

Committee on the Rights of the Child
Office of the High Commissioner for Human Rights
Palais Wilson, 52 Rue des Pâquis
Geneva

September 2, 2016

Re: Review of Saudi Arabia

Dear Members of the Committee on the Rights of the Child,

We write to submit information we hope will be helpful to your review of the government of Saudi Arabia's compliance with the Convention on the Rights of the Child (CRC). Information included in this submission is based on Human Rights Watch research, and focuses on:

- Saudi Arabia's reservation to the Convention (articles 1, 4, 51),
- the execution and ill-treatment of children in detention (arts. 6, 37, 40),
- violations in relation to the conflict in Yemen (arts. 6, 38, 39),
- discriminatory restrictions on girls' rights (arts. 2, 24, 29, 31), and
- the rights of refugee and migrant children (arts. 2, 9, 11, 22, 32, 37).

The submission also proposes issues and questions that Committee members may wish to raise with the government while reviewing its compliance with these articles.

Thank you for your attention to our concerns.

Sincerely,



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Implementation of the Convention (Articles 1, 4, 51)

Saudi Arabia acceded to the Convention in 1996 but entered a general reservation “with respect to all such articles as are in conflict with the provisions of Islamic law.” The reservation is particularly relevant in cases where Saudi law does not recognize persons under 18 years of age to be children.

Saudi judicial authorities recognize people under the age of 18 as children, but children may be subjected to the same penalties as adults, including capital punishment, in cases where they are convicted of certain crimes as defined by Saudi Arabia’s interpretation of Islamic law.

Saudi Arabia’s reservation, which it interprets to permit the issuing and implementation of punishments including death sentences for child offenders, is so overly broad and imprecise as to defeat the “object and purpose” of the CRC.

Human Rights Watch urges the Committee to ask the government of Saudi Arabia to:

- Withdraw the current reservation to the CRC, and refrain from submitting any further reservation that would defeat its object and purpose, including any seen to permit the issuing and implementation of death sentences for child offenders.

Execution, Torture and Ill-Treatment of Child Offenders (Articles 6, 37, 40)

Human Rights Watch has documented cases in which Saudi Arabia violated the prohibition of capital punishment for anyone who was under 18 at the time of the offense (article 37(a)).

In January 2013, Saudi Arabia publicly beheaded Rizana Nafeek, a Sri Lankan migrant worker who when 17 years old allegedly killed a baby under her care in 2005.¹ Nafeek retracted a confession that she said was made under duress, and says that the baby died in a choking accident while drinking from a bottle. She had no access to legal counsel until after a court in Dawadmi, about 200 kilometres west of Riyadh, sentenced her to death by beheading in 2007.

On January 2, 2016, Saudi Arabia carried out a mass execution of 47 men convicted on terrorism-related charges. The trial judgement for Ali Sa'eed Al Ribh, one of the Shia

¹ “Saudi Arabia: Halt Execution of Sri Lankan Migrant Worker,” Human Rights Watch news release, January 8, 2013 <https://www.hrw.org/news/2013/01/08/saudi-arabia-halt-execution-sri-lankan-migrant-worker>.

men executed, indicates that he was under 18 when he allegedly committed some of the protest-related crimes for which he was sentenced to death in 2014.

Saudi courts have imposed capital sentences on people who were under 18 at the time of their alleged offenses. Ali al-Nimr, sentenced to death in 2014 by the Specialized Criminal Court, was under 18 at the time of his alleged crimes of participating in protests in the Eastern Province.² The Saudi news website *Okaz* reported on September 14, 2015 that a Saudi appeals court and the country's Supreme Court had upheld the death sentence.³ The Specialized Criminal Court convicted Dawoud al-Marhoun and Abdullah al-Zaher on charges related to their alleged role in Eastern Province protests, in a group trial that concluded in October 2014. Al-Marhoun was 17 at the time of his arrest, while al-Zaher was 15. Local media reported that Saudi Arabia's Supreme Court informed a relative of al-Marhoun that it had upheld death sentences for al-Marhoun and al-Zaher in October 2015.⁴

Saudi Arabia has also violated the prohibition on torture and cruel, inhuman or degrading treatment or punishment of children and denied children the right "not to be compelled to give testimony or to confess guilt." In some cases children have been punished for participation in protests that likely should have been protected as freedom of assembly.

