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## 2009 Human Rights Report: Saudi Arabia

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2009 Country Reports on Human Rights Practices](#)

March 11, 2010

The Kingdom of Saudi Arabia is a monarchy ruled by the Al Saud family. The population is approximately 28.5 million, including 5.8 million foreigners. Since 2005, King Abdullah bin Abd Al-Aziz Al-Saud has ruled under the title Custodian of the Two Holy Mosques, a reference to his responsibility for Islam's two holiest sites in Mecca and Medina. The government bases its legitimacy on its interpretation of Shari'a (Islamic law) and the 1992 Basic Law. The Basic Law sets out the system of governance, rights of citizens, and powers and duties of the government. The law also provides that the Koran and the Traditions (Sunna) of the Prophet Muhammad serve as the country's constitution. In 2005 the country held male-only elections on a nonparty basis for half the members of municipal councils, the first elections for any government position since 1963. The civilian authorities generally maintained effective control of the security forces.

During the year the following significant human rights problems were reported: no right to change the government peacefully; disappearances; torture and physical abuse; poor prison and detention center conditions; arbitrary arrest and incommunicado detention; denial of public trials and lack of due process in the judicial system; political prisoners; restrictions on civil liberties such as freedoms of speech (including the Internet), assembly, association, movement, and severe restrictions on religious freedom; and corruption and lack of government transparency. Violence against women, violations of the rights of children, and discrimination on the basis of gender, religion, sect, and ethnicity were common. The employment sponsorship system limited the rights of foreign workers and remained a severe problem.

Significant human rights achievements during the year included implementation of the overhaul of the kingdom's judicial system announced in 2007 that included the establishment of a new supreme court, regional appeals courts, and specialized courts for general, criminal, personal status, commercial, and labor cases; systematic review of judicial decisions; and transferring responsibility for hiring, training and supervision of judges from the Ministry of Justice to the reorganized Supreme Judicial Council. Supporting these reforms, the king reorganized the Senior Council of Religious Scholars to include representatives of all four schools of Sunni jurisprudence to broaden the sources for Shari'a (Islamic law) interpretations. The passage of a new Law to Combat Trafficking in Persons has led to training of law enforcement officials on the application of the law. The first coeducational university, the King Abdullah University of Science and Technology, opened its doors and the king appointed the first female cabinet-level official, a deputy minister for women's education.

### RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents were not known to have committed politically motivated killings during the year. However, there were media reports that Saudi armed forces killed Yemeni civilians in cross-border clashes with Houthi rebels from Yemen toward the end of the year. According to a July 22 report of the nongovernmental organization (NGO) Amnesty International (AI), persons "have been killed in uncertain circumstances in the name of fighting terrorism."

In the first week in June, Abdullah al-Rumian, a Saudi militant extradited from Iraq, died in custody in Al-Ha'ir state security detention center (security offenders are held in the detention center, criminal offenders in the prison), according to the international media. A Ministry of Interior (MOI) spokesperson reportedly denied the press accounts, saying no one had died in state security detention centers during that week.

Beginning on November 4 and continuing at year's end, armed groups of Houthi rebels from Yemen and Saudi forces engaged in cross-border conflict. The Saudi government claimed the attacks were within Saudi territory and intended to eliminate armed groups of Houthi rebels who had entered Saudi territory and had killed three border guards and wounded 15 other members of the security forces in the border region of Jebel al-Dukhan. According to press reporting, Saudi attacks killed 54 civilians in the town of Al-Nadheer and injured an unknown number.

After the March 2008 deaths of six persons in car chases, the head of the religious police, the Committee for the Promotion of Virtue and Prevention of Vice (CPVPV), or Mutawwa'in, announced in July 2008 a new policy prohibiting pursuit of fleeing suspects. The CPVPV abided by the new policy and no subsequent deaths were reported.

In September 2008 the Court of Appeals confirmed the acquittal of two members of the religious police in the 2007 beating death of Suleiman al-Huraisi. At year's end there was no further information on the appeal of the acquittal of the officers involved in the 2007 death in Medina of a Bangladeshi man who was in the custody of the religious police.

During the year the media reported that the government announced 64 executions by beheading. Closed court proceedings in capital cases made it impossible to determine whether the accused were allowed to present a defense or were granted basic due process. There were no executions for sorcery during the year, although death sentences for two women and two men convicted of witchcraft and sorcery remained in effect. The government executed 102 persons in 2008 and 153 persons in 2007.

### b. Disappearance

There were no reports of politically motivated disappearances during the year, although according to AI's July 22 report, the government was holding more than 3,100 persons "in virtual secrecy," the majority of them suspected of being supporters of extremist Islamist groups, and some having peacefully criticized government policies (see sections 1.c. and 1.d.).

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Article 2 of the Law of Criminal Procedure and other legal provisions prohibit torture and hold criminal investigation officers accountable for any abuse of authority. Shari'a, as interpreted in the country, prohibits judges from accepting confessions obtained under duress. Government officials claimed privately that measures such as alleged MOI formal rules prohibiting torture served to ensure that such practices did not occur in the penal system. According to the governmental Human Rights Commission (HRC), torture did not occur in prisons or detention centers. HRC president Dr. Bandar Al-Aiban, who holds ministerial rank, recounted that he personally ascertained this fact by speaking privately and individually to prisoners

during visits to the Eastern Province General Prison, the Security Prison in Al-Damam, Tabuk Province General Prison, Abha General Prison, and Abha Security Prison on June 15, July 4 and July 21.

Nevertheless, during the year there continued to be reports that authorities systematically subjected prisoners and detainees to torture and other physical abuse.

On October 12, the Saudi Civil and Political Rights Association (ACPRA) wrote an open letter to King Abdullah highlighting that one of its members, 73-year-old Judge Suliman Al-Reshoudi, was subjected to "severe physical and psychological tortures," including the tying of his feet to a bed frame by two separate chains and being forced into a sitting position throughout the day and shackled at night. The prisoner has been in solitary confinement for three years without indictment because he is a reform advocate and activist, according to ACPRA.

According to AI's July 22 report, Saudi Arabia: Assaulting Human Rights in the Name of Counter-Terrorism, security officials used various methods to intimidate and to garner information from detainees, including "severe beating with sticks, punching, and suspension from the ceiling, use of electric shocks and sleep deprivation." An AI September 11 analysis, Saudi Arabia: Countering Terrorism with Repression, claimed that many persons were tortured to extract confessions or as punishment after conviction.

On June 5, the NGO Yemeni Network for Human Rights claimed that Saudi investigator Issa Al Zahrani tortured a noncitizen, Saleh Salim, allegedly interrogating him for 18 hours, after his leg had been broken. The investigator reportedly deprived Salim of sleep and kicked him in the testicles. The court in Asir convicted Salim of theft and sentenced him to 18 years in prison and 300 lashes. Three other defendants in the case reportedly received similar treatment and sentences. According to the Yemeni Network for Human Rights, there were hundreds of similar cases in the prisons.

During the year there were numerous reports of physical abuse by the police and the CPVPV, as well as judicially sanctioned corporal punishments including harassment of women for being alone in the company of an unrelated male. On March 13, a court sentenced 75-year-old noncitizen Khamisa Mohammad Sawadi to 40 lashes, four months' imprisonment, and deportation for having unrelated men in her house.

On August 21, the daily *Saudi Gazette* reported that four Asian men were sentenced to prison terms and lashes for alcohol production and distribution. One was sentenced to five years in prison and 1,200 lashes, two others to four years and 1,000 lashes, and the fourth to two and a half years in prison and 400 lashes.

One judicially sanctioned amputation was reported. The July 24 *New York Times* published an account of the amputation of a thief's hand in front of the Grand Mosque in Mecca.

There were reports that rape cases and other sexual abuses were widespread during confinement in both men's and women's detention centers and prisons. Although there were some female guards in women's prisons, their supervisors were men. During the year local human rights watchers reported that young men in the Burida Prison in Qassim had been sexually abused but did not alert prison authorities due to the stigma and penalties associated with homosexual activities. Human rights activists stated that the MOI has not been responsive to requests from independent activists to investigate this allegation.

#### Prison and Detention Center Conditions

Prison and detention center conditions varied; despite some improvements during the year, they generally did not meet international standards. Authorities did not permit monitoring by non-Saudi organizations, and no independent human rights observers visited prisons or detention centers during the year.

The government permitted some monitoring of prison conditions by the royal family-funded but nongovernmental National Society for Human Rights (NSHR). The NSHR registered 682 cases involving prisoners in its annual report. The governmental HRC conducted prison visits to 50 percent of the country's prisons during the year. In addition to the visits by HRC president Dr. Bandar Al-Aiban (see section 1.c.), on July 4 and 21, HRC delegates visited Al-Khafgi, Hafr Al-Batin, Al-Jubail, Al-Ahsa, Al-Qatif Haql, and Taima prisons. They found conditions below acceptable levels, citing overcrowding and prolonged holding of prisoners who had served their sentence as well as pretrial detainees.

According to the UN 2007/2008 *Human Development Report*, in 2007 the total number of prisoners and detainees, including juveniles and women prisoners, was 28,612. The maximum number of prisoners and detainees the facilities were meant to hold was not available. Men and women were held in separate facilities, as were juvenile offenders. Human rights observers stated that the women's prisons were in especially poor condition. Pretrial detainees were held together with convicted prisoners. Terror suspects were separate from the general population to prevent the spread of extremist ideology. According to diplomatic sources, facilities for terror suspects were similar to those of the general prison population.

On July 1, prisoners at Al-Ha'ir Prison staged a strike protesting abusive prison guards and the lack of drinking water, according to the human rights organization Frontline Defenders' Web site, which quoted human rights activist Waleed Sami Abu-Alkhair. When information about the strike became public, conditions improved. MOI agents reportedly threatened Abu-Alkhair with arrest and imprisonment for publishing the information.

According to its 2008 report, the NSHR monitored health care in prisons and brought deficiencies to the attention of the MOI, which administers prisons and detention centers. The NSHR 2008 report stated that prisons were so crowded that prisoners had to take turns sleeping. Likewise, diplomats and human rights advocates reported that detention centers remained overcrowded, and that many prisoners who had completed their sentences remained for additional periods, sometimes for years. To address the issue of overcrowding, the HRC advocated for amnesty, reduction of sentences, and settlement of cases before they reach trial. Since 2008 the General Investigation and Prosecution Authority had unfettered access to the country's prisons and reviewed cases of prisoners who served their sentence but remained imprisoned.

The NSHR noted that poor medical attention in deportation centers resulted in deaths. On September 2, the daily newspaper *Arab News* reported that 45-year-old noncitizen Mohammad Saquib died from tuberculosis in the Shomaishi Deportation Center's clinic. Subsequently, detainees staged a two-day hunger strike protesting poor conditions. According to the *Saudi Gazette*, many of the inmates suffered from preventable infectious diseases. Domestic human rights organizations did not report specifically on health conditions in prisons.

