. The Society also hopes that the Ministry will aim for justice in nomination and transport, and for curbing unlawful ways of employing and transporting through transparency and publicly declared ways.

- Continued poor maintenance of school buildings and lack of allotment of funds for school administrations to resolve this.

- Continued non-acceptance of non-Saudi children in schools owing to shortage of seats. It is known that the right to education is not restricted to Saudis but extends to expatriates residing in the Kingdom.

Therefore, any decision or practice that aims at or results in denying foreign children access to school, should be reconsidered in particular in areas where there are no private schools.

- The Society hopes that the Ministry will continue to remind educational administrations in the Kingdom's regions through circulars not to deprive pupils from their fundamental right to education owing to unavailability of identity documents for parents who do not register their children with officials bodies or divorce such as when a father confiscates his children's identity documents out of spite for their mother, or because the father's nationality is unknown. All school age children should be enrolled without conditionally asking for identity documents in advance, and school administrations should coordinate with regions' provinces, governorates, or centers to look for suitable mechanisms to obtain identity documents subsequently so that this will not impede a pupil's education and perseverance.

9. Prisons and inmates

Most prisons are still suffering from crowdedness; in some cases, inmates alternate in sleep owing to unavailability of space. Despite the efforts made by the General Administration for Prisons, the situation still needs more efforts to finish building penitentiaries, speed up the expansion of existing ones, and stop using them by other security forces. Apart from keeping prisons, some practices that might breach inmates' rights should be controlled such as by reminding prison officials and employees from time to time about interdicting torture and other practices against detainees under any circumstances since such a practice contradicts the Islamic Shari'a and the Convention against Torture that the Kingdom has joined.

The Society has observed and received complaints from inmates in public prisons, showing that there are breaches on the part of prison employees and other bodies related to inmates' affairs such as courts, the Commission for Investigation and General Prosecution, or other bodies. For instance, one recording shows a prison employee repetitively using a short plastic stick to beat two inmates in the palm of their hands and on the feet of one of them, with the two inmates writhing in the recording.

This recorded, isolated case is not a general practice even though some inmates say that prison guards punish inmates collectively independently of the real doer of the breach. One of the inmates has said that some prison guards suspend some inmates in the air for hours for breaches that they have committed.

The Society has observed some death cases resulting from treatable diseases such as tuberculosis and some psychiatric disturbances within Hayir prisons in Riyadh, the prison of Briman in Jeddah, the prison of Damman, the prison of Bisha, and the prison of Jazan. The Saudi authorities have investigated such accidents; however, the results of such prison investigations are usually never made public. This leads us to talking about health care rendered to inmates, which is worsening in expulsion centers and prisons. The authorities are requested to provide inmates with the necessary health care and the decent and humane living conditions, to investigate the conditions that led to the death of some inmates while in detention, and to penalize those prison officials responsible. The Society recommends that in case of investigation of maltreatment or death in public or investigative prisons that the Society has not visited, there should be representatives from the Commission for Human Rights and the National Society for Human Rights in order to guarantee impartiality and independence of the investigation, to give the feeling to the community that independent bodies have been present at the time of the investigation, and to provide the diseased families with all the details of the investigation that the law stipulates.

After observing the health situation in several prisons, the Society has addressed the Ministry of Interior, and knew that His Excellency Minister of Interior has ordered the formation of a committee to study the health situation of inmates and the status of prisons in the Kingdom. In what follows, a number of impediments to offering health care will be referred to:

- Existence of more than one body offering health service to inmates (health services at the Ministry of Interior that offer first aid, the Ministry of Health that renders the rest of health care services), and difficulty of coordination in some cases, which prevents inmates from having suitable and timely health care.

- Hesitation of prison doctors and officials to transfer inmates to hospitals where necessary health care to their state is available owing to fear from responsibility in case inmates escape from prison.

- Some inmates' feigning sickness to escape or leave prison and remain at hospitals for some time.

