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## U.S. Department of State

### Saudi Arabia Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### SAUDI ARABIA

Saudi Arabia is a monarchy without elected representative institutions or political parties. It is ruled by King Fahd Bin Abd Al-Aziz Al Saud, a son of King Abd Al-Aziz Al Saud, who unified the country in the early 20th century. Since the death of King Abd Al-Aziz, the King and Crown Prince have been chosen from among his sons, who themselves have had preponderant influence in the choice. A 1992 royal decree reserves for the King exclusive power to name the Crown Prince. Crown Prince Abdullah has played an increasing role in governance since King Fahd suffered from a stroke in 1995. The Government has declared the Islamic holy book the Koran, and the Sunna (tradition) of the Prophet Muhammad, to be the country's Constitution. The Government bases its legitimacy on governance according to the precepts of a rigorously conservative form of Islam. Neither the Government nor the society in general accepts the concept of separation of religion and state. The Government prohibits the establishment of political parties and suppresses opposition views. In 1992, King Fahd appointed a Consultative Council and similar provincial assemblies. The Consultative Council began holding sessions in 1993 and was expanded in 1997. The judiciary is generally independent but is subject to influence by the executive branch and members of the royal family.

Police and border forces under the Ministry of Interior are responsible for internal security. The Mutawaa'in, or religious police, constitute the Committee to Prevent Vice and Promote Virtue, a semiautonomous agency that enforces adherence to Islamic norms by monitoring public behavior. The Government maintains general control of the security forces. However, members of the security forces committed human rights abuses.

The oil industry has fueled the transformation of Saudi Arabia from a pastoral, agricultural, and commercial society to a rapidly urbanizing one characterized by large-scale infrastructure projects, an extensive social welfare system, and a labor market comprised largely of foreign workers. Oil revenues account for around 42 percent of the gross domestic product (GDP) and 75 percent of government income. Agriculture accounts for only about 9 percent of GDP. Government spending, including spending on the national airline, power, water, telephone, education, and health services, accounts for 24 percent of GDP. About 34 percent of the economy is nominally private, and the Government is promoting further privatization of the economy. In 1995 the Government began an aggressive campaign to increase the number of Saudi nationals represented in the public and private work forces. The campaign has restricted employment of some categories of foreign workers by limiting certain occupations to Saudis only, increasing fees for some types of work visas, and setting minimum wages for some job categories in order to increase the cost to employers of non-Saudi labor. In August the Government announced that Saudi citizens had to make up at least 5 percent of the work force in private sector companies by October, an amount that according to a 1995 ministerial decree should be 15 percent. The Government's 1997 offer of a limited amnesty under which illegal residents could depart the country without penalty was followed up during the year by a crackdown on illegal workers and the Saudis who employ or house them.

The Government commits and tolerates serious human rights abuses. Citizens have neither the right nor the legal means to change their government. Security forces continued to abuse detainees and prisoners, arbitrarily arrest and detain persons, and facilitate incommunicado detention; in addition there were allegations that security forces committed torture. Prolonged detention without charge is a problem. Security forces committed such abuses, in contradiction to the law, but with the acquiescence of the Government. Mutawaa'in continued to intimidate, abuse, and detain citizens and foreigners. The Government infringes on citizens' privacy rights. The Government prohibits or restricts freedom of speech, the press, assembly, association, religion, and movement. Other continuing problems included discrimination and violence against women, discrimination against ethnic and religious minorities, and strict limitations on worker rights. The Government disagrees with internationally accepted definitions of human rights and views its interpretation of Islamic law as its sole source of guidance on human rights.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political killings.

In November several Mutawaa'in attacked and killed an elderly Shi'a prayer leader in Hofuf for repeating the call to prayer twice (a traditional Shi'a practice). Mutawaa'in attempts to cover up the killing were unsuccessful. The Government reportedly is investigating the incident (see Sections 2.c. 5.).