During the year, the government built five new prisons to relieve overcrowding. The government established new training centers in Riyadh and Dammam to provide vocational training to prisoners. On September 2, in part to address the issue of overcrowding, the Council of Ministers authorized waivers of 15 percent of jail time for inmates with good behavior records who completed educational and vocational training programs in prison.

#### d. Arbitrary Arrest or Detention

The Basic Law provides that a person's actions may not be restricted, and a person may not be or imprisoned, except under provisions of the law. Nonetheless, because of ambiguous implementation of the law and a lack of due process, the MOI maintained broad powers to arrest and detain persons indefinitely without judicial oversight or effective access to legal counsel or family. In practice authorities held persons for weeks or months and sometimes years. All forces with arrest power report to the MOI.

#### Role of the Police and Security Apparatus

The king, the minister of interior, the minister of defense, and the Saudi Arabian National Guard (SANG) commander all have responsibility in law and in practice for law enforcement and maintenance of order. King Abdullah remained in command of the SANG. Crown Prince Sultan, the minister of defense and aviation, had responsibility for all of the ministry's armed forces. The minister of interior, Prince Naif, exercised control over all internal security and police forces, except the General Intelligence Presidency (GIP), the government's primary external intelligence agency that reports directly to the king and maintains its own forces. The civil police and the internal security police are authorized to arrest and detain individuals. The semiautonomous CPVPV, which monitors public behavior to enforce strict adherence to Saudi official interpretation of Islamic norms, reports to the king via the Royal Diwan (royal court). The MOI also oversees the CPVPV.

Security forces were generally effective at maintaining law and order, but small-scale corruption occurred among security forces and impunity was a problem. The Board of Grievances is the only formal mechanism available to investigate claims of abuse, but its findings were not public. Citizens may report abuses by security forces at any police station, to the HRC, or to the NSHR. The HRC and the NSHR maintain records of complaints and outcomes, but privacy laws protect information about individual cases, and information is not publicly available.

#### Arrest Procedures and Treatment While in Detention

According to the Law of Criminal Procedure, "no person shall be arrested, searched, detained, or imprisoned except in cases provided by law, and any accused person shall have the right to seek the assistance of a lawyer or a representative to defend him during the investigation and trial stages." Authorities may summon any person for investigation, and an arrest warrant may be issued based on evidence, but warrants sometimes were not used, and they are not required in cases of probable cause. There was a functioning bail system for less serious criminal charges. Although the law provides the accused the right to seek assistance of a lawyer, it does not specify any timeframe. There were no established procedures providing detainees the right to contact family members following arrest. Legal protections for persons in detention included a 72-hour limit on the period of arrest without charges being filed and trial of the detained within six months. Reportedly, authorities frequently failed to observe these legal protections.

Incommunicado detention was a problem, and there were reports of torture of persons in such detention

There were reports of arbitrary arrest and detention. Although the law prohibits detention without charge, authorities detained without charge security suspects, persons who publicly criticized the government, Shia religious leaders, and others who violated religious standards. According to the ACPRA, the following activists were among those detained without official indictment or court ruling at year's end: Professor Abdulrahman Al-Shomairi, Ali Khosifan Al-Qarni, attorney Mousa Al-Qarni, Professor Saud Al-Hashemi, Fahd Alskaree Al-Qurashi, Abdulrahman bin Sadiq, Saifaldeen Faisal Al-Sherif, Mansour Al-Otha, Abdulrahman Khan, Abdulaziz Al-Khirayji, and Suleiman Al-Reshoudi.

According to Human Rights Watch (HRW), most of these activists have been detained since 2007, when internal security police in Jeddah and Medina arrested prominent reform advocate Isam Basrawi and nine others. Authorities released Basrawi for health reasons later in 2007. The media reported allegations that the activists financed terrorism outside the country. The ACPRA alleged in an open letter to the king that the government uses religion and the antiterror campaign to criminalize, incarcerate, and discredit advocates of reform. On November 2008 the group and outside supporters organized a two-day hunger strike to protest their ongoing detention. At year's end, all of the activists remained in detention without charge.

Arbitrarily lengthy detention before trial was a problem. According to the NSHR's 2009 report, the MOI did not respect the Punitive Procedures Law in arresting and detaining suspected terrorists. Suspects remained in detention in regions far from their families and for years without trial.

A September 2008 AI submission to the UN Human Rights Council cited the minister of interior in 2007 confirming that 3,016 security suspects were in detention at that time (see sections 1.b. and 1.c.). In 2007 authorities released 1,500 suspected militants after a reeducation program in prison. They had been held without charge or trial. Reuters reported the ordered release of 17 political prisoners of the Ismaili community on August 24. In the aftermath of the failed August 28 assassination attempt on Prince Mohammed bin Naif, there were no further publicly announced releases of security suspects.

During the year the NSHR called for a neutral party to evaluate defendants' claims of torture to obtain confessions by force. In 2007 the NSHR reported that some police officers detained individuals without justification and abused their authority by threatening to detain individuals to pressure them to obtain confessions or information relevant to an investigation.

The religious police are required to have a police officer accompany them at the time of an arrest, although conformity to the regulation was sporadic. Particularly in the more conservative Nejd region, religious police accosted, abused, arrested, and detained citizens and noncitizens, especially women, for allegedly violating dress and behavior standards.

#### Amnesty

During the year the king continued the tradition of tempering judicial punishments. The details of the cases varied, but the demonstration of royal mercy sometimes included reducing or eliminating corporal punishment, for example, rather than wiping the slate clean. There were pardons or grants of amnesty on special occasions, including holy days and during Ramadan. For example, the king reportedly pardoned 88 prisoners on September 12. On October 26, the king pardoned high-profile journalist Rozanna Yami, who had been sentenced to 60 lashes for her involvement in a Lebanese Broadcasting Corporation (LBC) talk show about sexual pursuits. The king issued a royal decree on December 11 to pardon certain categories of prisoners on Crown Prince Sultan's return to the country. Nine workers from the Philippines accused of minor crimes were released pursuant to that pardon.

#### e. Denial of Fair Public Trial

The 2007 Law of the Judiciary provides that judges are independent and are subject to no authority other than the provisions of Shari'a and laws in force. In practice, the judiciary was not independent, as it was required to cooperate with the executive and legislative authorities, with the king as arbiter. Although allegations of interference with judicial independence were uncommon, the judiciary was subject to influence. The courts did not attempt to exercise jurisdiction over senior members of the royal family. There were problems enforcing court orders.

Shari'a, as interpreted in the country, rather than a penal code is the basis of the penal system.

According to the Ministry of Justice (MOJ), Shari'a law is not based on precedent and can result in widely divergent rulings. Judges are free to base their decisions on any of the four Sunni schools of jurisprudence. In practice, judges usually follow the Hanbali School of jurisprudence.

The 2007 judicial reforms align a structurally coherent court system and adopt procedures streamlining the system.

Under the new system the minister of justice is absent from the decision-making process of the High Court and the administrative oversight of the courts' and judges' affairs. These responsibilities and the prerogative to compose courts of first instance and their specialization rest with the Supreme Judicial Council, which also monitors the competence of judges and lawyers.

The law sets forth the structure of the judiciary, including the three-level criminal court system, which consists of first-degree Shari'a criminal courts with three-judge panels depending on the punishments and judicial discretion possible; appeals courts; and the High Court, which consists of a president and high-level judges appointed by royal order.

Under the 2007 law, the jurisdiction of all courts extends to non-Muslims for crimes committed in the country. Judgments from the first-degree and appellate courts may be appealed to the next level. The third and final level of appeal is the High Court, which reviews rulings issued or upheld by the courts of appeals and those relating to certain major crimes.

The High Court has a General Council consisting of top-level judges with the authority to set policy and settle conflicting opinions from High Courts that convened in different circuits. The General Council renders decisions by a majority vote and reports to the king.

Shia citizens use their own Jaafari legal tradition to adjudicate cases involving domestic problems, inheritance, and Islamic endowments.

The military justice system has jurisdiction over uniformed personnel and civil servants charged with violations of military regulations. The defense minister and the king review the decisions of military tribunals. Information on the existence of military tribunals separate from the military court system was not available.

In December 2008 Saudi Arabia established a Specialized Criminal Court (SCC) within the existing court system to handle terrorist cases. In a decision to promote judicial independence, the Supreme Judicial Council supervises the court. The SCC follows the Law of Criminal Procedure.

On July 8, without making public names or charges, the MOJ announced that the SCC had tried 330 persons, almost all in closed trials, in the first publicly reported trials since 2003 for terrorism offenses. Seven of the individuals were acquitted; sentences for the others ranged from fines to the death penalty.

On February 14, the king issued a royal decree appointing more moderate and diverse members to the Council of Senior Religious Scholars (Ulema), an autonomous advisory body with the authority to determine how judges should interpret Shari'a law. The council consists of 21 senior religious jurists, including the minister of justice. The royal decree was part of overall judicial reforms.

#### Trial Procedures

Laws and regulations state that defendants should be treated equally in accordance with Shari'a. The Law of Criminal Procedure states that court hearings shall be public; at the judge's discretion courts may be closed, and many trials during the year were closed. According to the MOJ, a trial may be closed depending on the sensitivity of the case to national security, the reputation of the defendant, or the safety of witnesses.

According to the Criminal Procedure Law, there is neither presumption of innocence nor trial by jury. The law does provide persons under investigation the right to be present at trial, and a defendant may consult with a lawyer who may present arguments in criminal courts. According to the HRC, an attorney is provided at public expense. The law does not specifically provide for a defendant to consult with an attorney upon arrest. Defendants also have the right to confront or question witnesses against them. Witnesses are questioned before the initiation of a trial and may attend and be questioned during the trial. There is no right to access to government-held evidence. Defendants may request to review evidence, and the court decides whether to grant the request. The court must inform convicted persons of their right to appeal rulings.

Shari'a as interpreted by the government extends these provisions above to all citizens; however, the testimony of one man equals that of two women; judges may discount the testimony of non-practicing Sunni Muslims, Shia Muslims, or

persons of other religions; and female parties in court proceedings such as divorce and family law cases must deputize male relatives to speak on their behalf unless they decide to speak for themselves. Sources reported that judges ignored testimony by Shia or deemed it to have less weight than testimony by Sunnis.

At year's end the appeal in Rizana Nafeek's death sentence case was reportedly pending before the High Court. In 2007 a court convicted Nafeek, a Sri Lankan domestic worker, for killing an infant in her care; she had no legal representation, and an initial appeal hearing revealed that her interpreter may not have been qualified.