- Poor habilitation of some doctors and nurses employed in prisons, which makes them contribute wrong decisions such as preventing inmates from receiving necessary health care on time. The Society has observed that some cases should have been transferred to specialized hospitals to receive care.

- Lack of responsiveness of some bodies of or belated reply to the requests of prison administrations regarding cases that need urgent health care.

- Lack of activation of discharge for health reasons as required, and need to amend the texts of laws that regulate it through a clear determination of the diseases and states that necessitate discharge from prison, and facilitation of discharge procedures without awaiting the consent of multiple bodies since the Society has been acquainted with cases where the inmate was diseased before the discharge procedures were over.

Temporary or conditional discharge should be made mandatory rather than optional in some specific cases to relieve prisons' crowdedness in kinds of unserious crimes especially if other conditions such as release on bail or personal bail obtain, which requires amending the Code of Criminal Procedures or modifying its executive bylaw rather than being contented with mere circulars from the Ministry of Interior or the Commission of Investigation and General Prosecution. There is also need on the part of the Saudi government to endeavor to sign agreements for extraditing prisoners especially with countries of which we have a big number of prisoners to spend the rest of their imprisonment sentence in their own country, which would relieve prisons' crowdedness.

The Society has noticed cases of suicide, strike, and arson in a number of prisons during the period covered by the report, and there are many reasons for these cases:

Regarding suicide, the main reason is the neglected sufferance of inmates as psychiatric patients or the subjection of inmates to some procedures or

precautions, which requires taking information from inmates' relatives on their health conditions and the kind of diseases they suffer from before incarceration as well as subjecting them to medical examinations so as to benefit from suitable care for their conditions. Therefore, prisons guards should abstain from subjecting them to any conditions that may compel them to harm themselves.

As to going on strike or arson, it seems that some inmates resort to them to compel the prison's administration or guards to submit to their demands or to make them stop what they consider an offense to themselves or to their inmates. Although some of these situations end up with agreement with inmates, some others end only with strong-fisted intervention on the part of the authorities, which may harm inmates and damage their property. Sometimes, it may also harm the security forces. To resolve these cases, the concerned authorities should take the following measures to avoid such confrontations:

- Choosing good prison guards and putting at arm's length individuals who tend towards quick and violent reactivity to any behavior from inmates
- Complying with inmates' demands that are in accordance with laws and regulations, and if they cannot be satisfied, this must be explained to the inmates, while promising them to endeavor to realize them as soon as forbidding reasons disappear
- Setting up a weekly meeting between the prison administration and the inmates to listen to their grievances, acquaint them with the reality of their transactions, and provide them with information on their families
- Positioning instructional signboards within prison rooms, explaining inmates' rights and the way to behave in case an inmate does not obtain his rights
- Spending an allowance to prison employees against what psychological, health, and physical problems they suffer from owing to their daily contact with inmates

Moreover, the feeling of some inmates that they have not benefited from a fair trial or that they have not been tried yet impacts their behavior within prison. Indeed, some of them mention that they have not had the opportunity or have not been able to have the assistance of an attorney.

Others believe that investigators have not been fair with them regarding the accusations brought against them. Still some others think that the judgments pronounced against them have been exaggerated and disproportionate to the crimes committed. Some are aggrieved about staying in prison for a long time without trial, or that their lawsuits are before the courts but have not been litigated, or have received primary judgments after a long time without cassation, or have received many penal judgments for the same crime and from various parties as is the case sometimes in drug dealing crimes and handling weapons without a license. Some inmates are aggrieved because they have been transferred from one prison to another within the Kingdom, which harms their families, who find themselves travelling from one region to another region in order to visit them. Some others complain about being confined to a cell in seclusion from other prisoners.