The investigation of the 1996 Al-Khobar bombing, which killed 19 U.S. servicemen, continued. The Government has not yet issued a report of its findings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

There were credible reports that the authorities abuse detainees, both citizens and foreigners. Ministry of Interior officials are responsible for most incidents of abuse, including beatings and sleep deprivation. In addition, there were allegations of torture. Although the Government has ratified the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, it has refused to recognize the authority of the Committee Against Torture to investigate alleged abuses. In April the Government pledged to cooperate with U.N. human rights mechanisms. However, although the Government asks for details of torture and other human rights abuses made by international human rights groups, it does not permit international observers to investigate them. Rather, it requested the information from the United Nations as a basis for its own investigation of them. The Government's general refusal to grant members of diplomatic missions access to the Ministry of Interior detention facilities or allow members of international human rights groups into the country hinders efforts to confirm or discount reports of abuses. The Government's past failure to criticize human rights abuses has contributed to the public perception that security forces can commit abuses with impunity.

In May after her release and return to the United Kingdom, a British nurse convicted of murdering a colleague in Saudi Arabia (see Section 1.e.) said that she had confessed to the killing only after suffering "violence" and "sexual abuse" at the hands of Saudi police. Deborah Parry told the British Broadcasting Corporation that she confessed to the crime because Saudi investigators tried to burn her with cigarettes and hit her across the throat.

Although the number of reports of harassment by the Mutawaa'in remained relatively low in comparison with previous years, the Mutawaa'in continued to intimidate, abuse, and detain citizens and foreigners of both sexes (see Section 1.d.).

The Government punishes criminals according to its interpretation of Islamic law, or Shari'a. Punishments include flogging, amputation, and execution by beheading, stoning, or firing squad. During the year, the authorities acknowledged 25 executions, a substantial reduction from the 134 executions reported in 1997. Executions included 20 men for murder (15 citizens and 5 foreigners) and 5 men for rape (all citizens). The men were executed by beheading. No women were executed during the year (women are executed by firing squad). There were no executions by stoning. In accordance with Shari'a, the authorities may punish repeated thievery by amputation of the right hand. Beginning on September 28, the first of six amputations took place. These were the first amputations reported since 1995. Five of the amputations (one citizen and four foreigners) were punishment for robbing pilgrims in Mecca and one citizen received the punishment for repeated robbery in the Riyadh area. Persons convicted of less serious offenses, such as alcohol related offenses or being alone in the company of an unrelated person of the opposite sex, sometimes were punished by flogging with a cane.

Prison and jail conditions vary throughout the Kingdom. Prisons generally meet internationally accepted standards and provide air-conditioned cells, good nutrition, regular exercise, and careful patrolling by prison guards. However, some police station jails are overcrowded and unsanitary. Authorities generally allowed family members access to detainees.

Boards of Investigation and Public Prosecution, organized on a regional basis, were established by King Fahd in 1993. The members of these boards have the right to inspect prisons, review prisoners' files, and hear their complaints. However, the Government does not permit human rights monitors to visit prisons or jails. The Government does not allow impartial observers of any type access to specialized Ministry of Interior prisons, where it detains persons accused of political subversion.

Representatives of the United Nations High Commissioner for Refugees (UNHCR) are present at the Rafha refugee camp housing former Iraqi prisoners of war and civilians who fled Iraq following the Gulf War. According to UNHCR officials, there was no systematic abuse of refugees by camp guards. When isolated instances of abuse have surfaced in the past, the authorities have been responsive and willing to investigate allegations and reprimand offending guards. The camp receives a high level of material assistance and is comparatively comfortable and well run. However, the Government generally confines refugees to the camp except in the event of approved emigration.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, however, despite the law, officers make arrests and detain persons without following explicit legal guidelines. There are few procedures to safeguard against abuse. There has been only one known case of a citizen successfully obtaining judicial redress for abuse of the Government's power of arrest and detention. In 1995 a citizen successfully sued the Government for wrongful imprisonment and was awarded compensation.

