**Maat for Peace, Development and Human Rights Association**

**Parallel Report on the review of the Kingdom of Saudi Arabia   
List of Issues Prior to Reporting 72nd session**

**Submitted to:** Committee Against Torture (CAT)

**Submitted by:** Maat for Peace, Development and Human Rights (in special consultative status with the United Nations Economic and Social Council)

**Comments and observations:**

* Maat commends the Law of Procedure before Sharia and the Law of Criminal Procedure that directly deal with the most significant human rights issues and their proceedings. Such laws include the prohibition of torture, physical and mental abuse or degrading treatment of the accused. **Maat** also commends Saudi Arabia’s accession to several international human rights instruments and it considers Saudi Arabia an active party to a number of regional, Arab and Islamic instruments related to human rights.
* **Maat** recognizes the change pursued by Saudi Arabia in respect of human rights by establishing a number of national mechanisms developed for the promotion of human rights, in particular the establishment of the Human Rights Commission, National Society for Human Rights (NSHR), King Abdulaziz Center for National Dialogue, the National Anti-Corruption Commission, Human Anti Trafficking Committee and the National Family Safety Program (NFSP). Furthermore, the concept of torture, included in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, is binding for all the Saudi authorities under the national law.
* **Maat** commends the procedures taken by Saudi Arabia which provide that flagellation shall not be imposed with regard to Tazir punishments and provide only for other penalties, such as imprisonment, fines or both.
* **Maat** has concerns about some allegations on the lack of independence by the Saudi Judiciary. Although Article 46 of the Saudi Basic Law of Governance stipulates, “The Judiciary shall be an independent authority. There shall be no power over judges in their judicial function other than the power of the Islamic Shari‘ah”, Article 52 of the same law stipulates, “Appointment and termination of judges shall be by Royal Order”, which undermines the independence of judges and subject them to a direct supervision by the executive branch.
* **Maat** is concerned about the failure of Saudi Arabia’s laws to ensure the confidentiality of lawyer-client communications and failure to define the time frame within which the officials shall realize the right of detainees to contact any person of their choice to inform such person about their detention. Moreover, such laws allow for the detainees to be held without charges for a period up to six months as well as not obliging the authorities to immediately bring those deprived of their liberty before a judge who has the authority to release them. These laws also do not guarantee the right of immediate access to an independent medical assistance for those deprived of their liberty.
* **Maat** hopes that the State party (Saudi Arabia) include in its reports a detailed data on the number of detainees, charges against them and the time elapsed before being brought before a judge. It would be more transparent if the Kingdom presented the numbers and names of the officials who were questioned following the allegations of torture or suspicion of any humiliating or degrading treatments.
* In light of the exceptional circumstances in the world due to the Corona pandemic, **Maat** has its concerns about the overcrowding of detention centers. **Maat** hopes that the State party take into consideration prisoners’ hygiene, consider adopting alternative measures to imprisonment and to increase the budget allocation for renovating the infrastructure of detention facilities as well as the need to ensure the provision of equitable and humanitarian detention conditions, consistent with the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). This all in addition to ensuring that an independent institution is responsible for regularly monitoring all places of detention.
* By reviewing the reports of the State party and the Law of Criminal Procedure of Saudi Arabia, **Maat** noted the lack of any confidential grievance mechanism that allow the detainees to submit their complaints against any torture without the knowledge of those responsible for such torture. **Maat** expresses its concern about the involvement of prison guards and wardens in the complaint filling process. **Maat** believes that a complaint mechanism that ensures confidentiality and no retaliation against detainees must be established, in addition to ensuring the possibility of making use of such mechanism, widely disseminating it in all detention faculties and ensuring that an independent human rights commission is responsible for receiving and reviewing these complaints in accordance with international standards.
* **Maat** commends the State party’s (Saudi Arabia) accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime (UNTOC) as well as its adoption of the (2012) Anti-Trafficking in Persons Law and (2009) Anti-Trafficking in Persons Law. However, **Maat** has its concerns on the background of reports of the widespread torture or ill-treatment of migrant workers, particularly domestic women workers, under the Kafala System reinforced by legal provisions. Unfortunately, reports of the State party do not include any information regarding the number of complaints about torture and ill-treatment of those migrant workers, especially domestic women workers.
* The reports submitted by the State party (Saudi Arabia) do not include any data of the punishments imposed on sponsors responsible for inflicting harm on migrant workers or domestic women workers and they do not also include any information about the number of victims to whom justice was done by the law or the compensation and reparation they received. As such, **Maat** calls upon the Kingdom of Saudi Arabia to make a comprehensive amendment to the Kafala system to ensure that domestic women workers are not subjected to any degrading work or any forms of abuse as well as providing shelter, emotional and social support, legal assistance and other reparations for migrant workers who are subjected to torture and mistreatment, including trafficking.
* **Maat** expresses its concerns on the continued application of death penalty in the Kingdom of Saudi Arabia. In addition, the reports of Saudi Arabia do not include the data required by the Committee for the Prevention of Torture (CPT) on the number of those executed or who were sentenced to death as well as the their gender, age and nationality and the crimes for which they have been sentenced to death. Moreover, **Maat** calls upon Saudi Arabia to commute death sentences and to consider acceding to the International Covenant on Civil and Political Rights (ICCPR) and the Second Optional Protocol to such Covenant, which aims at the abolition of death penalty. **Maat** also calls upon Saudi Arabia that it needs to consider the ratification of the 1951 Convention Relating to the Status of Refugee, the 1967 Protocol Relating to the Status of Refugees, the 1954 Convention Relating to the Status of Stateless Person and the 1961 Convention on the Reduction of Statelessness.
* Unfortunately, the reports of Saudi Arabia do not explicitly include any reference to any legal provision or domestic legislation providing for the rights of victims of torture and ill-treatment to a fair and adequate compensation, as required under Article 14 of the Convention. **Maat** is also disappointed because the State party (Saudi Arabia) did not provide inclusive information on the reparation and compensation measures, which the courts and other State bodies were ordered to take since the Convention entered into force for the State party. Moreover, it did not provide any information on any reparation for the victims of torture regardless of whether the perpetrator was convicted in a criminal proceedings or not. Accordingly, **Maat** calls upon the government of Saudi Arabia to provide reparation in practice for all torture victims and to include detailed statistical data on cases in which reparations were made for victims of torture and ill-treatment as well as the amount of compensation they received disaggregated by nationality and gender and the inclusion of such cases in Saudi Arabia’s next periodic report to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