It should be noted that decision-makers at the Ministry of Interior show interest in prisons and inmates' conditions, and the Society appreciates the responsiveness of the General Administration for Prisons in the many cases about which it has been contacted. However, living with people whose freedom is restricted within confined spaces is likely to be a cause for breaches. Perhaps the project of building modern penitentiaries with services that preserve the inmates' rights while within prison, and afford the implementation of all the penitentiary programs to rehabilitate them, would contribute to improving the inmates' conditions and restricting breaches. The Society hopes that the specialized authorities such as the Ministry of Justice and courts will coordinate their efforts to implement this decision in lawsuits before courts so that this issue would not remain at the discretion of individual judges.

The Society reiterates its respects to the Committee for Care for Prisoners and the Released and their Families, and to all those who gave them assistance from among citizens and officials, for all the efforts it is making to assist the inmates' families and the follow-up of their lawsuits.

CONCLUSION

We have persevered in this report to offer observations about the actual status of human rights as covered by the period of the report, and to show the positive or negative changes that have occurred. We have also registered some comments based on complaints received and observed by the Society through field visits and various mass media. As has transpired from the report, the state of human rights in the Kingdom from all of the legislative, institutional, and procedural perspectives, has witnessed a form of positive development that emphasizes a general tendency towards a consolidation of human rights and enablement of individuals to enjoy them. However, this has not prevented the occurrence of legislative, procedural, and practice breaches. And starting from its keenness on resolving these breaches, the Society calls on related governmental bodies especially those mentioned in the report to take into consideration many of the following recommendations, some of which have occurred already within this report:

1. Reconsidering the texts existing in the Publications Law, Information Technology Law, Civil Societies and Public Institutions Law, which may be misused in order to prevent individuals from practicing their natural rights to expression and participation with their opinions in public issues.

2. Determining the concept of sovereignty and setting up a control for sovereignty-related lawsuits so that those who resort to justice would not be deprived of their rights under the pretext of sovereignty that cannot be litigated owing to the discretion and interpretations of some judges of the concept of sovereignty.

3. Reconsidering the contents of the new Traffic Code such as requesting that an applicant to a driving permit “should not have been sentenced in a criminal case related to physical assault, honor, or money, unless he has been rehabilitated,” and that “the applicant for a driving permit, whatever category, must not have been sentenced in crimes of drug dealing, manufacturing, smuggling, putting into circulation, or possessing, on condition that he was rehabilitated.” The consequential penalty to an individual who has committed these deeds includes

deprivation or restriction not only to the very individual to make use of the most popular means of transport in the Kingdom, since the law interdicts driving without a permit, but also to his dependents owing to the restriction of his movements, which jeopardizes their interests. For that, the Society calls for a reconsideration of the substance of these articles.

4. Pursuing the project of political reform in such a way that popular participation is broadened up and social stability is consolidated.

5. Endeavoring to keep the Commission for Investigation and General Prosecution independent, and linking it directly with the President of the Council of Ministers.

6. Speeding up the implementation of what has not been done about the project of the development of the judiciary especially the general judiciary since the creation of all kinds of courts mentioned in the new Judicial Law, habilitation of its judges, and their spread in the regions and provinces, are going very slowly and need doubling efforts on the part of the Supreme Judicial Council to implement them. The Society calls for more guarantees for the independence of the judiciary and its qualitative and quantitative development.

7. Endeavoring to activate the royal decree issued with regard to the preservation of people's freedoms.

8. Enlarging the powers of the Consultative Council to include control especially the control of the budget, and looking into the possibility of electing some of its members rather than nominating them, and the right to question ministers.

9. Endeavoring to set up a code for personal affairs so as to guarantee woman and child's rights in accordance with prevailing opinions in Islamic jurisprudence.

10. Consolidating the freedom of expression in accordance with the principles of Islamic Shari'a and laws in force, and those who are suspected of breaches should not be directly detained but should be referred to justice and enabled to have a fair trial including their right to be assisted by an attorney, and whatever judgment they may get should be implemented.