#### Political Prisoners and Detainees

National security interests made it impossible to ascertain the number of political prisoners or detainees among the more than 3,000 persons who reportedly remained in prolonged detention without charge during the year (see section 1.d.). The government asserted that secret detentions were in conjunction with its efforts to combat terrorism. International NGOs, AI in particular, criticized the government for abusing its antiterrorism prerogatives to arrest some members of the political opposition. Security detainees were not given the same protections as other prisoners or detainees. Security suspects arrested by the internal security police remained incommunicado in special prisons during the initial phase of investigations, which may last indefinitely under the MOI's broad legal authority. Authorities restricted family and legal access to detainees; no international humanitarian organizations had access to them, in direct violation of international human rights protocol.

On January 15, authorities released political detainee and professor Matrouk al-Faleh after eight months of detention without charges. Security forces had arrested him at King Saud University after he posted a three-page criticism of the justice system and a commentary on conditions in Buraida Prison on a Web site, following his visit to detained reformers Isa and Abdullah al-Hamid.

According to HRW, Mansur al-Awdha, a reform activist from Jawf, has been in al-Ha'ir Prison without charge since 2007.

#### Civil Judicial Procedures and Remedies

Rather than Shari'a courts, specialized tribunals in the executive branch decide civil disputes relying on regulatory and legislative precepts and provide administrative remedies. These tribunals hear claims against the government and enforce foreign judgments.

Claims for damages or an end to human rights violations may also be brought to the Higher Administrative Court. It specializes in cases against government departments and responds directly to the king; there were no reports of any such cases during the year or in the previous year. Instead, complainants generally referred their cases to the HRC, which either advocated on their behalf or provided courts with opinions on their cases. Domestic violence cases were the most common. The HRC was generally responsive to complaints.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Basic Law provides that residences be inviolable and that they may not be entered or searched without their owner's permission except in cases set forth in the law. In practice the government generally respected the inviolability of privacy, family, and the home, with some exceptions in which the CPVPV raided private residences and disrupted Shia prayer services. The Basic Law provides for the privacy of correspondence. The Criminal Procedure Law requires authorities to obtain a warrant before searching a residence or a court order before perusing personal correspondence and documents.

Royal decrees include provisions for the government to defend the home from unlawful intrusions, and laws and regulations prohibit officials from intercepting mail and electronic communications except when deemed necessary during

internal security and criminal investigations; in such cases police must demonstrate reasonable cause and obtain permission from a provincial governor.

The government did not respect the privacy of correspondence or communications. Customs officials routinely opened mail and shipments to search for contraband. In some areas, informants reported "seditious ideas," antigovernment activity, or "behavior contrary to Islam" in their neighborhoods to the MOI.

The government strictly monitored all political activity and took punitive actions, including arrest and detention, against persons in seeming opposition to the government. There were reports from human rights activists of government efforts to monitor or block mobile telephone or Internet usage ahead of planned demonstrations.

The CPVPV enforced strict standards of behavior, but since there are no clear standards for what constitutes improper attire or prohibited gender mixing, enforcement of these rules was arbitrary.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Basic Law and other laws strictly limit freedom of speech and mass and publishing media. The government believed it unacceptable to protect and defend freedom of speech and freedom of expression at the expense of other violations of human rights. Specifically, the government condemns defamation of religions and beliefs and disparagement of the personalities and symbols of all religions, according to the government's statement at the Durban Review Conference in Geneva on April 21.

Mass and publishing media were limited, and media outlets can legally be banned or publication temporarily halted if the government assesses that they promote "mischief and discord, compromise the security of the state and its public image," or "offend a man's dignity and rights"; these formulations provide the government with latitude in using the law to define public discourse. The government continued to restrict freedom of speech and press by interrupting publication and dissemination of news sources critical of the royal family or of Islam. The legal structure permitted the government broad leeway in controlling the media through lawful controls on newsprint, printing presses, licensing, and media content.

The government actively impeded criticism and monitored citizens' political activity. All public employees are enjoined from "participating, directly or indirectly, in the preparation of any document, speech, or petition; engaging in dialogue with local and foreign media; or participating in any meetings intended to oppose the state's policies." The government could ban writers critical of the religious establishment, the government's activities, or the royal family from publishing articles; it could shut down critical blogs; and it could threaten and arrest university professors and lecturers for exercising free speech.

On September 3, Hadi al-Mutif received a five-year sentence for criticizing the government (see section 2.c.).

In 2007, according to AI, university professor Sa'id Bin Zu'air was arrested on charges of financially aiding terrorists; other sources have argued that he was arrested to prevent him from appearing on Al Jazeera and criticizing the government. He remained in detention at year's end.

The government owned most print and broadcast media and book publication facilities in the country, and members of the royal family owned or influenced those that were privately owned and nominally independent, including various media outlets and widely circulated pan-Arab newspapers. The government owned, operated, and censored most domestic television and radio outlets. Privately owned satellite television networks, headquartered outside the country, maintained local offices and operated under a system of self-censorship. Many other foreign satellite stations broadcast a wide range

of programs into the country. Foreign media are subject to licensing requirements from the MOI and cannot operate freely. Authorities prevented or delayed the distribution of foreign print media, effectively censoring these publications.

Journalists occasionally faced harassment and intimidation through phone calls or e-mails. On January 17, after the national soccer team lost a game, a prince called sports channel Al-Riyadhiyya during a live show, threatened the commentator, and told him to be silent. The commentator had negatively remarked on the Saudi team and the management of the soccer federation, which is affiliated with the royal family according to media reports.

In March 2008, according to the international NGO Committee to Protect Journalists, cleric Sheikh Abdul-Rahman al-Barrak called for the trial of two writers for "heretical articles" and their deaths if they did not repent. In September 2008 Supreme Judicial Council head Sheikh Saleh al-Lihedan stated during a radio program that it is permissible under Shari'a to kill owners of satellite television channels that broadcast immoral and anti-Islamic content. Following strong domestic and international reaction, al-Lihedan clarified his remarks to state that media owners could be subject to the judicial process, including the death penalty. On February 14, a royal decree replaced al-Lihedan with Dr. Saleh bin Humaid as head of the Supreme Judicial Council.

The government directly or indirectly censored or restricted media content through laws or other mechanisms. The Law of Printed Materials and Publication governs printed materials; printing presses; bookstores; import, rent, and sale of films; television and radio; and foreign media offices and their correspondents. All media activities are subject to the MOI's prior censorship and licensing requirements. Censorship resulted in situations such as one in which an October 19 *Time* magazine article on Saudi women in the workplace was banned and drew government ire for "making unacceptable criticisms of the leadership of the country" and "degrading Saudi women."

A 1982 media policy statement still in effect urges journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve cultural heritage. The Ministry of Culture and Information (MCI) must approve the appointment of all senior editors and has the authority to remove them. The government provides guidelines to newspapers regarding controversial problems.

For example, on August 8 and 9, the MCI closed the Riyadh and Jeddah offices of the LBC for allegedly violating media policy. The closing came days after LBC aired a television program that focused on a man's recounting of his sexual experiences, including depicting him driving a car on the streets of Jeddah and picking up women. On July 31, Jeddah police arrested Mazen Abdul Jawad and three of his friends who had appeared on the program, as well as the cameraman and a female journalist. After conviction under Shari'a on criminal charges for publicizing vice, a district court sentenced Jawad to five years in prison, 1,000 lashes, and a ban on travel and talking to the media for five years after his release. The three men who appeared on the program were convicted of discussing sex publicly and sentenced to two years' imprisonment and 300 lashes, and the LBC cameraman was sentenced to two months in prison. On October 24, the court sentenced Rosanna al-Yami, an LBC journalist involved in the program, to 60 lashes and a two-year travel ban, but the king waived the lashing on October 27. It is unknown whether the travel ban was revoked.

Occasionally, the Consultative Council allowed print and broadcast media to observe its proceedings and meetings, but the council closed certain high-profile or controversial sessions to the media.

Foreign and domestic journalists practiced self-censorship. In rare cases, individuals were able to criticize specific government bodies or actions publicly without repercussions, as they did in the aftermath of the November Jeddah flood.

Unlike the previous year, there were no reported cases indicating that officials used libel laws to suppress criticism.

Restrictions, including censorship, limited the operation of publishing houses. Under the Law of Printed Materials and Publication, every author must provide two copies of a prepublication manuscript to the MOI for approval or rejection.

Although satellite dishes were technically illegal, the government did not enforce restrictions on several million dishes that provided foreign television programming. Access to outside sources of information, such as Arabic and Western satellite television channels and the Internet, was widespread.

During the year the government permitted some press criticism. For example, after the Jeddah flood on November 25, the government allowed articles openly critical of high-ranking municipal and other government officials, alleging widespread corruption in city planning. The *Saudi Gazette*, an English language newspaper, featured critical articles on human rights and labor issues, including pieces on citizenship of persons born and raised in the country, equal pay for female teachers, guardianship, and family violence.

#### Internet Freedom

The government restricted access to the Internet. According to 2008 International Telecommunications Union statistics, approximately 8 percent of the country's inhabitants used the Internet.

The official Communications and Information Technology Commission (CITC) monitored e-mail and Internet chat rooms and blocked sites deemed incompatible with Shari'a and national regulations. In addition to designating unacceptable sites, the CITC accepted requests from citizens to block or unblock sites. The government blocked access to Web sites it deemed offensive (such as sites involving sex or pornography); against the principles of Islam and social norms, including radical religious sites or sites with controversial religious content (including pages about Hinduism, Judaism, Christianity and radical Islam); politically sensitive (including human rights); or offensive to the government or members of the royal family. The social networking site Orkut remained blocked throughout the year.

Access to the Internet was legally available only through government-run Internet service providers. In practice the law was not enforceable, as Internet users could access the Internet via proxy servers.

Individuals and groups were unable to engage in the peaceful exchange of views via the Internet, including e-mail. For example, on July 29, MOI security forces arrested and detained Raafat Al-Ghanem, a popular blogger and founder of the proreform blog *Defaf*. Al-Ghanem's articles criticized the CPVPV, and he signed an appeal for the release of blogger Mohammed Al-Otaibi and writer Khaled al-Omair. Al-Ghanem's whereabouts were unknown at year's end. On August 20, the CITC blocked the Twitter pages of Waleed Abdulkhair, whose postings included commentary on his own and other lawyers' human rights cases, and of businessman Khaled Al-Nasser, whose postings included commentary on human rights and governance. On November 1, the CITC blocked the liberal Web site [www.montdiatna.com](http://www.montdiatna.com) for unknown reasons. On December 28, the CITC blocked the Web site of the ACPRA after it wrote an open letter to King Abdullah charging the government with torturing imprisoned human rights activist Suliman Al-Reshoudi.

The 2007 Law to Fight Cyber Crime imposes up to 10 years' imprisonment and a 4.7 million riyal (\$1.3 million) fine for anyone who creates or disseminates a Web site for a terrorist organization to facilitate communication with leaders of such organizations or promotes the organization's radical views. Other laws criminalize defamation on the Internet, hacking, unauthorized access to government Web sites, and stealing information related to national security. By year's end, no prosecutions had been reported under these laws despite at least two widely reported breaches of the law when *Al-Watan's* Web site was hacked on September 26 and on November 6.