For example, the court found al-Marhoun and al-Zaher guilty based on their confessions, but their defense lawyers said both were beaten and threatened with further beatings if they did not sign confessions written by interrogators. One of al-Marhoun's relatives said that interrogators forced him to provide an ink fingerprint on a written confession that he did not read, and that he had trouble speaking and eating because of the beatings he endured. Prosecutors presented no material evidence connecting al-Marhoun to his alleged crimes other than the confession. In al-Zaher's case, prosecutors presented only the confession and his arrest report, which stated that police "saw people with Molotov bombs and chased one of them until they

² "Saudi Arabia's Troubling Death Sentence," Human Rights Watch news release, September 26, 2015, <https://www.hrw.org/news/2015/09/26/saudi-arabias-troubling-death-sentence>.

³ "Saudi Arabia: Alleged Child Offender at Risk of Execution," Human Rights Watch news release, September 15, 2015, <https://www.hrw.org/news/2015/09/15/saudi-arabia-alleged-child-offender-risk-execution>.

⁴ "Saudi Arabia: 3 Alleged Child Offenders Await Execution," Human Rights Watch news release, April 17, 2016, <https://www.hrw.org/news/2016/04/17/saudi-arabia-3-alleged-child-offenders-await-execution>.

arrested him, and after scanning the area they were in they found 33 glasses filled with benzene....”⁵

The court found al-Nimr guilty in May 2014 solely on the basis of a confession he signed during his interrogation despite his statements that one of his interrogators wrote it and that he signed under duress without reading it. The court was aware that the investigator wrote the confession, but judged it admissible because al-Nimr signed it. Family members said that al-Nimr agreed to sign the statement only after interrogators told him that they would then release him.⁶

In each of these cases, judges immediately dismissed defendants’ claims that interrogators coerced confessions. In several trial judgments, including al-Nimr’s, judges argued that the rules for retracting confessions were different for *ta`zir* or “discretionary” crimes, which Islamic law does not specifically define or establish a set punishment for, than for *hadd* or “limit” crimes, for which Islamic law mandates a specific punishment and in certain cases are considered more severe crimes. Judges stated that it is impermissible under Islamic law to retract a confession for a *ta`zir* case, while in *hadd* cases it is possible. In several cases, judges “reduced” *hadd* cases to *ta`zir* cases after defendants retracted their confessions, yet sentenced them to death because of the “enormity” of their crimes.⁷

Saudi authorities have denied children prompt access to legal assistance to challenge the deprivation of liberty, to prepare a defense to criminal charges, and fair trial rights. Family members told Human Rights Watch that following al-Nimr’s arrest in February 2012, authorities did not permit them to visit him for four months. The authorities called him before a judge for the first time in December 2013, without informing his family, allowing him to appoint a lawyer, or providing a copy of his charge sheet. The court held three more sessions before the authorities allowed al-Nimr to appoint a defense lawyer, but despite court orders to the contrary, Dammam Mabahith Prison officials did not allow al-Nimr’s lawyer to visit him in prison to help prepare a defense before or during his trial.⁸

⁵ “Saudi Arabia: 3 Alleged Child Offenders Await Execution,” Human Rights Watch news release, April 17, 2016, <https://www.hrw.org/news/2016/04/17/saudi-arabia-3-alleged-child-offenders-await-execution>.

⁶ UN Committee Against Torture: Review of Saudi Arabia, April 26, 2016, Human Rights Watch submission, <https://www.hrw.org/news/2016/04/26/un-committee-against-torture-review-saudi-arabia>.

⁷ Ibid.

⁸ “Saudi Arabia: 3 Alleged Child Offenders Await Execution,” Human Rights Watch news release, April 17, 2016, <https://www.hrw.org/news/2016/04/17/saudi-arabia-3-alleged-child-offenders-await-execution>.

Similar abuses have been documented for years. In early 2009, security officers arrested eight children, aged 14 to 17, in connection to protests.⁹ These children were held in detention facilities, often with adults, for up to three months, frequently undergoing interrogations without legal counsel. Children in detention have faced additional abuses including solitary confinement, denial of family visits, and criminal sentences that include corporal punishment such as flogging.¹⁰

Human Rights Watch urges the Committee to ask the government of Saudi Arabia to:

- Ensure that no one is sentenced to death or executed for offenses committed while under age 18;
- Immediately commute existing death sentences issued against persons under age 18 at the time of the crime to sentences in conformity with international juvenile justice standards, and inform the persons concerned as well as the embassies of foreign nationals of the new sentences in writing;
- Ensure that children are only detained as a measure of last resort, and for the shortest appropriate period of time;
- Enact a written criminal regulation that prohibits torture and ill-treatment, contains a definition of torture consistent with the Convention Against Torture, and sets associated punishments;
- Explain what steps have been taken to investigate the credible and well-documented allegations of ill-treatment and torture of Ali al-Nimr and any other detained children, and the status of investigations, if any, and their results;
- End the use of corporal punishment, solitary confinement, denial of family visits, and other forms of ill-treatment of children deprived of their liberty;
- Ensure that children deprived of their liberty have access to adequate legal and other appropriate assistance;
- Ensure that confessions obtained under torture are inadmissible as evidence; and
- Initiate judicial reforms so that judges consider child defendants' claims that their confessions were coerced on their merits regardless of the classification of the alleged offense as a *ta`zir* or a *hadd* crime.

