

April 22, 2009

**Your Excellency:**

We, the undersigned civil society organizations from throughout the Arab region, are deeply concerned by the grave human rights violations that continue to cripple the development of the Kingdom of Saudi Arabia.

In May 2009, the Kingdom of Saudi Arabia will come before the General Assembly of the United Nations (UN) seeking reelection to the UN Human Rights Council (HRC). It is with great regret that we, as human rights defenders and civil society organizations from throughout the Arab region who have consistently campaigned for the promotion and protection of human rights and fundamental freedoms within the Kingdom, now urge you **not** to vote in favor of the reelection of Saudi Arabia to the Human Rights Council this year. The undersigned organizations hoped that Saudi Arabia's attainment of a seat on the inaugural Human Rights Council in 2006 would lead to strengthened efforts to respect and protect human rights in the Kingdom. Unfortunately, however, this has not yet occurred.

Despite the recent unprecedented move to order the most significant changes in some positions in the government and other official religious institutions; yet, we have hoped to see the reflection of such changes on the work and practices of these institutions. The Government of Saudi Arabia has failed, in every way, to honor the human rights commitments it made when it first gained membership of the Council in 2006 and, over the last two years, presided over a deterioration of human rights protection and promotion in the Kingdom.

The Kingdom still does not recognize the right of citizens to form political parties, form associations or to peacefully assemble. Moreover, religious minorities suffer obvious discrimination, and women – for no other reason than being a female – are still denied numerous basic rights. Under the Basic Law of Saudi Arabia, gender equality is not guaranteed. In fact, sex segregation is built into Saudi Arabia's legal and social structures. The government continues to treat women as legal minors, where their male 'guardians' have complete legal power over them. The system of male guardianship, though not legally prescribed in the Basic Laws but justified under extreme Islamic Law interpretations, reinforces the principle of the superiority of men over women in most if not all aspects of everyday life. Legal provisions relating to personal status, in particular concerning marriage, divorce, the custody of children and inheritance, do not provide for equal rights for women and men. In fact, women require permission of their guardians to work, travel, study, marry, receive health care or access public services and they are still not allowed to drive. On February 10, 2009, a 23-year-old woman, who was gang raped was reportedly sentenced to one year in jail and 100 lashes for "adultery." A woman's right to work is largely denied with the *de facto* limitation of the woman's realm to that of the home or the private sphere. Women are excluded from the workplace, penned in special 'family sections' in restaurants, taught in separate schools and universities. On March 8, 2009, a 75-year-old woman was sentenced to 40 lashes and four months in prison for fraternizing with men who are not within her immediate family. Moreover, women risk arrest by religious police for riding in a vehicle driven by a male who was not an employee or a close male relative. The conditions imposed on women in the Saudi Arabia have led many to label their treatment as "gender apartheid."

Discrimination against the Shiite sect is becoming more and more of a legal and socially accepted practice in Saudi Arabia. Saudi laws and legal customs restrict the rights of Shiites in all areas of life including employment, the building of mosques and the publication of religious books. The Government also carries out discrimination against the Shiite sect in the educational system despite the recent changes where the Kingdom started to appoint female Shiite principals to all-girls schools. Shiites are also excluded from representation in higher diplomatic, security and military posts. Moreover, the testimonies of Shiites are not admissible in courts of law. On January 15, 2008, security forces and members of the religious police harassed *Husseiny* processions in the village of Rumailah – Al-Ahsa. The same forces have on February 20, 2009, physically harassed and arbitrarily detained Shiites pilgrims in Medina.

Despite its inhumane and degrading nature, Saudi courts still impose corporal punishment in the form of public flogging as a judicial penalty. In December 2008, a Saudi court decided to increase a sentence on two Egyptian doctors to 15 and 20 years of prison, as well as 1,500 and 1,700 lashes each. Offenses that flogging is used for includes the “crime” of being alone in the company of an unrelated person of the opposite gender. A 20-year-old girl known as the "Girl from al-Qatif" and her male companion were sentenced to 200 lashes for being found together despite the fact that they had been the victims of an attack by seven men, who kidnapped them at knifepoint and then gang raped the girl. After a strong international campaign, charges against the girl and her companion were dropped in early 2008 by a King's pardon. Additionally, in July 2008 a court upheld a decision to punish a man with 600 lashes and eight months of imprisonment and his female student with 300 lashes and 400 months of imprisonment after they were convicted of establishing a relationship together.

Other shocking human rights violations occur on a regular basis. In March 2008 Saudi police forces allegedly set fire to a group of 25 undocumented Yemenis, including children, to force them to come out of the garbage dump in which they were hiding. As a result at least 18 persons suffered severe burns.