In accordance with a 1983 Ministry of Interior regulation, authorities usually detain suspects for no longer than 3 days before charging them. However, serious exceptions have been reported. The regulation also has provisions for bail for less serious crimes. Also, authorities sometimes release detainees on the recognizance of a patron or sponsoring employer without the payment of bail. If not released, authorities typically detain the accused an average of 2 months before sending the case to trial or, in the case of some foreigners, summarily deporting them. There is no established procedure providing detainees the right to inform their family of their arrest.

The Mutawaa'in have the authority to detain persons for no more than 24 hours for violation of strict standards of proper dress and behavior. However, they sometimes exceeded this limit before delivering detainees to the police (see Section I.f.). Current procedures require a police officer to accompany the Mutawaa'in at the time of an arrest. Mutawaa'in generally complied with this requirement. During the year, in the more conservative Riyadh district, the number of reports received of Mutawaa'in accosting, abusing, arresting, and detaining persons alleged to have violated dress and behavior standards was slightly higher than in 1997. The Jeddah district received a similar number of reports as in the previous year.

Political detainees who are arrested by the General Directorate of Investigation (GDI), the Ministry of Interior's security service, commonly are held incommunicado in special prisons during the initial phase of an investigation, which may last weeks or months. The GDI allows the detainees only limited contact with their families or lawyers.

The authorities may detain without charge persons who publicly criticize the Government or charge them with attempting to destabilize the Government (see Sections 2.a. and 3). The authorities continued to detain Salman Al-Awdah and Safar Al-Hawali, Muslim clerics who were arrested in September 1994 for publicly criticizing the Government. Their detention that year sparked protest demonstrations resulting in the arrest of 157 persons for antigovernment activities. Most protesters have now been released.

On November 30, the GDI arrested Suha Al-Masari, the sister of exiled dissident Mohammed Al-Masari (see Section 3) when she arrived at the airport on a flight from London. She reportedly was imprisoned in Riyadh and released about a week later.

In January, the Government released, under its annual Ramadan amnesty, over 7,000 prisoners and

detainees, including over 3,000 foreigners convicted or held for minor offenses. In August more than 3,000 prisoners were released following the departure of King Fahd from the hospital. An additional 3,500 prisoners convicted for minor crimes were released in December by the first day of the new Ramadan month.

The total number of political detainees cannot be determined precisely, but it is estimated at more than 200 persons by international human rights organizations.

Since beginning the investigation of the 1996 bombing of a U.S. military facility in Saudi Arabia, authorities have detained, interrogated, and confiscated the passports of a number of Shi'a Muslims suspected of fundamentalist tendencies or Iranian sympathies. The Government reportedly still holds in jail an unknown number of Shi'a arrested in the aftermath of the bombing. Government security forces reportedly arrest Shi'a on the smallest suspicion, hold them in custody for lengthy periods, and then release them without explanation (see Section 2.c.).

The Government did not use forced exile, and it did not revoke citizenship for political purposes during the year. However, it previously has revoked the citizenship of opponents of the Government who reside outside the country, such as Mohammed Al-Masari (see section 3) and Osama Bin Ladin, a suspect in organizing terrorist activities including the August bombings of the U.S. embassies in Kenya and Tanzania.

#### e. Denial of Fair Public Trial

The independence of the judiciary is prescribed by law and usually is respected in practice; however, judges occasionally accede to the influence of the executive branch, particularly members of the royal family and their associates, who are not required to appear before the courts. Moreover, the Ministry of Justice exercises judicial, financial, and administrative control of the courts.

The legal system is based on Shari'a, or Islamic law. Shari'a courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance. These courts base judgments largely on the Koran and on the Sunna, another Islamic text. Cases involving relatively small penalties are tried in Shari'a summary courts; more serious crimes are adjudicated in Shari'a courts of common pleas. Appeals from Shari'a courts are made to the courts of appeal.

Other civil proceedings, including those involving claims against the Government and enforcement of foreign judgments, are held before specialized administrative tribunals, such as the Commission for the Settlement of Labor Disputes and the Board of Grievances.

The Government permits Shi'a Muslims to use their own legal tradition to adjudicate noncriminal cases within their community.

