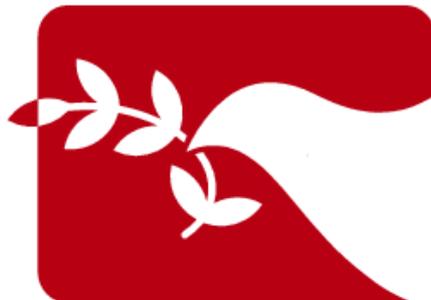


**Alternative Submission to Saudi Arabia's Third  
Periodic Report: 73<sup>rd</sup> Session of the Committee  
on the Rights of the Child**



**Americans for Democracy**



**& Human Rights in Bahrain**

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## **About us**

Americans for Democracy & Human Rights in Bahrain is a non-profit 501(3) organization headquartered in Washington D.C. and accredited as a non-governmental organization in special consultative status with the United Nations Economic and Social Council (UN-ECOSOC). A member of the CIVICUS World Alliance for Citizen Participation and IFEX Global Network for Defending and Promoting Free Expression, Americans for Democracy & Human Rights in Bahrain works to foster awareness of and support for democracy and human rights in the Gulf region. Having begun our work in 2002 on Bahrain, the events of 2011 served as a motivation for us to extend our mandate to address the cross-cutting human rights situations of the wider Gulf region. We have since established strong networks of civil society in Saudi Arabia, Kuwait, Qatar, the UAE and Oman. Today, ADHRB works together with our partners to promote and protect human rights in the Gulf through documentation, advocacy, monitoring and reporting.

## **A Note on Methodology**

This submission is the product of both primary and secondary sources. Due to concerns for the safety of some of our sources however, some citations may be omitted from the report. All victims of abuse cited in this report have consented to the information that is shared.

## **Introduction**

Saudi Arabia is a country with one of the worst human rights records in the world. Violations against individual rights make no exception in the case of minors, who are often targeted in relation to their free expression and assembly in the Kingdom. Minors continue to face corporal punishment and have in some cases, been sentenced to death on crimes committed as minors. Girls are particularly vulnerable to violations, lacking sufficient protections due to pervasive discrimination against women and girls and the ongoing prevalence of early marriage. Saudi Arabia has yet to ratify the two Optional Protocols (OP) to the Convention on the Rights of the Child (CRC) relating to the Involvement of Children in Armed Conflict and on the Sale of Children, Child Prostitution and Child Pornography. The latter OP has instead been completely ignored in Saudi Arabia's ongoing military campaign in Yemen, which has brutally and indiscriminately targeted Yemen's civilian population with total disregard for the special protection demanded by international law for children in armed conflict.

## **Minors Tortured, Charged, Detained and on Death Row**

ADHRB has documented three cases which accurately describe Saudi Arabia's continued violation of the provisions of the CRC, treating minors with the same disregard for due process and international law as they do many adults.

On 14 February 2012, security forces arrested Ali Al-Nimr, the nephew of the recently executed, prominent opposition leader Sheikh Nimr Al-Nimr. Ali Al-Nimr was arrested on charges relating to freedom of assembly and was 17 years old at the time of the alleged crime and arrest. Once arrested, Ali was allegedly tortured and coerced to sign a confession. This

served as the primary evidence used in a trial to sentence Ali Al-Nimr to death. While authorities have yet to carry out his execution, history itself suggests that his execution could take place at any moment. Despite complaints made regarding the torture of Ali Al-Nimr through the Special Procedures of the United Nations (UN), and in a joint statement by Special Rapporteurs Christof Heyns (extrajudicial, summary or arbitrary executions), Juan Mendez (torture and other cruel, inhuman or degrading treatment or punishment) and then Chairperson of the UN Committee on the Rights of the Child Benyam Menzur, the Government of Saudi Arabia has yet to carry out any investigation into this claim.<sup>1</sup>

Similarly, on 22 May 2012, authorities arrested 17-year old Dawood Hussein Al-Marhoon on charges relating to his participation in an anti-government protest. Denied access to a lawyer, Dawood also alleges that he was tortured to sign a confession, which eventually served in trial to sentence him to death. Again the Government of Saudi Arabia has failed to investigate these allegations.