**Recommendations**

* To consider the ratification of human rights-related international conventions, which Saudi Arabia has not yet ratified and inviting the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to visit the country.
* The need to enact a criminal law that defines crimes in a more accurate and clearer way as well as ensuring the consistency of legal penalties and their relevance to the offense committed and the need to make an explicit provision in domestic legislations that whoever allows torture shall be subject to prosecution, imprisonment or dismissal.
* The need to train public officials to carry out their duties without prejudice to freedoms and rights guaranteed to citizens, especially those rights associated with criminal justice and fair trial guarantees such as the guarantee of freedom from torture.
* The importance of including general concepts of human rights in school curricula from kindergarten stage to high school, and thereby including human rights curricula in the tertiary level in a more detailed manner.
* The importance of enrolling public authority personnel of Saudi Arabia into training programs on the respect of human rights as well as the need to improve the preparation and training programs for police officers of the Ministry of Interior of Saudi Arabia.
* The establishment for a comprehensive draft regulation that includes dealing with juveniles and their related criminal proceedings in a manner that ensures they are not subjected to any form of violence.
* The adoption of a comprehensive asylum law consistent with the international human rights standards and norms in line with Article 3 of the Convention, in addition to working to establish a mechanism to identify minors subjected to the risk of trafficking and protect those minors and also people who may have been victims of torture as well as providing them with the appropriate reparation and rehabilitation as much as possible.
* The need to ensure that all the relevant officials, including medical personnel, are specially trained to determine and document cases of torture and ill-treatment according to the Istanbul Protocol and the need to adopt guidelines for members of the judiciary and other law enforcement personnel on how to investigate and decide on the cases of rape and sexual abuse as well as the prosecution of perpetrators.
* The establishment of an independent national institution for human rights according to the Paris Principles, which will help promoting human rights and safe guarding values of justice and equality.
* Giving effect to the Convention against Torture and the dissemination of such Convention on all the competent authorities as well as emphasizing the compliance with the articles of the Convention and verifying such compliance through the relevant national actors.
* The need to establish procedural mechanisms to monitor cases of violence in all the governmental and non-governmental institutions of the Kingdom and the importance of establishing mechanisms to monitor the implementation of the relevant recommendations issued by the committee.
* The importance of reviewing the death penalty and ensuring an independent audit for all the files of those sentenced to death as well as the immediate cessation of the application of the death penalty that is inconsistent with the standards of international law.
* Submitting a request for the accreditation of the Saudi Human Rights Commission in order to assess the independence of such Commission in accordance with the Paris Principles.
* The need to establish an independent body to investigate all allegations of torture subject of the complaints, to provide fair and immediate trials, to hold accountable those responsible for inflicting psychological and physical harm and to compensate the victims and provide rehabilitation centers for such victims.