#### Academic Freedom and Cultural Events

The government continued to restrict academic freedom and cultural events. The government censored course content. Informants reportedly monitored classroom discussions and reported to government and religious authorities. Academics practiced self-censorship.

Despite self-censorship by organizers, authorities monitored, censored, and shut down some cultural events. The government censored public artistic expression and prohibited cinemas and public musical or theatrical performances, except those considered folkloric and part of a special event.

On July 18, the government canceled the widely advertised fourth annual Jeddah Film Festival, after temporarily lifting a restriction on the public showing of films with the screening of a movie in Jeddah and Taif in December 2008. Local authorities continued to force closings of social forums in the majority Shia Al-Ahsa region of Hofuf.

During the year, cultural and recreational gatherings sponsored by private citizens continued. For example, the Jeddah Literary Club welcomed a visiting delegation of writers from the University of Iowa, and the Riyadh Literary Club hosted the group for a discussion that was open to the public. On August 18, the CPVPV attempted to stop a performance of a children's singing group, objecting to the group playing music and mixing genders, at a shopping mall in Medina but were confronted by the organizers' security staff and parents who had paid for their children to see the performance.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The Basic Law does not provide for freedom of assembly, which the government strictly limited in practice. Public demonstrations were prohibited.

Public meetings were usually segregated by gender. The Jeddah Chamber of Commerce and Industry and some other commercial and medical events included both men and women. Authorities monitored large nonfamily gatherings, particularly if women were present. The religious police dispersed any large nonfamily groups in public places, such as restaurants. Men and women may mix in restaurants of Western luxury hotels that cater primarily to noncitizens, and in the family sections of some restaurants that do not check identification cards.

Security forces usually denied demonstration requests, and they disrupted, dispersed, and arrested demonstrators or would-be demonstrators during the year. There were no government-permitted peaceful political demonstrations during the year. It was a crime to participate in unauthorized public assemblies.

On January 1, Riyadh police arrested Khaled al-Omair, Mohammed Al-Otaibi, and at least 21 others in Riyadh and detained them in unknown locations after the men attempted to protest Israel's military action in Gaza through a public sit-in. Their whereabouts were later revealed, and in late June the government charged Al-Omair and Al-Otaibi with participating in a protest but subsequently dropped the charges, although 10 of the men (including Al-Omair and Al-Otaibi) remained detained at year's end.

In late February and early March, security officers arrested more than 50 Shia citizens, including children, in the Eastern Province for engaging in a peaceful demonstration in solidarity with Shia arrested in the Medina clashes. Authorities held more than 24 individuals until July 1, when the king granted a pardon.

In December 2008 the MOI, citing security concerns, denied a request by activists to hold a peaceful sit-in in Riyadh on behalf of Palestinians in Gaza.

In December 2008 the unlicensed Association for the Protection and Defense of Women's Rights in Saudi Arabia received a warning against mounting any demonstrations, according to HRW. In 2007 the group had transmitted to the king a petition with 1,100 signatures asking for a repeal of the ban on women driving. The government did not reply.

##### Freedom of Association

The Basic Law does not provide for freedom of association, and the government strictly limited this right in practice. The government prohibited the establishment of political parties or any group it considered as opposing or challenging the regime. All associations must be licensed by the MOI and comply with its regulations. Groups that hoped to change some element of the social or political order reported that their licensing requests went unanswered. The MOI reportedly used arbitrary means, such as requiring unreasonable types and quantities of information, to effectively deny associations licenses.

At year's end, the government had not licensed the Human Rights First Society (HRFS), whose founder, Ibrahim al-Mugaiteeb, applied for a license in 2002. The government continued to permit its informal operation, but as the group is formally "unlicensed," it remained unclear which activities were permitted and which could draw government criticism or punishment. Without a license the group may not raise operating funds, which severely limited its activities.

On October 12, the ACPRA wrote an open letter to the king declaring the founding of a civic and human rights group to promote human rights awareness in society and to educate citizens on basic freedoms as elaborated by the Universal Declaration of Human Rights. The group did not apply for a license. The 11 founding members of the organization are academics and human rights activists. The ACPRA has a Web site at [www.ksarights.org](http://www.ksarights.org), which was blocked at year's end.

Government-chartered associations observe citizen-only limitations. The Saudi Journalists Association operates under a government charter. Membership is voluntary and open to both men and women. Although theoretically noncitizen journalists working in the country were eligible to join, they have no voting rights and may not attend the association's general assembly.

#### c. Freedom of Religion

The Basic Law recognizes Islam as interpreted by the government as the state religion, and Islam constitutes the basis of the Shari'a legal system. The law does not recognize or protect religious freedom as a matter of policy, and the government prohibited the public practice of non-Muslim religions. The government limited the public practice of forms of Islam other than Sunni Islam.

Legal restrictions on religious expression and speech exist. The government prohibited the public practice or profession of other religions, and it outlawed possession of non-Muslim literature or symbols. Public religious training for all but Sunni religious groups was prohibited. Proselytizing by non-Muslims was illegal, including distribution of non-Islamic religious materials such as Bibles. Anyone publicly wearing non-Islamic religious symbols risked confrontation with the CPVPV. The law criminalizes blasphemy. A Muslim's conversion to another religion is considered apostasy, punishable with physical abuse, imprisonment, and threats of execution unless the converted person recants. There have been no confirmed reports of sanctioned executions for apostasy since 1992. The government stated that as a matter of public policy it protects the right to private worship in homes for all religious services and the right to possess and use personal religious materials in private. The policy was not defined in law nor always respected in practice.

There were incidents of government violence and intimidation of individuals based on religious beliefs.

On January 13, authorities arrested and imprisoned Hamoud Bin Saleh for describing his conversion to Christianity on his *ChristforSaudis* blog. He remained under a travel ban after release at the end of March and was prohibited from blogging at year's end.

On September 3, Hadi al-Mutif, a Sulaimani Ismaili Shia who has been on death row for 16 years for "insulting the Prophet Mohammad," received an additional five-year sentence for criticizing the government's justice system and human rights record on a tape smuggled out of prison and broadcast on Al-Hurra television in 2007.

On January 29, the king pardoned Turkish barber Sabri Bogday, who had been sentenced to death for blasphemy in March 2008.

On February 20, a group of Shia pilgrims visiting Medina's Baqui'a cemetery to observe the anniversary of the Prophet Mohammad's death clashed with government security forces after a man believed to be a member of the CPVPV filmed some of the women in the group. The clashes continued for five days and resulted in the arrest of 10 pilgrims. The security forces opposed what they consider idolatrous Shia rituals venerating gravesites. Subsequently, a Shia delegation from Qatif, Al-Ahsa, and Medina met with the king, who then announced the immediate release of all detainees.

On December 29, the *Saudi Gazette* reported that the Medina Governorate mayor and the CPVPV officially banned the use of gravestones, a Shia practice to commemorate individuals. Sunni Muslim practice is not to mark graves. According to the mayor's office, all gravestones were removed in Medina.

On November 9, authorities in the Eastern Province (Ras Tanura and Abqai'a) closed two Shia mosques that had operated for years, justifying the closures on the grounds of improper zoning and lack of mandated permits. Other Shia mosques reportedly were closed in the Eastern Province in the past year, including two in Al Khobar in August.

There were fewer reports of government officials confiscating religious materials from travelers, whether Muslim or non-Muslim. Individuals were able to bring personal Bibles, crosses, DVDs of sermons, and other religious materials into the country without difficulty.

There were fewer reports of the CPVPV conducting raids of private religious gatherings during the year. The government allowed large public and private celebrations of Shia holidays in the Eastern Province, although restrictions on Shia celebrations differed by region. In Qatif during the year, the Ashura and Imam Mahdi celebrations were marked by more commemorations and participants and by a smaller security presence than in the recent past. Local news reported a wider practice of ritual self-flagellation, which the government previously discouraged.

In contrast, the government imposed restrictions on the public observance of these holidays in other areas with large Shia populations such as Al-Ahsa, Dammam, and Najran. Authorities banned public marches, loudspeaker broadcasts of clerics' lectures from Shia community centers, and in some instances gatherings within the centers. Security forces patrolled the streets of Al-Ahsa to ensure there were no banners or flags associated with the religious holidays.

Members of other religious groups faced significant restrictions of religious freedom in law and in practice. The government restricted the practice of their faith and the building of places of worship and community centers. There were no public places of worship for non-Muslims. Although the government did not officially permit non-Muslim clergy to enter the country to conduct religious services, some did enter under other auspices, and the government generally did not disrupt discreet religious functions. Restrictions made it difficult for most non-Muslims to maintain contact with clergymen and to attend services. Religious education conforming to the conservative Hanbali tradition of Sunni Islam was mandatory in public schools at all levels, regardless of the Islamic tradition to which students' families adhered. Expatriate non-Muslim students in private schools were not required to study Islam.

According to a November 24 HRW report, a lower court in Medina on November 9 sentenced Lebanese citizen Ali Sabat to death for practicing witchcraft. Religious police arrested him in May 2008 while he was on pilgrimage. Apparently, the charge was based on advice on general life questions, forecasts, and predictions he made on a Lebanese satellite television program that was seen in the country. Al reported that Sabat was to be executed on December 19, but the execution had not occurred at year's end.

In February 2008 HRW appealed to the king to stop the execution of Fawza Falih Muhammad Ali, arrested in 2005 and accused of witchcraft. HRW cited reportedly weak evidence and highly irregular court procedures. Her appeal was transferred to the High Court in January, and she remained imprisoned at year's end.

To reduce extremist rhetoric, the Ministry of Islamic Affairs (MOIA) employed 1,500 monitors across the country, who followed sermons in mosques and the activities of imams, according to a February 2008 *Okaz* newspaper report. Provincial committees summon clerics accused of preaching intolerance based on the monitors' reports. If the committees are unable to dissuade the clerics from their radical thinking, the clerics are referred to a central committee in Riyadh. Since the program's inception in 2003, a reported 3,200 clerics have been dismissed, according to a March 25 *Okaz* Online interview with minister of Islamic affairs Sheikh Saleh Bin Abdul Aziz al-Sheikh.

#### Societal Abuses and Discrimination

The government continued to enforce its official interpretation of Islam. Accordingly, it condoned societal abuses and discrimination against adherents of Shia Islam, including limited employment and educational opportunities and underrepresentation in official institutions, as well as societal abuses and discrimination against Christians, Jews, and others. The Shia minority, between 10 and 15 percent of the citizen population, live mostly in the Eastern and Western provinces and in Najran in the southwest. The local government in the Najran area subjected members of the Sulaiman Ismaili minority (a branch of Shia Islam) to officially sanctioned discrimination in employment and in the justice system.

The government required noncitizens to carry legal resident identity cards identifying them as "Muslim" or "non-Muslim." Unlike previous years, there were no reports that sponsors withheld pay and residency card renewal based on religious factors.