Reports show, in violation of international law, that children below the age of 18 are legally executed by Saudi courts as long as they have attained the age of majority. According to Saudi practices and laws, including a 2002 Council of Senior Scholars decree, majority is obtained when any one of four conditions are met for males or females: 1) attaining 15 years of age, 2) occurrence of sexual dreams ( *al-ihtilam* ), 3) appearance of pubic hair or, in the case of girls, 4) upon menstruation. As it is impossible to verify if most of these conditions were satisfied during the time the crime was committed, it is generally evaluated, except for the age, during the trial itself. According to reports that came out by mid 2008, there have been 13 cases where individuals have been sentenced to death for crimes they committed while they were legally minors.

Regarding migrant workers, an estimated 8 million foreign workers, primarily from India, Indonesia, the Philippines, and Sri Lanka, still suffer from a wide range of abuses by state authorities and labor exploitation by private employers that in some instances rise to slavery-like conditions. Despite renewed announcements in July 2008, the Ministry of Labor failed to implement its commitment to end the *kafala* (sponsorship) system – a restrictive policy that ties migrant workers' residency permit to their employers allowing such abuses as confiscating the migrants' passports, withholding their wages, and forcing them to work for months and years against their will. Abuses by state authorities included detention without charge or trial and ill-treatment and allowing abuse by employers to go

unabated. In 2005, an Indonesian domestic worker, who was abused so severely by her employer that she needed her toes and fingers amputated, was sentenced to 79 lashes by a court in Riyadh for accusing the employer of abuse. This sentence was overturned on appeal and in May 2008 charges against the Saudi employer were also dropped.

Unfortunately, the Kingdom of Saudi Arabia is also still considered a high-risk environment for rights' defenders and advocates of reform. Despite the government's recent pledges for human rights reforms and the establishment of two governmental supported rights organizations, namely the "National Society for Human Rights (NSHR)" and the "Human Rights Commission", non-governmental human rights organizations are still not allowed to operate as a legal entity. The authorities have ignored several requests to register Human Rights First Society in KSA since 2002. We also have reservations concerning the newly approved law of associations by the *Shura* Council. The arrest and detention of prominent advocates of reform and bloggers in Saudi Arabia leave severe suspicions about the respect of the Kingdom to its own pledges despite the recent release of some of them. This is further aggravated by the travel bans issued against prominent human rights defenders in the country during 2008 and 2009.

Saudi Arabia has not also shown a will to reform within the international realm. The Kingdom of Saudi Arabia is not a party to any of the conventions of the International Bill of Human Rights, namely the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, or its two Optional Protocols. Moreover, Saudi Arabia has not yet signed the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Rome Statute of the International Criminal Court. These are only a few of international human rights convention that Saudi Arabia has failed to ratify or even consider.

We thank you for giving consideration to this important HRC election, the results of which will be critical to the human rights work of the United Nations. Your support for the reelection of Saudi Arabia, despite its total disregard and failure to live up to the obligations and commitments required of it as a HRC member, would set a highly alarming and dangerous precedent for HRC membership, and greatly undermine the legitimacy of both the HRC and the GA. We strongly urge your Excellency to take the above information into consideration when voting for HRC members in May, and to raise the issues contained in this letter during the election process within the General Assembly. By doing so you would contribute not only to the improvement of UN human rights mechanisms, but would also give hope and encouragement to human rights defenders throughout the world.

With assurances of our highest respect,

**Signatory Arab civil society organizations:**

Human Rights First Society (Saudi Arabia)

Cairo Institute for Human Rights Studies (Egypt)

Al Nadeem Center for Remedy and Psychological Rehabilitation for Violence Victims (Egypt)

Algerian League for Human Rights Defense (Algeria)

Arab Penal Reform Organization (Egypt)

Arabic Human Rights Networks (Egypt)

Bahrain Center for Human Rights (Bahrain)

Center for Trade Union and Workers' Services (Egypt)

Committees for the Defence of Democracy Freedoms and Human Rights (Syria).

Damascus Center for Human Rights Studies (Syria)

Egyptian Initiative for Personal Rights (Egypt)

Egyptian Organization for Human Rights (Egypt)

Group for Democratic Development (Egypt)

Group for Human Rights Legal Aid (Egypt)

Hisham Mubarak Law Center (Egypt)

Land Center for Human Rights (Egypt)

Moroccan Association for Human Rights (Morocco)

Moroccan Organization for Human Rights (Morocco)

Society for the Defence of Freedoms and Rights (Lebanon)

The Syrian Center for Media and Freedom of Speech (Syria)

Tunisian Human Rights League (Tunisia)

**Signatory Arab women's civil society organizations:**

Association Démocratique des Femmes du Maroc (Morocco)

Collective for Research and Training on Development – Action (Lebanon)

New Women Research Center (Egypt)

Sisters Arab Forum for Human Rights (Yemen)

Association des Femmes Chefs de Famille (Mauritania)

Réseau de Femmes Leaderships de Mauritanie (Mauritania)