⁹ Human Rights Watch, *Denied Dignity: Systematic Discrimination and Hostility towards Saudi Shia Citizens*, September 2009, <https://www.hrw.org/report/2009/09/03/denied-dignity/systematic-discrimination-and-hostility-toward-saudi-shia-citizens>.

¹⁰ Human Rights Watch, *Adults Before Their Time: Children in Saudi Arabia's Criminal Justice System*, March 2008, <https://www.hrw.org/report/2008/03/24/adults-their-time/children-saudi-arabias-criminal-justice-system>.

Violations by the Saudi-Led Coalition in Yemen (Articles 6, 38, 39, and Optional Protocol On Children in Armed Conflict, Article 4.2)

Unlawful Attacks that Killed and Maimed Children

Human Rights Watch documented apparently indiscriminate or disproportionate Saudi-led airstrikes that killed and maimed children in Yemen. Six such apparently unlawful coalition attacks in early 2016 killed twelve children.¹¹ In another airstrike, a bomb dropped by coalition aircraft on the Mastaba market in March 2016 may have killed 10 Houthi fighters but also killed 97 civilians, including 25 children—harm to civilians that was foreseeably disproportionate.¹² Six airstrikes on residential areas in Sana'a in September and October 2015, killed 31 children.¹³ Coalition airstrikes on a wedding near the village of Sanaban on October 7, 2015 killed 43 people, including 16 children, but residents said there were no military targets in the vicinity.¹⁴ Saudi-led coalition airstrikes that killed at least 65 civilians, including 10 children, and wounded dozens at two residential compounds of the Mokha Steam Power Plant in the Yemeni port city of Mokha on July 24, 2015, were an apparent war crime.¹⁵ In July 2016, the Saudi-led coalition pledged to pay compensation to individuals wounded in this attack, but according to information available to Human Rights Watch, have not yet implemented this pledge.

Coalition attacks using cluster munitions have killed and maimed children.¹⁶ Cluster munitions are dropped from aircraft or delivered from the ground by artillery and rockets, and contain multiple smaller submunitions or bomblets. Cluster munitions pose an immediate threat to civilians as they disperse over a wide area and leave explosive remnants, including submunitions that fail to explode upon impact and

¹¹ "Yemen: War Crimes Not Addressed," Human Rights Watch news release, May 4, 2016, <https://www.hrw.org/news/2016/05/04/yemen-war-crimes-not-addressed>.

¹² Belkis Wille (Human Rights Watch), "Dispatches: Saudi Spokesman Denies Human Rights Watch's Yemen Findings," May 16, 2016, <https://www.hrw.org/news/2016/05/16/dispatches-saudi-spokesman-denies-human-rights-watches-yemen-findings>.

¹³ "Yemen: Coalition Bombs Homes in Capital," Human Rights Watch news release, December 21, 2015, <https://www.hrw.org/news/2015/12/21/yemen-coalition-bombs-homes-capital>.

¹⁴ Belkis Wille (Human Rights Watch), "Witness: A Wedding Bombed in Yemen," December 20, 2015, <https://www.hrw.org/news/2015/12/20/witness-wedding-bombed-yemen>.

¹⁵ "Yemen: Coalition Strikes on Residence Apparent War Crime," Human Rights Watch news release, July 27, 2015, <https://www.hrw.org/news/2015/07/27/yemen-coalition-strikes-residence-apparent-war-crime>.