The military justice system has jurisdiction over uniformed personnel and civil servants charged with violations of military regulations. The Minister of Defense and Aviation and the King review the decisions of courts-martial.

The Supreme Judicial Council is not a court and may not reverse decisions made by a court of appeals. However, the Council may review lower court decisions and refer them back to the lower court for reconsideration. Only the Supreme Judicial Council may discipline or remove a judge. The King appoints the members of the Council.

The Council of Senior Religious Scholars is an autonomous body of 15 senior religious jurists, including the Minister of Justice. It establishes the legal principles to guide lower court judges in deciding cases.

Defendants usually appear without an attorney before a judge, who determines guilt or innocence in accordance with Shari'a standards. Defense lawyers may offer their clients advice before trial or may attend the trial as interpreters for those unfamiliar with Arabic. The courts do not provide foreign defendants with translators. Public defenders are not provided. Individuals may choose any person to represent them by a power of attorney filed with the court and the Ministry of Justice. Most trials are closed. However, in a highly publicized 1997 case involving two foreign women charged with murder, the Saudi court conducted preliminary matters and the trial with relatively open and transparent procedures, including more effective use of counsel, increased consular presence, and increased family access.

A woman's testimony does not carry the same weight as that of a man. In a Shari'a court, the testimony of one man equals that of two women. In the absence of two witnesses, or four witnesses in the case of adultery, confessions before a judge almost always are required for criminal conviction--a situation that repeatedly has led prosecuting authorities to coerce confessions from suspects by threats and abuse.

Sentencing is not uniform. Foreign residents often receive harsher penalties than citizens. Under Shari'a, as interpreted and applied in Saudi Arabia, crimes against Muslims receive harsher penalties than those against non-Muslims. In the case of wrongful death, the amount of indemnity or "blood money" awarded to relatives varies with the nationality, religion, and sex of the victim. A sentence may be changed at any stage of review, except for punishments stipulated by the Koran. In a case that received much publicity, a British nurse convicted of murdering an Australian nurse in 1996 was spared the death penalty when the victim's brother waived his right to demand that punishment and agreed to accept "blood money" instead. A second British nurse involved in the murder was convicted of a lesser offense. Both nurses were released from detention and departed Saudi Arabia in May.

Provincial governors have the authority to exercise leniency and reduce a judge's sentence. In general, members of the royal family, and other powerful families, are not subject to the same rule of law as ordinary citizens (see Section 1.a.). For example, judges do not have the power to issue a warrant summoning any member of the royal family.

The King and his advisors review cases involving capital punishment. The King has the authority to commute death sentences and grant pardons except for capital crimes committed against individuals. In such cases, he may request the victim's next of kin to pardon the murderer--usually in return for compensation from the family or the King.

There is insufficient information to determine the number of political prisoners. The Government does not provide information on such persons or respond to inquiries about them. Moreover, the Government conducts closed trials for persons who may be political prisoners and in other cases has detained persons incommunicado for long periods while under investigation.

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

The Government infringes on these rights. The sanctity of family life and the inviolability of the home are among the most fundamental of Islamic precepts. Royal decrees announced in 1992 include provisions calling for the Government to defend the home from unlawful intrusions. Nonetheless, there are few protections from government interference with one's privacy, family, home, or correspondence.

The police generally must demonstrate reasonable cause and obtain permission from the provincial governor before searching a private home, but warrants are not required.

Customs officials routinely open mail and shipments for contraband, including material deemed pornographic and non-Muslim religious material. Customs officials confiscated or censored materials considered offensive, including Christian Bibles and religious video tapes (see Section 2.c.). The authorities also open mail and use informants and wiretaps in internal security and criminal matters. Security forces used wiretaps against foreigners suspected of alcohol-related offenses.

The Government enforces most social and Islamic religious norms, which are matters of law (see Section 5). Women may not marry non-Saudis without government permission; men must obtain approval from the Ministry of Interior to marry women from countries outside the six states of the Gulf Cooperation Council. In accordance with Islamic law, women are prohibited from marrying non-Muslims, but men may marry Christians and Jews as well as Muslims.