Abdullah Hasan al-Zaher, only 15 years old at the time of his arrest on 3 March 2012 reports a similar story. Abdullah also claims he was denied access to a lawyer and forced to sign a confession which later resulted in the Specialized Criminal Court sentencing him to death just like Dawood Hussein Al-Marhoon and Ali Al-Nimr. His charges also relate to peaceful protest, but under Saudi Arabia's expansive terror laws have been defined as terrorist activities.

In 2013, the Saudi execution by beheading of a Sri Lankan maid who was allegedly only 17 years old at the time caused international outcry.<sup>2</sup> Saudi Arabia has violated the most basic international standards of human rights by violating the right to life of children. While all three young men have now reached 18 years of age and are no longer considered to be children, they still face execution for alleged crimes committed as minors. Sources from the ground have suggested that because they are now adults, their execution is ever more a pressing concern.

## **Discrimination Faced by Girls and Early Marriage**

Continued discrimination of women and girls is prevalent in all areas of life in Saudi Arabia. A particularly significant area in which girls face serious discrimination is in the practice of sport. Girls continue to be denied physical education in school, despite reports in April 2015 that the Shura Council, directed by the Ministry of Education, was studying the possibility of physical education for girls in Saudi public schools.<sup>3</sup> The discrimination against girls in sport may have a negative effect on child health and development, where obesity in Saudi Arabia is a growing concern, particularly for women and girls.

Girls continue to be vulnerable to abuse, particularly by male members of their families. Female domestic workers are also frequently victim to abuse, some of whom have been minors. Girls have often reported facing physical and sexual abuse once reaching puberty. Samar Badawi, a leading woman human rights defender in Saudi Arabia alleges that her father abused her from

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<sup>1</sup> UNOG. "Saudi Arabia must immediately halt execution of children." (22 September 2015). Retrieved from: [http://www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/3393630FA4C8FF66C1257EC8005E8C1D?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/3393630FA4C8FF66C1257EC8005E8C1D?OpenDocument).

<sup>2</sup> BBC. "Sri Lankan Maid Rizana Nafeek Beheaded in Saudi Arabia." (9 January 2013). Retrieved from: <<http://www.bbc.com/news/world-asia-20959228>>.

<sup>3</sup> Human Rights Watch. "Saudi Arabia: World Report 2015" (2015). Retrieved from: <<https://www.hrw.org/world-report/2015/country-chapters/saudi-arabia>>.

the age of 14 years old, for more than 10 years. These patterns of abuse are too weakly handled by the Government of Saudi Arabia, whose courts favour a patriarchal system that allows such abuses to take place. An example of this is that women still face discrimination in relation to child custody claims.

Early marriage is still a serious issue affecting girls in Saudi Arabia. There is still no legally enforced minimum age for marriage in Saudi Arabia. In 2011, The Guardian reported that two girls, sisters Atgaa and Reemya aged 8 and 10, were scheduled to marry two men in their 60s within the week in Qasim. Many other girls face a similar fate. However, in 2014 it was reported that religious scholar and Grand Mufti of Saudi Arabia Sheikh Abdul-Aziz ibn Abdullah Al Ash publicly announced that marriage of minors under the age of 15 was totally permissible by the Islamic religion, and that he would not give any further consideration to the issue.<sup>4</sup> When such figureheads of authority have a permissive attitude towards child marriage, without denunciation or opposition by the Government to uphold international rights of the child, the Government of Saudi Arabia is responsible for failing to uphold the CRC.

## Religious Discrimination in Education

In Saudi Arabia, Sunni Islamic religious education is mandatory in public schools at all levels. Regardless of the Islamic tradition that a child's family may adhere to, all public school children receive religious instruction conforming to the Salafi tradition of Islam that is endorsed by the Government.<sup>5</sup> Private religious schools are not given funding for non-Muslims or for Muslims adhering to non-Salafi traditions of Islam. Therefore, Shi'a are restricted from teaching their own interpretation of the religion in schools.<sup>6</sup> In 2014, a study conducted by Freedom House analysed a set of 12 Saudi Ministry of Education textbooks in use for academic instruction of Islam. The study found that the textbooks promoted children to develop "an ideology of hatred toward people, including Muslims, who do not subscribe to the Wahabbi sect of Islam."<sup>7</sup>