¹⁶ In addition to Human Rights Watch reporting, see Amnesty International, "Yemen: Children among civilians killed and maimed in cluster bomb 'minefields'," May 23, 2016, <https://www.amnesty.org/en/latest/news/2016/05/yemen-children-among-civilians-killed-and-maimed-in-cluster-bomb-minefields/> (accessed September 2, 2016); Sudarsan Raghavan, "A cluster bomb made in America shattered lives in Yemen's capital," *Washington Post*, June 10, 2016, https://www.washingtonpost.com/world/middle_east/a-cluster-bomb-made-in-america-shattered-lives-in-yemens-capital/2016/07/08/e3b722cc-283d-11e6-8329-6104954928d2_story.html (accessed September 2, 2016).

become de facto landmines. An airstrike used US-supplied cluster munitions in a December 12, 2015 attack on the Yemeni port town of Hodaida, injuring a woman and two children in their homes.¹⁷ Unexploded cluster submunitions from a probable coalition attack wounded a 10-year-old boy and three other civilians on April 29, 2015 in Baqim, a village 10 kilometers from the Saudi border, after residents picked them up.¹⁸ In May 2016, the US placed a hold on transfers of cluster munitions to Saudi Arabia.¹⁹

On September 23, 2015, United Kingdom-manufactured cruise missiles struck the Radfan Ceramics Factory in the village of Matna in Beni Matar district, west of Sana'a, killing a civilian and injuring Elham Hussein Hussein Taher, a 14-year-old girl who lived nearby. Witnesses said the factory had never been used for any military purpose and that no fighters or military vehicles were in or near the factory at the time of the attack.²⁰

Saudi-led coalition attacks have gravely affected Yemen's economy. Human Rights Watch examined 17 apparently unlawful airstrikes on 13 civilian economic sites, including factories, commercial warehouses, a farm, and two power facilities, that killed 130 civilians including at least 2 children.²¹ Collectively, the facilities employed over 2,500 people; following the attacks, many of the factories ended their production and hundreds of workers lost their livelihoods.

Attacks on Schools

Since March 26, 2015, when the Saudi-led coalition first conducted attacks against Houthi forces in Yemen, at least 1,000 schools have been damaged or destroyed, according to the UN.²² On the first day of attacks, Yemen's education ministry suspended all classes at public schools in the capital. Across the country, according to the United Nations Children's Fund (UNICEF), over 3,600 schools have been forced to close, interrupting the education of over 1.8 million children, bringing the school-age

¹⁷ "Yemen: Cluster Munitions Wounding Civilians," Human Rights Watch news release, February 14, 2016, <https://www.hrw.org/news/2016/02/14/yemen-cluster-munitions-wounding-civilians>.

¹⁸ "Yemen: Cluster Munitions Harm Civilians," Human Rights Watch news release, May 31, 2015, <https://www.hrw.org/news/2015/05/31/yemen-cluster-munitions-harm-civilians>.

¹⁹ "On Cluster Munitions, A Tentative Step Toward Sanity," Human Rights Watch commentary, June 6, 2016, <https://www.hrw.org/news/2016/06/06/cluster-munitions-tentative-step-toward-sanity>.

²⁰ "Yemen: Coalition Used UK Cruise Missile in Unlawful Airstrike," November 25, 2015, <https://www.hrw.org/news/2015/11/25/yemen-coalition-used-uk-cruise-missile-unlawful-airstrike>.

²¹ *Bombing Businesses: Saudi Coalition Airstrikes on Yemen's Civilian Economic Structures*, Human Rights Watch report, July 10, 2016, <https://www.hrw.org/report/2016/07/10/bombing-businesses/saudi-coalition-airstrikes-yemens-civilian-economic-structures>.

²² UNICEF, "Yemen, fragile to failed? The Impact of Violence and Conflict on Yemen and its Children," March 29, 2016.

population out of school to 3.4 million, half of school-age children. Although schools re-opened in November 2015, as of March 2016, over 1,600 schools remain closed due to insecurity, infrastructure damages or use as shelters by displaced people, according to the UN.²³

A dozen airstrikes in Saada City between April 6 and May 11, 2015, destroyed or damaged civilian sites where there was no evidence they were being used for military purposes, killing 59 civilians including at least 35 children.²⁴ One of these strikes hit the Munadil Hussein Fayed School, a girls' secondary school, which was empty at the time of the attack on May 11, 2015.

The Saudi-led coalition has stated that it will attack schools that are being used by Houthi rebels and, hence, military targets. Under the laws of war, however, any attack must avoid unnecessary or disproportionate harm to civilians, even if fighters have put them at risk.²⁵ In January 2016, Saudi-led airstrikes bombed a facility in the capital's only centre for the blind when 130 children, students at the School for the Blind, were sleeping in the facilities. At the time of the attack, approximately fifteen Houthi rebels were stationed in the school facilities.²⁶

Attacks on Medical Facilities

Airstrikes by the Saudi-led coalition on October 26, 2015 completely destroyed the maternity ward and other facilities at Haydan Hospital, supported by Doctors Without Borders (Médecins Sans Frontières, MSF), the only medical facility in the town of Haydan in the governorate of Saada. The hospital received about 150 emergency cases a week and had treated about 3,400 wounded since May 2015.²⁷ The hospital was in a village of mostly clay huts in which there was no fixed military target in the vicinity. There have been no allegations that Houthi forces were in the area at the time or that the hospital was being used for military purposes.²⁸

²³ UNICEF, "Yemen, fragile to failed? The Impact of Violence and Conflict on Yemen and its Children," March 29, 2016, http://www.unicef.org/spanish/media/files/Yemen--Fragile_to_Failed.pdf (accessed September 2, 2016).