Mutawaa'in practices and incidents of abuse varied widely in different regions of the country, but were most numerous in the central Nejd region. In certain areas, both the Mutawaa'in and religious vigilantes acting on their own harassed, assaulted, battered, arrested, and detained citizens and foreigners (see Section 1.d.). The Government requires the Mutawaa'in to follow established procedures and to offer instruction in a polite manner; however, Mutawaa'in did not always comply with the requirements. The Government has not criticized publicly abuses by Mutawaa'in and religious vigilantes but has sought to curtail these abuses.

Mutawaa'in enforcement of strict standards of social behavior included the closing of commercial establishments during the five daily prayer observances, insisting upon compliance with strict norms of public dress, and dispersing gatherings of women in public places. Mutawaa'in frequently reproached Saudi and foreign women for failure to observe strict dress codes, and arrested men and women found together who were not married or closely related.

Some professors believe that informers monitor comments made in university classrooms (see Section 2.a.).

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The Government severely limits freedom of speech and the press. The authorities do not countenance criticism of Islam, the ruling family, or the Government. However, during the year, the authorities allowed the press some freedom to criticize governmental bodies and social policies through editorial comments and cartoons. Persons whose criticisms align them with an organized political opposition are subject to arrest and detention until they confess to a crime or sign a statement promising not to resume such criticisms, which is tantamount to a confession.

The print media are privately owned but publicly subsidized. A 1982 media policy statement and a 1965 national security law prohibit the dissemination of criticism of the Government. The media policy statement urges journalists to uphold Islam, oppose atheism, promote Arab interests, and preserve the cultural heritage of Saudi Arabia. The Ministry of Information appoints, and may remove, the editors-in-chief. It also provides guidelines to newspapers on controversial issues. The Government owns the Press Agency (SPA), which expresses official government views.

Newspapers typically publish news on sensitive subjects, such as crime or terrorism, only after it has been released by the SPA or when it has been authorized by a senior government official. Two Saudi-owned, London-based dailies, Ash-Sharq Al-Awsat and Al-Hayat, are widely distributed and read in Saudi Arabia. Both newspapers tend to practice self-censorship in order to comply with government restrictions on sensitive issues. The authorities continue to censor stories about Saudi Arabia in the foreign press. Censors may remove or blacken the offending articles, glue pages together, or prevent certain issues of foreign publications from entering the market. However, the Ministry of Information continued to relax its blackout policy regarding politically sensitive news concerning Saudi Arabia reported in international media, although press restrictions on reporting of domestic news remain very stringent. The Government's policy in this regard appears to be motivated in part by pragmatic considerations: Saudi access to outside sources of information, especially Cable News Network (CNN) and other satellite television channels, is increasingly widespread.

The Government tightly restricts the entry of foreign journalists into the Kingdom. The Government owns and operates the television and radio companies. Government censors remove any reference to politics, religions other than Islam, pork or pigs, alcohol, and sex from foreign programs and songs.

There are over 1 million satellite receiving dishes in the country, which provide citizens with foreign broadcasts. The legal status of these devices is ambiguous. The Government ordered a halt to their importation in 1992, at the request of religious leaders who objected to foreign programming available on satellite channels. In March 1994, the Government banned the sale, installation, and maintenance of dishes and supporting devices, but the number of dishes continues to increase and residents legally may subscribe to satellite decoding services that require a dish.

The Government censors all forms of public artistic expression and prohibits cinemas and public musical or theatrical performances, except those that are considered folkloric.

Academic freedom is restricted. The authorities prohibit the study of evolution, Freud, Marx, Western music, and Western philosophy. Some professors believe that informers monitor their classroom comments and report to government and religious authorities.