## The War in Yemen

According to a statement by UNICEF in April 2016, "the children of Yemen are bearing the brunt of a brutal conflict".<sup>8</sup> According to UNICEF's figures from April 2016, 900 children have been killed since the start of the conflict. As a party to the conflict, Saudi Arabia has waged its war on Yemen with total disregard for international human rights and international humanitarian law. Saudi Arabia has continued

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<sup>4</sup> Youm 7. "Mufti of Saudi Arabia: The Marriage of Minors Under the Age of 15 is Permissible, and Everything in It." (2014) Retrieved from: <http://www.youm7.com/story/2014/12/21/مفتى السعودية زواج القاصرات دون سن الـ 15 جائز ولا شيء >فيه/1997546>.

<sup>5</sup> United States Department of State, Bureau of Democracy, Human Rights and Labor. "Saudi Arabia: International Religious Freedom Report 2004". (2004). Retrieved from: <http://www.state.gov/j/drl/rls/irf/2004/35507.htm>.

<sup>6</sup> United States Department of State, Bureau of Democracy, Human Rights and Labor. "Saudi Arabia: International Religious Freedom Report 2004". (2004). Retrieved from: <http://www.state.gov/j/drl/rls/irf/2004/35507.htm>.

<sup>7</sup> Freedom House, Center for Religious Freedom. "Saudi Arabia's Curriculum of Intolerance" (2014). Retrieved from: <https://freedomhouse.org/report/special-reports/saudi-arabias-curriculum-intolerance>.

<sup>8</sup> UNICEF. "Yemen Children Bearing the Brunt of Brutal Conflict – UN." (10 April 2016). Retrieved from: [http://www.unicef.org/infobycountry/media\\_90828.html](http://www.unicef.org/infobycountry/media_90828.html).

to target civilian infrastructure such as schools and hospitals, attacks in which children have been brutally injured and killed. While Saudi Arabia has yet to ratify the Optional Protocol on Children in Armed Conflict; as a party to the CRC, the Government of Saudi Arabia has acted in total violation of the object and purpose of the treaty in its war on Yemen.

## Conclusion

By passing the Child Protection Law in February 2014, the Saudi government took a significant step to better aligning its domestic laws with the CRC. In particular, the law better aligns Saudi Arabia with those provisions contained within Articles 32-34 of the CRC concerning protecting children from labor exploitation, the consumption of narcotics, and sexual exploitation.<sup>9</sup> However, the Saudi government has failed to address corporal punishment of minors, and has sentenced at least three men to death for crimes purportedly committed when they were below the age of 18.<sup>10</sup> It has also failed to sufficiently provide protections against the discrimination of girls and child marriage, as well as to address religious discrimination in schools. Finally, the Kingdom of Saudi Arabia's ongoing brutal military campaign in Yemen is a total abomination of the most basic international rights of the child, the right to life and the right to education, to cite just a few.

## Recommendations

### *To the Government of Saudi Arabia*

- End all forms of corporal punishment against children;
- Issue a moratorium on the death penalty and particularly ensure that no minors are executed and no individuals are executed for crimes committed as minors;
- Duly investigate into all allegations of torture against then- minors Ali Al-Nimr, Dawood Hussein Al-Marhoon and Abdullah Al-Zaher.
- Ensure the access of girls to physical education and end all forms of discrimination against girls;
- Set a minimum age for marriage and ensure appropriate penalties for child marriage;
- End all forms of discrimination against children on the basis of religion and ensure that all religious education endorses non-discrimination and human rights values;
- Adhere to international human rights and international humanitarian law in Yemen war and stop the targeting of children and civilian infrastructure.

### *To the United Nations*

- Urge Saudi Arabia to halt all executions of minors or adults in relation to crimes committed as minors;
- Urge Saudi Arabia to end all corporal punishment against children;
- Encourage Saudi Arabia to issue a moratorium on the death penalty;
- Strongly urge Saudi Arabia to respect international human rights and humanitarian law in its ongoing military campaign in Yemen

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<sup>9</sup> ADHRB. "A Mid-Term Report on Saudi Arabia's UPR Second Cycle." (2016) Retrieved from: <http://www.adhrb.org/2016/06/midterm-report-saudi-arabias-upr-second-cycle-analyzing-saudi-arabias-refusal-reform/>.

<sup>10</sup> Ibid.