²⁴ Human Rights Watch, *Targeting Saada: Unlawful Coalition Airstrikes on Saada City, Yemen*, June 30, 2015, <https://www.hrw.org/report/2015/06/30/targeting-saada/unlawful-coalition-airstrikes-saada-city-yemen>.

²⁵ Belkis Wille (Human Rights Watch) "Kids are Paying the Price for Yemen's War," commentary, *Foreign Policy in Focus*, June 11, 2015, <https://www.hrw.org/news/2015/06/11/kids-are-paying-price-yemens-war>.

²⁶ "Yemen: Houthis Endangered School for Blind," Human Rights Watch news release, January 13, 2016 <https://www.hrw.org/news/2016/01/13/yemen-houthis-endangered-school-blind>.

²⁷ "Yemen: Coalition Airstrikes Hit Hospital," Human Rights Watch news release, October 27, 2015, <https://www.hrw.org/news/2015/10/27/yemen-coalition-airstrikes-hit-hospital>.

²⁸ "Ibid.

Apparently unlawful coalition airstrikes on a medical facility and other civilian objects in a displaced persons camp in Mazraq, in Hajja governorate, on March 30, 2015, killed at least 28 civilians and wounded 41, including 14 children.²⁹

The Saudi-led coalition has at times blockaded fuel shipments from reaching Yemen, threatening to deprive children of access to medical care. From March 28 to May 8, 2015, no fuel tankers were able to berth at Yemeni ports, though at least seven tried, according to shipping records.³⁰ The World Health Organization said on April 21 that ambulance services and the delivery of medical supplies had been critically disrupted, that electricity cuts endangered refrigerated vaccine-storage sites, and that millions of children below age 5 were at risk of going unvaccinated.³¹

Child Soldiers

Pro-government parties to the conflict, supported by the Saudi-led coalition, as well as Houthi forces have used child soldiers, who represent an estimated one-third of the fighters in Yemen. The Optional Protocol to the Convention, to which Saudi Arabia acceded in June 2011, requires states parties to take “all feasible measures” to prevent armed groups from recruiting and using child soldiers. The Saudi-led coalition has not encouraged pro-government forces in Yemen to actively stop recruiting and placing children in danger.³²

The UN Secretary-General included the Saudi-led coalition on the list of groups responsible for grave violations against children in situations of armed conflict, but later removed the coalition “pending review” after Saudi Arabia apparently threatened to de-fund UN programs, which could have put children who depend on these programs at risk.³³

²⁹ “Yemen: Airstrike on Camp Raises Grave Concerns,” Human Rights Watch news release, April 1, 2015, <https://www.hrw.org/news/2015/04/01/yemen-airstrike-camp-raises-grave-concerns>.

³⁰ “Yemen: Coalition Blocking Desperately-Needed Fuel,” Human Rights Watch news release, May 10, 2015, <https://www.hrw.org/news/2015/05/10/yemen-coalition-blocking-desperately-needed-fuel>.

³¹ *Ibid.*

³² “Yemen: Free Captive Children,” Human Rights Watch news release, June 2, 2016, <https://www.hrw.org/news/2016/06/02/yemen-free-captive-children>.

³³ United Nations, Report of the Secretary General on Children and Armed Conflict, addendum, June 24, 2016, S/2016/360/Add.1, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_360_add_1.pdf (accessed September 2, 2016); Michele Keleman, “Saudi Arabia Dropped from List of Those Harming Children; UN Cites Pressure,” National Public Radio, June 9, 2016, <http://www.npr.org/sections/parallels/2016/06/09/481426821/saudis-dropped-from-list-of-those-harming-children-u-n-cites-pressure> (accessed September 2, 2016); Louis Charbonneau, Michelle Nichols, and Yara Bayoumy, “U.N. chief faced funding cut-off, fatwa risk over Saudis: sources,” *Reuters*, June 7, 2016; and Colum Lynch, “Saudi Arabia Threatened to Break Relations With U.N. Over Human Rights Criticism in Yemen,” *Foreign Policy*, June 7, 2016,