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

The Government strictly limits freedom of assembly. It prohibits public demonstrations as a means of political expression. Public meetings are segregated by sex. Unless meetings are sponsored by diplomatic missions or approved by the appropriate governor, foreign residents who seek to hold unsegregated meetings risk arrest and deportation. The authorities monitor any large gathering of persons, especially of women. The Mutawaa'in dispersed groups of women found in public places such as restaurants. Government policy permits women to attend cultural and social events at diplomatic chanceries and residences only if they are accompanied by a father, brother, or husband. However, in practice, police often implement the policy in an arbitrary manner. On many occasions during the year, authorities actively prohibited women from entering diplomatic chanceries or residences to attend cultural events and lectures. However, for the first time in several years, authorities in May allowed unescorted Saudi women to attend a women only cultural event hosted at a diplomatic mission.

The Government strictly limits freedom of association. It prohibits the establishment of political parties or any type of opposition group (see Section 3). By its power to license associations, the Government ensures that groups conform to public policy.

#### c. Freedom of Religion

Freedom of religion does not exist. Islam is the official religion, and all citizens must be Muslims. The Government prohibits the public practice of other religions. Private non-Muslim worship is permitted.

Conversion by a Muslim to another religion is considered apostasy. Public apostasy is a crime under Shari'a law and punishable by death.

Islamic practice generally is limited to that of the Wahhabi sect's interpretation of the Hanbali school of the Sunni branch of Islam. Practices contrary to this interpretation, such as visits to the tombs of renowned Muslims, are discouraged.

The Ministry of Islamic Affairs directly supervises, and is a major source of funds for, the construction and maintenance of almost all mosques in the country. The Ministry pays the salaries of imams (prayer leaders) and others who work in the mosques. A governmental committee is responsible for defining the qualifications of imams. The Mutawaa'in receive their funding from the Government, and the general president of the Mutawaa'in holds the rank of cabinet minister.

The Shi'a Muslim minority (roughly 500,000 of nearly 14 million citizens) lives mostly in the eastern province. Its members are the objects of officially sanctioned political and economic discrimination (see Section 5). Prior to 1990, the Government prohibited Shi'a public processions during the Islamic month of Muharram and restricted other processions and congregations to designated areas in the major Shi'a cities. Since 1990 the authorities have permitted marches on the Shi'a holiday of Ashura, provided that the marchers do not display banners or engage in self-flagellation. Ashura commemorations took place during the year, again without incident. The Government seldom permits private construction of Shi'a mosques. The Shi'a have declined government offers to build state-supported mosques because the Government would prohibit the incorporation and display of Shi'a motifs in any such mosques.

In November several Mutawaa'in attacked and killed an elderly Shi'a prayer leader in Hofuf for repeating the call to prayer twice (a traditional Shi'a practice). Mutawaa'in attempts to cover up the killing were unsuccessful. The Government reportedly is investigating the incident (see Sections 1.a. 5).

The Government reportedly still holds in jail an unknown number of Shi'a arrested in the aftermath of the Al-Khobar bombing. Government security forces reportedly arrest Shi'a on the smallest suspicion, hold them in custody for lengthy periods, and then release them without explanation (see Section 1.d.).

The Government does not permit public non-Muslim religious activities. Non-Muslim worshippers risk arrest, lashing, and deportation for engaging in overt religious activity that attracts official attention. There were no credible reports of government action against private religious services during the year. In 1997 for the first time, a senior Saudi leader stated publicly that the Government does not "prevent" private non-Muslim religious worship in the home. Such private non-Muslim worship occurs on a wide scale through the country, including on the premises of several embassies. Other high level Saudi authorities confirmed during the year that the Government's policy allows for private non-Muslim worship and that the Government does not sanction investigation or harassment of such private worship services. The Government ascribes any residual harassment of private worship services to individuals and organizations acting on their own authority and in contradiction of government policy. Representatives of many Christian denominations present in the country report that the Government is not interfering with their private worship services.