In 2008 the UN endorsed the king's Interfaith Dialogue Initiative, which brought together prominent officials and religious and academic scholars to discuss interfaith issues and promote tolerance and understanding. The King Abdulaziz Center for National Dialogue conducted 2,677 training programs with 1,200 certified trainers training more than 150,000 people on "the culture and importance of open dialogue and communication skills," initiatives to increase tolerance and encourage moderation and understanding. During the year high-level government and religious officials openly supported this campaign, advocating against religious extremism and intolerant language, especially in mosques and schools.

Since the government's multi-year project to revise textbooks, curricula, and teaching methods to promote tolerance and remove content disparaging religions other than Islam began in 2007, more than 83 school districts in 27 different regions and provinces have participated in the project. The program's goal is to supplement religious instruction with knowledge-based subjects such as science and computer literacy. In 2007 the Ministry of Education signed a five-year collaboration agreement with King Abdulaziz Center for National Dialogue to promote religious and cultural tolerance in the classroom through teacher training and seminars. The government continued to address and remove intolerant and extreme language while promoting tolerance and intercultural understanding in textbooks. For example, the government mandated the removal of controversial terms from school textbooks and the substitution of such terms with the phrase "there is no compulsion in religion." Although intolerant and extreme language was reportedly being removed from textbooks, prejudiced concepts and expressions remained. A 2007-2008 high school text contained stereotypical language, such as saying, "Jews' lives are ruled by materialism, and usury consumes them." Textbook reviews and revisions continued at year's end.

The MOIA has issued periodic circulars to clerics and imams in mosques directing them to include messages on the principles of justice, equality, and tolerance, and encouraging rejection of bigotry and all forms of racial discrimination in their sermons.

On infrequent occasions, editorial cartoons exhibited anti-Semitism characterized by stereotypical images of Jews along with Jewish symbols and comparisons of Israeli government actions to those of Nazis. Anti-Semitic editorial comments sometimes appeared in government and private print and electronic media in response to regional political events, particularly the Israeli military operations in Gaza. In a January 11 address broadcast on Al Jazeera TV Saudi cleric Khaled Al-Khlewli referred to Jews as "treacherous, disloyal, deceitful, and belligerent by nature."

There continued to be instances in which Sunni imams, who receive government stipends, used anti-Jewish, anti-Christian, and anti-Shia language in their sermons and some instances in which mosque speakers prayed for the death of Jews and Christians. There were reports the MOIA dismissed some imams for espousing intolerant ideas. There were reports of imams in the Eastern Province who included calls for divine punishment of Jews as part of special prayers.

For a more detailed discussion, see the 2009 *International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The Basic Law does not contain provisions for freedom of movement within the country, foreign travel, or emigration and repatriation. The government cooperated with the Office of the UN High Commissioner on Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Generally, the government did not restrict the free movement of male citizens within the country or the right of citizens to change residence or workplace, provided they held a national identification card (NIC). The law requires all male citizens 15 years of age or older to hold an NIC. For women the NIC was optional, reflecting the special status of female citizens, and could be issued only if a woman's male guardian consented in writing to its issuance, or if she already held a valid passport, also issued only with a guardian's consent. Any transaction with a government agency or public institution required presentation of the NIC. The government imposed restrictions on women's freedom of movement by prohibiting them from driving motor vehicles. The guardianship system requires a woman to have the permission of her male guardian (father, brother, husband, or son) to work or move freely in the country. During the year the government continued to issue NICs to women, despite opposition from religious conservatives. Unlike the previous year, there were no reports that women had difficulty obtaining identity cards, and the application for the NIC was available via the Internet.

There are restrictions on foreign travel, including for women and members of minority groups. No one may leave the country without an exit visa and a passport. Women and minors (younger than 21) require a male guardian's consent to have a passport and to travel abroad. A noncitizen wife needs permission from her husband to travel unless both partners sign a prenuptial agreement permitting the noncitizen wife to travel without the husband's permission. Government entities and male family members can "blacklist" women and minor children, prohibiting their travel. In cases involving custody disputes, the male guardian is legally able to prevent even adult children from leaving the country.

The government continued to impose travel bans on some social or political reform advocates. During the year the government revoked the rights of some citizens to travel outside the country for political reasons but did not provide them with notification or opportunity to contest the restriction. HRW reported the imposition of 22 travel bans on activists since 2007.

On July 23, passport authorities in Braid informed Mohammad Saleh El-Beady of an ongoing travel ban. El-Beady is the administrator of the Web site Monitor of Human Rights in Saudi Arabia—Al Braid, and previously hosted an online forum on that topic. In January 2008 police arrested him for contacting human rights activists Abdullah al-Hamed and Matrouk Al-Faleh and for talking to the press about his 2007 four-month detention without charge in solitary confinement, according to the international NGO Front Line.

On December 6, police stopped blogger and human rights activist Ra'if Badawi at the Jeddah airport and prevented him from traveling to Beirut; they gave no explanation or expiration date for the travel ban. On his Web site, Badawi had criticized the religious police for human rights violations.

In December 2008 authorities stopped previously detained blogger Fouad al-Farhan in the Jeddah airport and prevented him from leaving the country to speak at the third annual Arab Free Press Forum.

In 2008 the government prevented Abdurrahman al-Lahem from traveling abroad to receive two human rights awards. Al-Lahem had defended the female victim in the 2006 Qatif rape. His travel ban has been in effect since 2004. The travel ban was scheduled to expire in March, but its lifting was not confirmed by year's end.

Movement and travel of foreign workers remained under the complete control of their employers or sponsors, who held their passports and were responsible for processing residence permits on their behalf.

The government did not use forced exile, but it has previously revoked the citizenship of opponents of the government who resided outside the country.

There are no prohibitions on the return of citizens who have left the country. The government sometimes confiscated passports of suspected opposition members and their families, thereby restricting their freedom to travel.

#### Protection of Refugees

The country is not a party to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating to the Status of Refugees. The Basic Law provides that the "state will grant political asylum if public interest so dictates." The country has no legislation implementing this provision, and the government allows only those with residence permits to apply for asylum. The government generally does not grant asylum or accept refugees for settlement from third countries. Government policy is not to grant refugee status to persons who are in the country illegally or who have overstayed a pilgrimage visa. The government strongly encourages persons who do not have residency to leave, or it threatens or imposes deportation. Access to naturalization is difficult for refugees. During the year the government provided temporary protection to an unknown number of individuals who may not qualify as refugees. During the year the government facilitated the movement of 28 Eritrean refugees to Sweden.

In a 1993 memorandum of understanding with the UNHCR, the government agreed to provide protection for refugees present in the country while the UNHCR carries out refugee status determinations on the country's behalf. In law and practice, the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion.

Access to basic services, including health care and social services, is reserved for citizens. Refugees' only access to basic services is through the UNHCR. The government did not allow the enrollment of refugee children in public elementary schools. Refugees did not have access to courts. There were no reports of mistreatment of refugees and asylum seekers.

The UNHCR Representative Office to the Gulf Cooperation Council (GCC) countries reported that as of September, no Iraqi refugees remained in the country. According to a UNHCR representative, since 1991 the UNHCR has facilitated the safe, voluntary resettlement of more than 25,000 Iraqi refugees to third countries.

#### Stateless Persons

The country has a significant number of habitual residents who are legally stateless; data on the stateless population are scarce, and the government is not open to discussing the issue. The UNHCR unofficially estimated that there were 70,000

to 100,000 stateless persons in the country, almost all of whom were native-born Arab residents known as Bidoon, with some Baloch and West Africans.

Bidoon are persons whose ancestors failed to obtain nationality, such as descendants of nomadic tribes not counted among the native tribes during the reign of the country's founder, King Abdul Aziz; descendants of foreign-born fathers who arrived before there were laws regulating citizenship; and rural migrants whose parents failed to register their births. As noncitizens, Bidoon were unable to obtain passports and had no ability to travel abroad. Their lack of citizenship denied them employment and educational opportunities, and their marginalized status made them among the poorest residents of the country. In recent years, the Ministry of Education took steps to admit Bidoon children to school. The government has issued Bidoon five-year residency permits to facilitate their social integration in government-provided health care and other services, putting them on similar footing with sponsored foreign workers.

The government enforces an Arab League directive against naturalizing the estimated 500,000 Palestinian residents, so they will not "lose their Palestinian identity" and will "preserve their right of return."

Several scenarios lead to statelessness of children under the Nationality Law: (1) A child born before his parents are married is not affiliated with his father legally, even if the father has recognized the child and therefore is stateless. (2) When identification documents are withdrawn from a parent, the child also loses his or her identification and accompanying rights (this could happen when a naturalized parent denaturalizes voluntarily or loses citizenship through other acts). (3) Children of a citizen mother and a foreign father are without nationality, unless the father transfers his foreign nationality to the child. (4) Children of a citizen father and a foreign mother are stateless, unless the government has authorized the marriage of the parents in advance. In addition, when government authorities seize a citizen's NIC, his or her children also lose their legal status and become stateless.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have the right to change their government peacefully. The Basic Law states that the government is established on the principle of consultation (shura) and requires the king and crown prince to hold majlis meetings, open-door events where in theory any male citizen or foreigner may express an opinion or a grievance. A prince or other important national or local official can also hold a majlis.

The Basic Law states that all individuals have the right to communicate with public authorities on any issue. The government interpreted this provision as a right to be exercised within traditional nonpublic means, not by the use of mass media.

On May 13, a group of 77 human rights civil society activists sent a petition to the king condemning secret tribunals, seeking permission for human rights activists to monitor prisons, and demanding political and judicial reforms, including a constitutional monarchy and the limiting of the terms of appointed royal family members in government posts. The petition was copied to the Royal Diwan and 20 senior officials. The activists retained a Web site at [www.humriht-civsoca.org](http://www.humriht-civsoca.org), where the petition and other documents relating to human rights and civil society issues were posted.

### Elections and Political Participation

The Basic Law establishes monarchy as the political system. According to the family monarchy system enshrined in the Basic Law, only a few members of the ruling family have a voice in the choice of leaders, the composition of the government, or changes to the political system. The 2006 succession law created the Allegiance Commission, comprising 34 senior princes appointed by the king and responsible for selecting a king and crown prince upon the death or incapacitation of either. The king serves as prime minister and his crown prince serves as deputy prime minister. The king

appoints all other ministers, who appoint subordinate officials with cabinet concurrence. The Consultative Council (Majlis as-Shura), a royally appointed 150-member body, advises the king.

On May 18, the state news agency reported after a cabinet meeting that elections for half of the seats on the municipal advisory councils (the only elected government office) scheduled during the year would be postponed until October 2011 to provide more time to study "expanding the participation of citizens in running local affairs." In the 2005 elections (the first since 1963), only male, nonmilitary citizens at least 21 years of age were eligible to vote for 592 seats on 178 municipal advisory councils, or half the total seats. There were no independent election observers. Unofficial estimates were that between 10 and 15 percent of eligible voters actually voted. The king completed the formation of the councils in 2005 by appointing 592 men to fill the other half of the council seats.