Human Rights Watch urges the Committee to ask the government of Saudi Arabia to:

- Credibly, impartially, and transparently investigate with other coalition members all allegations of possible violations of the Convention by coalition forces, including attacks on schools that were not being used for military purposes, and where evidence supports, prosecute the individuals responsible for alleged war crimes, including in the chain of command, or agree to an independent international inquiry into serious violations by all parties to the conflict;
- Endorse the Safe Schools Declaration, and incorporate the related Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into doctrine, military manuals, rules of engagement, operational orders, and other means of dissemination, as appropriate, to encourage implementation throughout the chain of command. Encourage other members of the coalition to do likewise;
- Provide evidence of any steps it has taken that would justify the coalition being removed from the UN Secretary-General's "list" of governments and armed groups responsible for grave violations against children during armed conflict;
- Stop the use of cluster munitions immediately and accede to the Convention on Cluster Munitions;
- Describe any steps it has taken to pressure pro-government forces in Yemen to end child recruitment.

Girls' Right to Freedom from Discrimination (Articles 2, 24, 29, 31)

Human Rights Watch has conducted extensive research on one aspect of the discriminatory policies and practices that affect girls in Saudi Arabia regarding equal access to physical education and sports in public schools. Schools in Saudi Arabia are segregated by gender, and although boys' schools have compulsory physical education classes, the vast majority of girls' schools do not.³⁴ Denying girls the right to participate in sports and physical education violates their rights to freedom from discrimination with regards to health, education, and leisure.

Saudi Arabia had effectively banned physical education or sports practice to girls in public schools, but has taken some steps, albeit haltingly, to allow them.³⁵ In April

<http://foreignpolicy.com/2016/06/07/saudi-arabia-threatened-to-break-relations-with-un-over-human-rights-criticism-in-yemen/> (accessed September 2, 2016).

³⁴ "Saudi Arabia: Women Are "Changing the Game," Human Rights Watch news release, August 4, 2016, <https://www.hrw.org/news/2016/08/04/saudi-arabia-women-are-changing-game>.

³⁵ Human Rights Watch, "*Steps of the Devil*": *Denial of Women's Rights and Girls' Rights to Sport*, February 2012, <https://www.hrw.org/report/2012/02/15/steps-devil/denial-womens-and-girls-rights-sport-saudi-arabia>.

2014, Saudi Arabia’s Shura Council directed the Education Ministry to study the possibility of introducing physical education for girls in public schools.³⁶ In March 2015, the Minister of Education stated that even if physical education is introduced in girls’ state schools, it will not be mandatory.³⁷ Following this announcement, five state schools in Ha’il reportedly introduced fitness programs for girls.³⁸ Human Rights Watch was unable to get clear information from the government through written requests on physical education in state schools for girls, but public reports indicate that some government schools are now offering physical education to girls. Private schools have long been able to offer physical education, and in May 2013, Saudi authorities ruled that those programs could continue, provided that girls wear “decent clothing” and are supervised by female instructors.³⁹ Saudi Arabia’s Vision 2030, a government roadmap for economic and developmental growth announced in 2016, could also improve access to sport for women and girls.⁴⁰ The roadmap says: “Opportunities for the regular practice of sports have often been limited. This will change.”⁴¹

Human Rights Watch urges the Committee to ask the government of Saudi Arabia to:

- Introduce mandatory physical education in all state schools for girls throughout the years of compulsory education, and set out a clear timeline for implementation;
- Ensure that women are able to train to teach physical education in schools.

Proceedings Affecting Children (Articles 18, 19)

In a recent report, Human Rights Watch documented that Saudi Arabia has introduced positive women’s rights reforms in recent years, but that the male guardianship system

³⁶ “Saudi Arabia: No Women on Asian Games Team,” Human Rights Watch news release, September 17, 2014, <https://www.hrw.org/news/2014/09/17/saudi-arabia-no-women-asian-games-team>.

³⁷ Mansour al-Jabarte, “Minister of Education Seals Fate of Sport for Girls: It Will Not Be Mandatory,”

«رياضة البنات»: لن تكون إلزامية» *Al-Hayat*, March 2, 2015,

<http://www.alhayat.com/Articles/7767418/%D9%88%D8%B2%D9%8A%D8%B1-%D8%A7%D9%84%D8%AA%D8%B9%D9%84%D9%8A%D9%85-%D9%8A%D8%AD%D8%B3%D9%85-%D9%85%D8%B5%D9%8A%D8%B1-%D8%B1%D9%8A%D8%A7%D8%B6%D8%A9-%D8%A7%D9%84%D8%A8%D9%86%D8%A7%D8%AA-%D9%84%D9%86-%D8%AA%D9%83%D9%88%D9%86-%D8%A5%D9%84%D8%B2%D8%A7%D9%85%D9%8A%D8%A9> (accessed October 1, 2015).