11. Endeavoring to amend the bylaw of the Saudi Commission for Journalism in such a way that its independence is guaranteed, and that it

is enabled to play its role of supporting journalists, defending their rights, and consolidating the freedom of the press in the Kingdom.

12. Reconsidering the Retirement Law and the Social Insurance Law in accordance with the circumstances that occurred in previous years and had negative effects on the beneficiaries of these laws, or allowing those low-income categories to benefit from the allotments of social security, and supporting charitable societies.

13. Endeavoring to issue the Societies and Institutions Law and laws for protection from harm, to entitle the Social Protection Administration with the necessary powers, and to support it with human and financial resources that would enable it to play its role at the level of all the Kingdom's regions.

14. Creating a supreme control commission to supervise the biggest developmental projects to guarantee their implementation according to precise criteria and controls, to ascertain their completion within specific deadlines, and to suggest whatever is required about any difficulties that face their implementation.

15. Updating the control commissions laws on top of which the General Control and Investigation Commission, and consolidating it with human and technical resources that would enable it to play its role in protecting public funds and the civil service from exploitation.

16. Initiating the enablement of the commission for combating corruption to perform its jobs, and supporting it with human and financial resources in order for it to assume its responsibilities.

17. Curbing the travel deprivation procedures, and restricting them to cases where criminal judgments have been issued or defining them by a legal text.

18. Setting up a mechanism to rehabilitate people since the current procedures are unclear and unspecified as to the duration and the body that the applicant should address to be rehabilitated. Requesting rehabilitation and the criminal record have become some of the impediments that prevent individuals from enjoying their right to employment. The Society calls for the reconsideration of the issue of rehabilitation and the criminal record in such a way that they do not impede individuals' rights to employment and movement.

19. Taking advantage of graduates of law departments in commercial and labor courts that depend for the resolution of their lawsuits on regulations and laws. It would have been better to request of those to be nominated in the judicial body to have a BA in Islamic Shari'a and a diploma in law or a BA in law and a diploma in Islamic Shari'a since the resolution of lawsuits nowadays requires knowing Islamic Shari'a and the law.

20. Endeavoring to set up a plan to make available headquarters owned by the State for most of the security and administrative forces affiliated to the Ministry of Interior and the Commission for Investigation and General Prosecution in order for these bodies to guarantee that these they have the prerequisites for protecting human rights both in terms of the spaces where individuals are arrested or investigation.

21. Endeavoring to improve health care in all the Kingdom's regions as a justification for the huge expenditure that the State allots to this sector.

22. Finding a clear mechanism to handle security prisoners in terms of duration and place of detention, communication with their families, selection of those who have devious thoughts from them so that prisons would not be places where those thoughts are disseminated, and enabling the Commission of Investigation and general Prosecution to undertake their lawsuits and investigate investigative prisons.

23. Speeding up the creation and enlargement of penitentiaries to resolve the issue of crowdedness in prisons.

24. Activating the role of general care for the youth in order to create mechanisms to establish suitable and varied programs for them in order to restrict their resort to drugs and crimes.

25. Pursuing the training of the staff of the Commission for the Promotion of Virtue & Prevention of Vice, interdicting them to chase, penalizing those of its staff that do not comply with laws and directives, and updating the law of the Commission.

26. Guaranteeing the right to employment through providing employment opportunities to the unemployed at salaries insuring them a decent life.

27. Caring to offer health services to inmates, and improving the prison environment.

28. Reconsidering the laws of sponsorship, and repairing the employer-expatriate employee relationship.

29. Creating new fields of employment for woman, and endeavoring to provide suitable positions for businesswomen practicing commerce in some alleys of current markets.

30. Activating the strategy that restricts family violence, speeding up the process of establishing hosting houses in the Kingdom's various regions, and supporting social protection and reinforcing its powers or establishing a separate commission for social protection.

31. Activating alternatives to imprisonment, and endeavoring to provide judges with a list of those alternatives to benefit from them.



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