Political parties were illegal. The Green Party continued to operate illegally during the year. There was no media coverage of the party's activities.

Laws and traditional/cultural practices requiring strict segregation of genders encompassing every aspect of life prevented women from participating in political life on the same basis as men. Beginning in 2005, the government allowed women to run for positions on the boards of chambers of commerce and industry, but none has won a place. In 2008 two women were elected to the board of the Jeddah Chamber of Commerce and Industry for four-year terms and three women were appointed. During the year the number of female consultants on the Consultative Council increased from six to 10. There were no women on the High Court (women may not practice law) or on the Supreme Judicial Council. There was one woman in a cabinet-level position, as deputy minister for women's education.

There are no laws that prevent minorities from participating in political life on the same basis as other citizens, but the dominant societal norms marginalize the Shia population. The Consultative Council included only five Shia members. There were no religious minorities in the cabinet. There were some Shia judges.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption by employees. The government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. There were reports of government corruption during the year, and the World Bank's Worldwide Governance Indicators reflected that corruption was a problem. There was widespread public perception of corruption on the part of some members of the royal family and the executive branch of the government.

On December 31, the *Saudi Gazette* reported interim results of the king's order for an investigation into the Jeddah flood, which was reportedly more destructive because bribe-taking and corruption in construction contracting and land deals led to improper building and engineering. Authorities detained government and nongovernment officials pending the outcome of the investigative committee's inquiry, but the prince in charge of the investigation said there was no need to publicize the detentions and investigations.

As of August 29, the Jeddah Administrative Court had postponed the issuance of a verdict three times in a Taif municipality corruption and bribe-taking scandal totaling 1.4 million riyals (\$373,333). In July 2008 the court had convicted 16 Taif municipality employees. Sentences included prison, dismissal from employment, and fines. Seven others accused were absolved of all charges, and two private businessmen were fined 150,000 riyals (\$40,000) each.

In October 2008 *Arab News* requested an investigation into corruption involving contracts for major roadwork, highlighting a project for which the government paid 698 million riyals (approximately \$186.1 million) that was subcontracted multiple times and ultimately performed for only 18.2 million riyals (\$4.9 million). There was no investigation.

Public officials were not subject to financial disclosure laws. The Prosecution and Investigation Commission, an independent body reporting to the Council of Ministers, investigated cases of corruption against public service officials. During the first half of 2008 the commission considered 12,466 cases involving public service officials and agencies. The commission identified instances of forgery, bribery, and public mistreatment, among other forms of misconduct. There were no new data from the Commission concerning additional cases of corruption at year's end.

Government employees who accept bribes face 10 years in prison or fines of as much as one million riyals (approximately \$267,000).

The law does not provide for public access to government information, including precision in sources of state revenue and expenditures such as ministerial budgets or allocations to members of the royal family. During the year the government did not make publicly available information concerning specific instances of corruption, allegations regarding corruption, or government actions against corruption. In 2008 the Consultative Council called in ministers for questioning in exercise of its oversight responsibility, although some, notably the minister of finance, did not appear. There was no similar exercise during the year. In 2008 the Court of Grievances delivered 2,695 verdicts on 1,368 criminal cases and 1,327 disciplinary cases against public officials and agencies.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations Of Human Rights

There were government restrictions on, and the government sometimes did not cooperate with, domestic and international human rights organizations in investigations of alleged violations of human rights. The Basic Law provides that "the State shall protect human rights in accordance with the Islamic Shari'a."

The MOI licensed one domestic human rights organization, the NSHR, funded through a trust fund from a member of the royal family. There were at least two nonlicensed, active human rights groups, the HRFS and the ACPRA, previously the Human Rights Civic Society Saudi Arabia. The government viewed these groups with suspicion and as illegitimately meddling in government affairs. A third, less active group, the National Saudi Committee of Human Rights, has tried unsuccessfully to register since 2003, according to HRW.

On October 12, 11 prominent human rights activists wrote an open letter to King Abdullah announcing the establishment of the ACPRA. The group had previously been operating as the Human Rights Civic Society Saudi Arabia organization, which was also unlicensed. There was no public reaction to the letter, which was widely circulated through e-mails and through the Internet, nor did the group's establishment receive press coverage in the country.

The NSHR continued to receive requests for assistance and complaints about government actions affecting human rights. Most of its members were academics, and two of its former members were ministers. Ten of its 41 members were women. The NSHR maintained offices in Jeddah, Dammam, Riyadh, and Jizan. The NSHR attempted to resolve cases by working with government agencies. The government accepted the group's advice and opinion and sometimes accepted its recommendations.

The government generally viewed international NGOs with suspicion. The HRC stated that the government welcomed the visits of legitimate, unbiased human rights groups and had invited HRW, special rapporteur on violence against women Yakin Ertuerk, and others to visit but also said the government had hundreds of requests and could not act on all of them, in part because it was cumbersome to decide which domestic agency would be their interlocutor.

HRW's October 2008 formal request to visit the country to observe trials of terrorism suspects remained pending at year's end; HRW's February 2008 visit, facilitated by the HRC, resulted in a report highlighting the poor conditions of expatriate laborers. HRW and AI criticized the government and called on it to halt scheduled executions. The groups also made

statements to draw attention to arbitrary arrests, poor conditions of detention, and mistreatment of activists and suspected terrorists.

In February 2008 the government permitted the visit of UN special rapporteur Yakin Ertuerk. On February 6, the UN Human Rights Commission (UNHRC) conducted the country's Universal Periodic Review and considered the *National Report* to the UNHRC outlining the human rights situation in the country. Requests from five UN human rights special rapporteurs or working groups remained unanswered since 2005.

A 2005 Council of Ministers decision established the government-funded HRC, which acts as the government's voice on human rights and whose president has ministerial status and reports to the prime minister. According to the NSHR's *Second Report on the Status of Human Rights*, the HRC "met with weak collaboration on the part of some governmental bodies in spite of the issuance of royal directives." The adequately resourced HRC was considered effective in highlighting problems but had limited capacity to effect change. The HRC worked directly with the prime minister, with a quasi-parliamentary committee, and with the Consultative Council's Committee for the Judiciary, Islamic Affairs, and Human Rights.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, and Islamic Shari'a traditions emphasize equality and human dignity regardless of gender, color, or race. The government did not effectively enforce laws prohibiting discrimination based on race.

##### Women

Human rights activists reported more progress in women's rights than in other areas. The government made efforts to integrate women into mainstream society.

Under Shari'a, rape is a punishable criminal offense with a wide range of penalties from flogging to execution. Generally, the government enforced the law within the context of Shari'a, and courts punished both the victim and the abuser. The government views marital relations between spouses as contractual and did not recognize spousal rape. According to the law, if a man rapes a woman, she is viewed as being at fault for illegal mixing of genders and is punished along with her attacker. Statistics on incidents of rape were not available, but press reports and observers indicated rape against women and boys was a serious problem. On February 21, ABC News reported that two policemen were executed for raping an expatriate woman. On May 30, the *Huffington Post* reported the beheading of a man who had sodomized and killed an 11-year-old boy. Other executions for rape took place throughout the year. The government did not maintain public records on prosecutions, convictions, or punishments. Most rape cases were unreported because victims faced societal reprisal, diminished marriage opportunities, and possible imprisonment or accusations of adultery.

On February 8, the *Saudi Gazette* reported that the district court in Jeddah sentenced a 23-year-old unmarried woman to one year in prison and 100 lashes for adultery; the woman was gang-raped, became pregnant, and tried unsuccessfully to abort the fetus. The verdict against her attackers was not reported.

There were no laws specifically prohibiting domestic violence. Government officials stated that the government did not clearly define domestic violence and that procedures for dealing with cases varied from one government body to another. According to the NSHR's latest annual report, in which it investigated 257 cases of domestic violence and women's rights, violence was reported against both men and women in six metropolitan areas and included a broad spectrum of abuse. The government made efforts to combat domestic violence and supported government-run family protection shelters. Societal criticism for helping women "flee" without properly investigating cases reduced the shelters' effectiveness, according to a July 8 *Arab News* report. During the year the HRC fielded complaints of domestic abuse and referred them

to other government offices. The HRC's women and children's branch in Riyadh received 275 complaints during the year, 24 percent of which were domestic violence cases. The branch opened in September 2008 and handled 52 cases in its first month of operation.

Foreign domestic workers reportedly were frequent victims of abuse (see section 7.c.).

Prostitution is illegal and its prevalence is not known. Some women and men, primarily noncitizens, reportedly engaged in prostitution. There were reports of trafficking of women and children for commercial sexual exploitation.

The Arabic-language media carried infrequent reports of sexual harassment as a social phenomenon. The extent of sexual harassment was difficult to measure. The government's interpretation of Shari'a guides courts on cases of sexual harassment. Workplaces maintained separate male and female workspaces where feasible.

On January 15, the Web site IslamNet reported that police in Al-Ahsa arrested a man who was blackmailing a 24-year-old woman into giving him 250,000 riyals (\$66,666) by threatening to publish a photo he had obtained of her. The site reported several similar cases in different locales, one in Riyadh where a woman paid a man 800,000 riyals (\$213,333) over 14 years before she turned to the CPVPV for assistance. Because the exchange of photographs or letters prior to marriage can cause enormous problems for women, cases in which men abuse contact with a woman to blackmail her into having sex or giving cash have occurred.

There were no reports of government interference in the right to decide freely and responsibly the number, spacing, and timing of children, matters that are subject to agreement between husband and wife. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments require the consent of both husband and wife. The information and means to make those decisions, as well as skilled attendance during childbirth are freely available. Information was not available regarding diagnosis and treatment of sexually transmitted infections.

Discrimination against women was a significant problem. After her February 2008 visit, the UN special rapporteur on violence against women, while acknowledging progress in the status of women and particularly women's access to education, noted the lack of women's autonomy, freedom of movement, and economic independence; discriminatory practices surrounding divorce and child custody; the absence of a law criminalizing violence against women; and difficulties preventing women from escaping abusive environments.

Women continued to face discrimination under the law and remained uninformed about their rights. Although they may legally own property and are entitled to financial support from their guardian, women have few political or social rights and society does not treat them as equal members. The law prohibits women from marrying non-Muslims, but men may marry Christians and Jews. Women may not marry noncitizens without government permission; men must obtain government permission only if they intend to marry noncitizens from outside the six GCC States.

Custom restricted women in their use of public facilities. When men are present, women must sit in separate, specially designated sections. Women risked arrest by religious police for riding in a vehicle driven by a male who was not an employee or a close male relative. On March 19, the newspaper *Ar-Riyadh* reported the CPVPV, mistakenly thinking the couple was not married, attacked and arrested a Saudi resident who had driven his wife to a Riyadh shopping mall. The religious police forcibly removed her from the shopping center and detained her for investigation. After discovering the mistake, the CVPV warned the couple not to publicize the incident.