³⁸ Matab Al-Awad, “Fitness and nutrition classes in girls’ secondary schools,” *Okaz*, March 4, 2015,

<http://www.okaz.com.sa/new/Issues/20150304/Con20150304756707.htm> (accessed February 1, 2016).

³⁹ “Saudi Arabia: Accelerate Reforms for Girls’ Sport in State Schools,” Human Rights Watch news release, April 11, 2014,

<https://www.hrw.org/news/2014/04/11/saudi-arabia-accelerate-reforms-girls-sport-state-schools>.

⁴⁰ “Full Text of Saudi Arabia’s Vision 2030,” Saudi Gazette, April 26, 2016, <http://saudigazette.com.sa/saudi-arabia/full-text-saudi-arabias-vision-2030/> (accessed August 19, 2016).

⁴¹ Ibid.

continues to impose discriminatory burdens on women and girls, and has limited or nullified the impact of other reforms.⁴²

Over a one-year period ending October 2015, the Ministry of Labor and Social Development reported 8,016 cases of physical and psychological abuse, including against children, in Saudi Arabia.⁴³ In one city, most cases involved male relatives who used their status as guardians to deny women and children their rights to education, health care, or personal identification documents.⁴⁴

While Saudi Arabia has made some gains in protecting citizens against domestic violence, the guardianship system raises concerns with regard to children and violations on their right to be protected from abuse, and to an upbringing by both parents. Saudi courts also continue to recognize claims brought by parents against children for “parental disobedience,” which can result in punishments ranging from being returned to a guardian’s home to imprisonment.

If a woman in an abusive relationship is able to get a divorce, her children are not always protected from the abusive father. According to Saudi law, while the court may order children to live with the mother, the father always maintains legal custody of children. The basic rules concerning where children live after divorce transfers girls who are seven years or older to live with the father, whereas boys who are nine or older are given a choice as to where to live. A former judge told Human Rights Watch that, regardless of the age of the child, courts are ultimately meant to base their decision on post-divorce living arrangements on the best interests of the child. He noted that, in practice, judges discriminate against women and may base their ruling on which of the two parents appears more conservative. These discriminatory provisions have prevented children from leaving the guardianship of an abusive father.

Saudi fathers, who remain their daughters’ guardians until their daughter marries and her husband becomes her new guardian, have the authority to grant or deny their daughters permission to travel abroad. Saudi Arabia has funded thousands of university scholarships for women to study abroad, but girls and young women

⁴² Human Rights Watch, *Boxed In: Women and Saudi Arabia’s Male Guardianship System*, July 16, 2016, <https://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>.

⁴³ The Ministry of Labor and Ministry of Social Affairs were combined in 2016 by royal decree to form the Ministry of Labor and Social Development. “8,016 cases of abuse recorded in one year,” *Arab News*, December 16, 2015, <http://www.arabnews.com/saudi-arabia/news/851131> (accessed December 16, 2015).

⁴⁴ “Women, children target of domestic violence,” *Arab News*, October 23, 2015, <http://www.arabnews.com/saudi-arabia/news/824436> (accessed October 23, 2015).

accepted to the program have been denied permission to travel by their male guardians. Saudi Arabia also officially requires these women to have a male relative accompany them abroad throughout the course of their studies.

On October 13, 2015, the Shura Council proposed amending the Civil Status Law to allow women to obtain documents called family cards that are required to conduct important bureaucratic tasks, including enrolling their children in school. The proposal still requires approval by the Council of Ministers to go into effect. Following the Shura Council proposal, the Interior Ministry announced it would begin issuing divorced and widowed women family cards. Multiple women with whom Human Rights Watch spoke praised the decision because it would help women whose ex-husbands occasionally punish them by keeping their children out of school, while noting all women should be granted family cards.

There is no minimum age of marriage in Saudi law. Other countries that recognize Sharia as a source of law have set the marriage age at 18 or higher. While the Shura Council discussed making 18 the minimum age of marriage along with a package of proposed personal status changes in 2013, no formal rule has yet been passed. Local media continues to carry occasional reports of child marriages including of girls as young as eight to men decades older than them.