However, proselytizing is illegal. One Dutch and 14 Filipino Christian activists were arrested in June for actively engaging in efforts to proselytize Saudis. Those detained were part of an externally organized

evangelical Christian group. All detainees were released and deported in July. An additional nine Filipino activists left the Kingdom voluntarily or were on vacation and did not return after the July deportations. Deportations of over a dozen Filipino individuals identified as having connections with proselytizing groups began in September and continued into December. They took place without arrest except in two cases of brief detention, through an order signed by the Ministry of Interior. A Korean national was arrested on November 8 on accusations of proselytization of Christianity. While in custody, he was allowed visits by his family. He reported that no mistreatment occurred during his incarceration.

Persons wearing religious symbols of any kind in public risk confrontation with the Mutawaa'in. This general prohibition against religious symbols also applies to Muslims. A Christian wearing a crucifix or a Muslim wearing a Koranic necklace in public would be admonished.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricts the travel of Saudi women, who must obtain written permission from their closest male relative before the authorities allow them to board domestic public transportation or to travel abroad (see Section 5). Males may travel anywhere within the country or abroad.

Foreigners typically are allowed to reside or work in Saudi Arabia only under the sponsorship of a Saudi national or business. The Government requires foreign residents to carry identification cards. It does not permit foreigners to travel outside the city of their employment or change their workplace without their sponsor's permission. Foreign residents who travel within the country may be asked by the authorities to show that they possess letters of permission from their employer or sponsor.

Sponsors generally retain possession of foreign workers' passports. Foreign workers must obtain permission from their sponsors to travel abroad. If sponsors are involved in a commercial or labor dispute with foreign employees, they may ask the authorities to prohibit the employees from departing the country until the dispute is resolved. Some sponsors use this as a pressure tactic to resolve disputes in their favor or to have foreign employees deported. There were numerous reports of the Government prohibiting foreign employees involved in labor disputes from departing the country until the dispute was resolved.

The Government seizes the passports of all potential suspects and witnesses in criminal cases and suspends the issuance of exit visas to them until the case is tried or otherwise concluded. As a result, some foreign nationals are forced to remain in the country for lengthy periods against their will. The authorities sometimes confiscate the passports of suspected oppositionists and their families. The Government actively discourages Shi'a travel to Iran to visit pilgrimage sites. The Government still punishes Shi'a who travel to Iran, or are suspected of traveling to Iran, by confiscating passports for up to 2 years (see Section 5).

Citizens may emigrate, but the law prohibits dual citizenship. Apart from marriage to a Saudi national, there are no provisions for foreign residents to acquire citizenship. However, foreigners are granted citizenship in rare cases, generally through the advocacy of an influential patron.

The 1992 Basic Law provides that "the state will grant political asylum if the public interest mitigates" in favor of it. The language does not specify clear rules for adjudicating asylum cases. In general, the authorities regard refugees and displaced persons like other foreign workers: They must have sponsors for employment or risk expulsion. Of the 33,000 Iraqi civilians and former prisoners of war allowed refuge in Saudi Arabia at the end of the Gulf War, none has been granted permanent asylum in the country; however, the Government has underwritten the entire cost of providing safe haven to the Iraqi

refugees, and continues to provide excellent logistical and administrative support to the United Nations High Commissioner for Refugees (UNHCR) and other resettlement agencies.

At year's end, approximately 27,000 of the original 33,000 Iraqi refugees had been resettled in other countries or voluntarily repatriated to Iraq. Most of the approximately 6,000 remaining refugees are restricted to the Rafha refugee camp. The UNHCR has monitored over 3,000 persons voluntarily returning to Iraq from Rafha since December 1991 and found no evidence of forcible repatriation (see Section 1.c.).

The Government has allowed some foreigners to remain temporarily in the country in cases where their safety would be jeopardized if they were deported to their home countries.

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

Citizens do not have the right to change their government. There are no formal democratic institutions, and only a few citizens have a voice in the choice of leaders or in changing the political system. The King rules on civil and religious matters within certain limitations established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders.