The law requires women to wear an abaya (a loose-fitting, full-length black cloak covering the entire body) in public and to conceal their hair. The religious police generally expected Muslim women to cover their faces and non-Muslim women from other Asian and African countries to comply more fully with local customs of dress than non-Muslim Western women.

In rural areas and smaller cities, women adhered to the traditional dress code of covering the entire body, hands, feet, hair, and face.

Women also faced discrimination in courts, where the testimony of one man equals that of two women. In divorce proceedings, women had to demonstrate legally specified grounds for divorce, but men could divorce without giving cause. In doing so men were required to pay immediately an amount of money agreed upon at the time of the marriage that serves as a one-time alimony payment. Women who demonstrate legal grounds for divorce also were entitled to alimony. A husband who "verbally" divorces his wife, or refuses to sign final divorce papers, continues to be her legal guardian with the authority to approve her travel, business license, studies at a university or college, or hospital care.

Women faced discrimination under the family law and under Shari'a inheritance law. Courts awarded custody of children when they attained a specified age (seven years for boys and nine years for girls) to the divorced husband or the deceased husband's family. In numerous cases, former husbands prevented divorced foreign women from visiting their children. Under Shari'a inheritance laws, daughters receive half the inheritance awarded to their brothers.

Women had access to free, but generally segregated education through university level and constituted more than 58 percent of all university students. The exception to segregation in higher education was the King Abdullah University of Science and Technology, a coeducational research university that opened September 23, with women permitted to work jointly with men, to forgo the veil in coeducational classes, and to drive cars on campus.

Employment opportunities for women were limited, confined mainly to the education and health care sectors, although increases were occurring in business and finance, social services, and government ministries. The cultural requirement to separate the genders led to discrimination in employment. A woman cannot accept a job in a rural area unless she lodges with an adult male relative who agrees to act as her guardian. Despite gender segregation, the law grants women the right to obtain business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal frequently with government officials. A male guardian must give permission before a woman can own or operate a business unless the business is in a field deemed appropriate for women and managed entirely by women. In medical settings and in the energy industry, women and men worked together, and in some instances women supervised male employees. Women who work in establishments with 50 or more female employees have the right to maternity leave and childcare.

A May 5 Council of Ministers resolution removed the requirement for women to obtain the permission of a male guardian to work, as long as the type of business was "deemed appropriate for a woman."

On June 7, the *Saudi Gazette* cited a report by the Riyadh Chamber of Commerce and Industry stating that nearly 250,000 women worked in government departments and 45,000 others in private firms. By mid-year, the government had established 120 special computer-training centers accredited by the Ministry of Civil Service to help women integrate into the work force.

#### Children

Citizenship derives from the father and only the father can register a birth. There were cases of citizen children denied public services, including education and health care, because the government failed to register the birth entirely or immediately. The number of births that go unregistered is unknown.

The government provided all citizen children with free education and medical care, but these benefits did not extend to noncitizen children. Gender segregation usually began in public and government-sponsored schools at the age of seven.

Abuse of children occurred, although it was difficult to gauge its prevalence because the government kept no national statistics on child abuse. During the year the NSHR registered 72 instances of violence against children, according to its annual report. The NGO Committee for Social Protection initiated a campaign to train health workers to identify signs of abuse. At least three NGOs--one in Riyadh, one in Qasim, and one in Jeddah--ran shelters for women and children.

On October 7, Princess Adela bint Abdullah launched a national child abuse and child neglect registry at King Faisal Hospital in Riyadh. The program was set up in conjunction with the National Safety Program to counter child abuse.

Shari'a does not specify a minimum age for marriage but suggests girls are ready for marriage when they reach puberty. According to the Grand Mufti of the Kingdom, Abdulaziz Al al-Sheikh, girls as young as 10 may be married. The press reported marriages between children and of girls as young as nine being married to men older than 60. Families arranged such marriages without the consent of the girl, often to settle family debts. For example, on August 11, *Al-Yaum* reported the marriage of a nine-year-old girl to a 69-year-old man. The girl's father approved the marriage in exchange for 30,000 riyals (\$8,000). On August 25, *Okaz* reported a 12-year-old girl who had been married against her will to an 80-year-old man fled to her aunt's house but was returned to her husband. Reform-minded activists, media, and local human rights organizations continued to call for an end to child marriage.

The HRC and the NSHR stated child marriages took place on rare occasions, principally in rural areas or to settle family debts. All marriages are required to be registered prior to the consummation of the marriage. According to the NSHR president, the government has instructed marriage registrars not to register marriages involving children.

In contrast to previous years, there were no reports of sexual exploitation of foreign children brought to the country during the Hajj. There is no specific law providing penalties relating to child prostitution, no statutory rape law, and no minimum age for consensual sex.

Children may not receive social services or attend schools or universities unless they hold NICs or valid residency permits and are properly registered in the family register, requirements that displaced children cannot meet.

#### Trafficking in Persons

A comprehensive law to combat trafficking in persons, signed July 13, prohibits trafficking for purposes of holding a person for sexual abuse, forced labor, involuntary begging, slavery or slavery-like practices, or enforced organ removal or medical experimentation. There were continued reports that trafficking in persons was a prevalent and serious problem to, from, through, and within the country for involuntary servitude, low-skilled labor, and commercial sexual exploitation.

At particularly high risk for trafficking are men and women who voluntarily travel to the country to work as domestic employees or other low-skilled laborers. They run the risk of facing conditions indicative of involuntary servitude, including restrictions on movement, forced 18-hour workdays, withholding of passports, threats, physical abuse, sexual abuse, and nonpayment of wages. Countries from which victims are trafficked include Bangladesh, India, Sri Lanka, Egypt, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, Nigeria, Yemen, Pakistan, Afghanistan, Chad, and Sudan. There were reports of Asian and African women trafficked for commercial sexual exploitation; some were reportedly kidnapped and forced into prostitution after running from abusive employers. Nigerian, Yemeni, Pakistani, Afghan, Chadian, and Sudanese children are at high risk for being trafficked into the country for involuntary servitude as forced beggars and street vendors.

Domestic workers were especially vulnerable to trafficking into forced labor, in part due to deceptive hiring practices, the widespread convention of the employer withholding passports, and the requirement for employer consent to obtain an exit visa. Labor recruitment agencies and their subcontractors, as well as companies, hire labor from low-income countries, often under false pretexts. The sponsorship system ties a foreign worker's residency permit to the sponsor for the duration

of the worker's stay in the country. When the employment relationship breaks down and the worker escapes or leaves the job, he or she is unable to leave the country.

The *Saudi Gazette* reported in August 2008 that the number of illegal domestic employees in the country increased by 40 percent during that year, reportedly due to the poor working conditions domestic workers faced and their subsequent flight to other employers without changing their sponsorship status. Foreign employees working for anyone other than the original sponsor are vulnerable to exploitation.

On May 7, a group of 15 foreign workers remained stranded in Riyadh more than a year after their sponsor died and their residency permits had expired, according to the *Saudi Gazette*. In such cases, authorities may arrest and detain workers until negotiations between the pertinent embassies or the workers' families in their home country facilitate return of the workers.

Since October 13, the government has had the ability to prosecute cases under the new trafficking law and to impose sentences of as long as 15 years in prison and fines as much as one million riyals (\$266,667) or both. The law provides for more severe penalties in special circumstances, including for organized crime. The law punishes those who commit as well as those who aid and abet the crime. By year's end, there were no reports on investigations or prosecutions under the law.

In November the government provided trafficking awareness and technical training for officials in the justice community, including prosecutors, investigators, and judges, at Nayef Arab University for Security Studies.

Due to a lack of victim identification procedures in deportation centers and police stations, authorities reportedly arrested and deported many victims of trafficking. Some victims feared arrest or deportation due to their status as runaways (it is illegal for a foreign employee to run away from a legal sponsor in the country) or as prostitutes, and most victims fled directly to their embassies to await repatriation rather than approaching the government. The government assisted some domestic worker trafficking victims with access to legal services and temporary residency status, including temporary relief from deportation. Public hospitals treated trafficking victims who needed medical care. The embassies of Sri Lanka, Indonesia, and the Philippines maintained unofficial (unlicensed) safe houses in Riyadh for citizens of those countries who were victims of trafficking.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/q/tip](http://www.state.gov/q/tip).

#### Persons with Disabilities

The Basic Law does not prohibit discrimination against persons with disabilities. There is no legislation mandating public accessibility. Newer commercial buildings often included such access, as did some newer government buildings. The MSA is responsible for protecting the rights of persons with disabilities.

A 2000 royal decree authorizes the provision of prevention and treatment of disease, welfare, and housing services to persons with disabilities and their families and encourages institutions and individuals to contribute to charitable activities to assist persons with disabilities. According to the MSA, there were numerous government-sponsored centers for persons with disabilities, such as the Noor Institute for the Blind, which operated 10 facilities for blind children; the Amal Institute for the Deaf, which had 23 branches; the Institute for the Mentally Retarded, which had 233 units annexed to schools; and social rehabilitation and welfare centers for the elderly.

Vocational rehabilitation projects and social care programs provide opportunities for persons with disabilities. The government sponsored institutions for the care of paralyzed children in Riyadh and Taif. There were also five houses for

vocational rehabilitation, two of which were for girls; three centers for social rehabilitation for those who have severe disabilities; and nine centers for total rehabilitation. The MSA assisted families who care for relatives with disabilities.

The provision of government social services increasingly brought persons with disabilities into the public mainstream. The Labor Law provides that employers of 25 or more employees allocate 4 percent of positions to persons with disabilities.

There were critical reports regarding care, particularly housing, for mental health patients, but there was no evidence of patterns of abuse or arbitrary commitments.

#### National/Racial/Ethnic Minorities

Although racial discrimination is illegal, societal discrimination against members of national, racial/ethnic, or tribal minorities was a problem. Foreign workers from Africa and Asia were subject to formal and informal discrimination.

There have been some cases of assault against foreign workers and reports of widespread worker abuse. There were reports of racial discrimination against persons of non-Arab descent, especially persons of African descent. The Shia minority continued to suffer social, legal, economic, and political discrimination. In an effort to address the problem, the ministries of defense and interior and the National Guard held training courses in recent years for police and law enforcement officers to combat discrimination. There were no reports of training during the year or of the success rate of these programs.

Unlike in previous years, there were no new media reports of married couples forced to divorce because one spouse was from "inappropriate lineage," i.e., a nontribal family or an "inferior" tribe. In 2007 an appeals court in Riyadh upheld the forced divorce of Fatima al-Timani and her husband. Al-Timani's half-brothers successfully filed for her divorce because her husband had lied about his tribal lineage. At the end of the year, a royal order asked the court to reconsider the case.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Under Shari'a as interpreted in the country, sexual activity between two persons of the same gender is punishable by death or flogging. It is illegal for men "to behave like women" or to wear women's clothes and vice versa. There were few reports of societal discrimination, physical violence, or harassment based on sexual orientation. There were no organizations of lesbian, gay, bisexual, and transgender persons. There was no official discrimination based on sexual orientation in employment, housing, statelessness, or access to education or health care. Sexual orientation could constitute the basis for harassment, blackmail, or other actions. No such cases were reported.