Human Rights Watch urges the Committee to ask the government of Saudi Arabia to:

- In the case of the divorce of a child's parents, determine questions such as with which parent a child will reside, and which parent will have primary responsibility over a child, on the basis of the best interests of the child;
- Ensure that parents have equal rights to handle their children's affairs;
- Allow all women to obtain family cards and to enroll their children in school on an equal basis to men;
- Issue guidelines to police on how to deal with domestic violence cases;
- Set the minimum age of marriage at 18 without exceptions for boys or girls.

Refugee and Migrant Children (Articles 2, 9, 11, 22, 32, 37)

Saudi Arabia has not ratified the 1951 Refugee Convention and has not established an asylum system. Human Rights Watch has documented Saudi authorities' mass expulsions of migrants, including children, without any individual assessment of the circumstances of those subject to removal.

Migrant children in Saudi Arabia frequently face arrest and deportation and endure dire conditions in detention and face risks of further violations when returning home. Some children are trafficked to Saudi Arabia for begging, are engaged in forced labor, or are dependents of adults facing deportation.⁴⁵

From November 2013 to March 2014, Saudi authorities deported a reported 163,018 Ethiopians, including 8,598 migrant children, to Addis Ababa.⁴⁶ Before being deported, children were detained with thousands of others in poor conditions, in locations including a women's university and a wedding hall in northern Riyadh. One group of 1,200 migrants mostly of Somali origin, including dozens of children, were transferred to a jail with only two toilets. In another instance, 150 Somali women and their children were detained for nine days in a room with no air-conditioning, mattresses, or sanitation facilities; one woman said that many of the children were sick, including her son who suffered from vomiting and a bloated stomach. In another case, a health worker in Mogadishu told Human Rights Watch that a one-year-old boy whom she attended in a Mogadishu hospital for several weeks had been detained with his father in Saudi Arabia for a month before being deported and was suffering from diarrhea, malnutrition, and anemia.

Children who are detained are sometimes separated from their parents; for instance, a 1-year-old Indonesian infant was detained separately from his father, and a young Yemeni girl was held separately from her mother.⁴⁷

Saudi Arabia has claimed it is not responsible for the safe return of the children whom it deports to their homes or guardians, and has returned migrant children to a country or situation that put them at risk of armed conflict or recruitment as child soldiers. Saudi authorities denied the chance to seek asylum to all of the more than 25,000 Somalis whom they deported in early 2014, including hundreds of children.⁴⁸ Children deported to Somalia risked being targeted by extremist armed groups such as Al-Shabaab, which forcibly recruits children and frequently bombs and attacks civilians.⁴⁹

⁴⁵ Human Rights Watch, *Adults Before Their Time*.

⁴⁶ Human Rights Watch, *Detained, Beaten, Deported: Saudi Abuses Against Migrants During Mass Expulsions*, May 2015, <https://www.hrw.org/report/2015/05/10/detained-beaten-deported/saudi-abuses-against-migrants-during-mass-expulsions>.

⁴⁷ Human Rights Watch, *Adults Before Their Time*.

⁴⁸ "Saudis' Mass Expulsions Putting Somalis in Danger," Human Rights Watch news release, March 18, 2014, <https://www.hrw.org/news/2014/03/18/saudis-mass-expulsions-putting-somalis-danger>.

⁴⁹ "Saudi Arabia: 12,000 Somalis Expelled," Human Rights Watch news release, February 18, 2014, <https://www.hrw.org/news/2014/02/18/saudi-arabia-12000-somalis-expelled>.

Somalis told Human Rights Watch they had been threatened both by Al-Shabaab and by government forces upon being returned from Saudi Arabia.

Human Rights Watch urges the Committee to ask the government of Saudi Arabia to:

- Ensure that no foreign child is repatriated to a situation that places him or her at risk of irreparable harm;
- Inspect and improve conditions of detention centers for migrants in the process of deportation, and take measures to ensure that migrants are treated humanely in detention and during deportation;
- Expeditiously and completely cease the detention of children on the basis of their immigration status;
- Conduct a prompt and thorough independent investigation into allegations of mistreatment of foreign workers awaiting deportation during 2013-14 mass expulsions;
- Refrain from expelling unaccompanied migrant children;
- Halt all deportations of Somali nationals to Mogadishu and central Somalia, where they are at risk of serious human rights abuses;
- Sensitize all security personnel likely to come into contact with migrants to the rights of migrants, specifically to the rights of children, including unaccompanied children;
- Establish reception centers to establish access to a guardian for unaccompanied children.