On June 13, Riyadh police arrested 67 men from the Philippines for drinking and dressing in women's clothing at a private party. According to their embassy, police released the men to their employers while charges were being processed.

In 2007 the newspaper *Okaz* reported the public flogging of two men in the city of Al-Bahah after being found guilty of sodomy. The sentence was 7,000 lashes.

#### Other Societal Violence or Discrimination

There was societal discrimination against persons with HIV/AIDS, which press reports associated with foreigners. By law the government deported foreign workers who tested positive for HIV/AIDS upon arrival or when hospitalized for other reasons. There was no indication that HIV-positive foreigners failed to receive antiretroviral treatment or that authorities isolated them during the year.

The Society to Aid AIDS Patients, established in March, was the first NGO of its kind. It worked in collaboration with the national AIDS program in Mecca, providing HIV education, voluntary counseling, testing through mobile testing teams, and

psychological help; fighting stigma and discrimination against persons with HIV/AIDS; and helping families with HIV-positive relatives to acquire medicine; but it faced resource limitations.

## Section 7 Worker Rights

### a. The Right of Association

The Labor Law does not address the right of workers to form and join independent unions, and there are no labor unions in the country. The government allowed citizen-only labor committees with limitations on the right of association in workplaces with more than 100 employees. Workers chose and the Ministry of Labor (MOL) approved committee members. MOL representatives could attend committee meetings. The committee could make recommendations to company management to improve work conditions, increase productivity, improve health and safety, and recommend training programs. The labor code makes no provision for workers to strike legally and does not prohibit retaliation against strikers. Authorities quickly arrested and in some cases deported strikers.

On January 15, the Chinese online *People's Daily* reported authorities deported 23 of a group of 200 Chinese workers for striking to protest low pay; there were no similar reports from Saudi media. The strike reportedly occurred at a construction site 620 miles north of Riyadh.

### b. The Right to Organize and Bargain Collectively

The law does not protect collective bargaining, and it did not take place. No government plans to address collective bargaining rights or attempts by nationals or foreign workers to organize and bargain were reported.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The Labor Law sets forth voluntary working conditions and pay, including conditions and pay for children, and thus implicitly prohibits forced labor; nonetheless, there were reports that forced or compulsory labor occurred.

The government continued to study the sponsorship system, which has been cited in connection with problematic labor conditions, but at year's end had not implemented changes to decrease incidents of abuse. Plans to establish a government commission to oversee foreign workers or specialized companies to organize the foreign work force and to supervise the signing of contracts between employers and workers did not materialize.

Many employers subjected foreign workers to abusive conditions that constituted involuntary servitude, including nonpayment of wages for months and years, debt bondage, confinement, confiscation of travel and identity documents, 18-hour days without days off, contract switching, intimidation, and physical abuse. According to HRW, there were approximately 1.5 million foreign domestic workers in the country during the year, most of them women. Reported cases of abuse were numerous. For example, on May 2, Kenyan citizen Esha Noor entered the country to work as a domestic employee. She was abused, required to work 18-hour days, and denied proper nutrition. After five months in the position, her employer threw her out of a third-floor window. She landed in a swimming pool, surviving the fall with broken limbs. She had worked for the employer for five months but received wages for only one month. She remained at a Jeddah deportation center until the Kenyan Embassy repatriated her, according to *The Citizen Correspondent* of Nairobi. In another case, on December 19, Riyadh authorities discovered the body of a Sri Lankan domestic worker who was working in Hofuf in the Eastern Province, according to the *Arab News*. The worker had written to her parents that her sponsor had been mistreating and beating her. The sponsor was in custody and awaiting trial at year's end.

In terms of movement and travel, foreign workers were under the complete control of their employers or sponsors, who held their passports and were responsible for processing residence permits on their behalf. Sponsors involved in a commercial or labor dispute with foreign employees may ask authorities to prohibit the employees from departing the country until the dispute is resolved. In rare instances, the labor officer of the embassy of the sending country represented the rights of the laborers. In some contract disputes, a sponsor held the employee in country until the dispute was resolved to force the employee to accept a disadvantageous settlement or risk deportation without any settlement.

Foreigners may reside or work in the country only under the sponsorship of a citizen or business. The law does not permit foreigners to change their workplace without their sponsor's permission, thus forcing the worker to remain with the sponsor or to seek the assistance of the embassy to return home.

The Labor Law penalizes some types of forced labor by fines and bans on future hiring of the laborer, but the law does not apply to domestic employees, the largest group of forced laborers. Domestic employees can contact the labor offices of their embassies for assistance as well as the NSHR and the MOL's Civil Rights Centers, part of a new department responsible for the welfare of expatriate workers. According to the HRC, the MOL has a Migrant Workers' Welfare Department to provide services to safeguard migrant workers' rights and protect them from abuse. Workers may apply to the Civil Rights Centers and to the offices of regional governors and lodge an appeal with the judges at Board of Grievances against decisions from those authorities. Information about the cases the Board of Grievances heard was not available. The government reported no criminal investigations, prosecutions, convictions, or sentences for forced labor offenses under the Labor Law. Cultural norms, including the ban on women driving, make it difficult for domestic workers to file a complaint. Embassies reported receiving complaints via phone, and some domestic servants escaped and fled to embassies. The government does not enforce fines or bans on hiring workers imposed upon abusive employers or recruitment agencies, and foreign workers continued to criticize police for being unresponsive to requests for help. On rare occasions, the government imposed small fines or bans on importing foreign labor on those guilty of nonpayment of employees.

On December 17, the Web site MediaBangladesh.net reported that 40,000 Bangladeshis were deported during the previous nine months because they had overstayed their pilgrimage visas. According to sources in Bangladesh's Overseas Employment Ministry, the deportations were for provoking labor unrest, strikes, and protesting low wages and poor labor conditions.

Embassy representatives from originating countries stated that cases of foreign domestic worker abuse were increasing. During the year hundreds of domestic workers sought shelter at their embassies fleeing sexual abuse or other violence, and embassies received many reports of abuse. Some embassies from countries with large domestic employee populations maintained safe houses for citizens fleeing situations that amounted to bondage. According to embassy representatives, victims usually sought legal help from police and from embassies to obtain end-of-service benefits and exit visas. Criminal charges against abusive employers were rarely filed.

Reports of domestic worker abuse declined in the press. According to the *Arab News*, the Indonesian Embassy reported 102 complaints lodged with its labor office alleging sexual assault and 156 cases of physical abuse involving its citizens in the first half of the year. In 2008 the Sri Lanka Bureau of Foreign Employment, a labor organization, had reportedly decided to curb the number of Sri Lankan domestic workers coming to the region, citing increased cases of abuse. The bureau conducted a campaign against fraudulent recruiting companies, which it regarded as partly to blame for the increased cases of abuse.

#### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor occurred in the country, most commonly in the form of begging. Saudi children from poor families and foreign children trafficked into the country specifically for this purpose worked as beggars. Children from other countries, primarily Yemen, were forced into child begging rings, street vending, and possibly family businesses. There were reports of foreign domestic workers younger than 18, some of whom traveled to the country with forged documents. The MSA provides services aimed to provide every citizen a decent standard of living. Such services are not available for foreigners.

The Labor Law states no person younger than 15 may legally work unless he is the only family worker. There is no minimum age for workers employed in family-owned businesses or in other areas considered extensions of the household, such as farming, herding, and domestic service. Children younger than 18 may not work in hazardous or harmful industries such as mining or industries employing power-operated machinery, and there is no evidence that this occurred.

A September 2008 study commissioned by the King Abd Al-Aziz City for Science and Technology found that child labor was a growing phenomenon. According to the study, 1.54 percent of children work, including 2.3 percent in Eastern Province. In 2008 more than 83,000 children were working on the streets, according to a study by the King Abdullah Institute for Research and Studies, reported in *Okaz*. On September 2, *Arab News* reported that nine-year-old children were working long hours at the Al-Atiqah fruit market south of Riyadh and sometimes moving goods three times their weight.

The MOJ has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged child labor violators. The MSA maintained special offices in Mecca and Medina to combat the growing problem of child beggars.

#### e. Acceptable Conditions of Work

There is no national minimum wage. The unofficial private sector minimum wage for citizens was 1,500 riyals (approximately \$400) per month, which appeared to provide a decent standard of living for a citizen worker and family (who also receive various government allowances). Foreign workers comprised approximately 88 percent of the private sector workforce. Their work, wages, living quarters, and working conditions were generally negotiated and agreed upon prior to their departure from the sending country.

Labor regulations provided for a 48-hour standard workweek at regular pay; a weekly 24-hour rest period, normally on Fridays, although the employer may grant it on another day; a limit on hours worked; premium pay for overtime at time-and-a-half pay with a maximum of 12 additional hours of overtime; and the minister's determination on the maximum number of hours of compulsory overtime. There were no reports reflecting whether these standards were enforced. There were credible reports that female domestic employees were sometimes forced to work 16 to 20 hours per day, seven days per week, with little or no pay.

The Labor Law provides for safety inspections and enables MOL-appointed inspectors to conduct inspections of materials used or handled in industrial and other operations and to submit samples of suspected hazardous materials or substances to government laboratories. The Ministry of Health's Occupational Health Service Directorate works with the MOL on health and safety matters. Regulations require employers to protect some workers from job-related hazards and disease, although violations occurred. These regulations did not cover farmers, herdsman, domestic servants, or workers in family-operated businesses. Foreign nationals reported frequent failures to enforce health and safety standards.

Many foreign workers, particularly domestic workers, were not able to exercise their right to remove themselves from dangerous situations, and employers occasionally left them locked inside the home or threatened with nonpayment if they left. Employers also subjected foreign workers to abusive conditions, including debt bondage, confinement, confiscation of travel and identity documents, long hours without days off, contract switching, intimidation, and physical abuse.

The MOL's Department for Protection of Foreign Workers addressed some cases of abuse and exploitation. Foreign workers were able to submit complaints and to seek help from the 37 MOL offices throughout the country, although the government was not generally responsive. The ministry occasionally banned individuals and companies who mistreated foreign workers from sponsoring such workers for five years, although there were no publicly available statistics. The MOL may ban indefinitely employers who have repeated violations. Bilateral labor agreements stipulate conditions for workers from some countries, although enforcement was sometimes a problem.

On February 2, *Arab News* reported the problems of four Pakistani mechanics who were owed six years' wages, end-of-service benefits, return tickets to Pakistan, and medical treatment costs. Although the Preliminary Commission for Settlement of Labor Disputes in Mecca issued a decision in favor of the employees in 2006, the workers had not received their compensation at year's end.