The King is also the Prime Minister, and the Crown Prince serves as Deputy Prime Minister. The King appoints all other ministers, who in turn appoint subordinate officials with cabinet concurrence. In 1992 the King appointed 60 members to a Consultative Council, or Majlis Ash-Shura. This strictly advisory body began to hold sessions in 1993. In 1997 the King expanded the council to 90 members. There are two Shi'a on the Council. The Council engages in debates that, while closed to the view of the general public, provide advice and views occasionally contrary to the Government's proposed policy or recommended course of action. The Government usually incorporates the Majlis' advice into its final policy announcements or tries to convince the council why the Government's policy is correct.

The Council of Senior Islamic Scholars is another advisory body to the King and the Cabinet. It reviews the Government's public policies for compliance with Shari'a. The Government views the Council as an important source of religious legitimacy and takes the Council's opinions into account when promulgating legislation.

Communication between citizens and the Government usually is expressed through client-patron relationships and by affinity groups such as tribes, families, and professional hierarchies. In theory, any male citizen or foreign national may express an opinion or air a grievance at a majlis--an open-door meeting held by the King, a prince, or an important national or local official. However, as governmental functions have become more complex, time-consuming, and centralized, public access to senior officials has become more restricted. Since the assassination of King Faisal in 1975, Saudi kings have reduced the frequency of their personal contacts with the public. Ministers and district governors more readily grant audiences at a majlis.

Typical topics raised in a majlis are complaints about bureaucratic delay or insensitivity, requests for personal redress or assistance, and criticism of particular acts of government affecting family welfare. Broader "political" concerns--social, economic, or foreign policy--rarely are raised. Complaints about royal abuses of power are not entertained. In general, journalists, academics, and businessmen believe that institutionalized avenues of domestic criticism of the regime are closed. Feedback is filtered through private personal channels and has affected various policy issues, including the Middle East peace process, unemployment of young Saudi men, and the construction of new infrastructure.

The Committee for the Defense of Legitimate Rights (CDLR), an opposition group, was established in 1993. The Government acted almost immediately to repress it. In 1994 one of its founding members, Mohammed Al-Masari, fled to the United Kingdom, where he sought political asylum and established an overseas branch of the CDLR. In 1996 internal divisions within the CDLR led to the creation of the rival Islamic Reform Movement (IRM), headed by Sa'ad Al-Faqih. Al-Masari expressed the CDLR's "understanding" of two fatal terrorist bombings of U.S. military facilities in 1995 and 1996 and sympathy for the perpetrators. The IRM implicitly condoned the two terrorist attacks as well, arguing that they were a natural outgrowth of a political system that does not tolerate peaceful dissent. Both groups continue to criticize the Government, using computers and facsimile transmissions to send newsletters back to Saudi Arabia.

Women play no formal role in government and politics and are actively discouraged from doing so. Participation by women in a majlis is restricted, although some women seek redress through female members of the royal family. Two of the 90 members of the Majlis Ash-Shura are Shi'a.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

There are no publicly active human rights groups, and the Government has made it clear that none critical of government policies would be permitted. Both Amnesty International and Human Rights Watch reported that they received no responses to their requests for information or access to the country.

The Government does not permit visits by international human rights groups or independent monitors. The Government disagrees with internationally accepted definitions of human rights and views its interpretation of Islamic law as the only necessary guide to protect human rights. The Government generally ignores or condemns as attacks on Islam citations of Saudi human rights abuses by international monitors or foreign governments. However, in April the Government provided a 51-page treatise on the functioning of its legal system to the U.N. Commission on Human Rights and pledged cooperation with U.N. human rights mechanisms.

#### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

There is legal and systemic discrimination based on sex and religion. The law forbids discrimination based on race, but not nationality. The Government and private organizations cooperate in providing services for the disabled. The Shi'a religious minority suffers social, legal, and sectarian discrimination.

##### **Women**

The Government does not keep statistics on spousal or other forms of violence against women. However, based on the information available regarding physical spousal abuse and violence against women, such violence and abuse appear to be a common problem. Hospital workers report that many women are admitted for treatment of injuries that apparently result from spousal violence. Some foreign women have suffered physical abuse from their Saudi husbands. A Saudi man can prevent his wife and any child or unmarried adult daughter from obtaining an exit visa to depart Saudi Arabia (see Section 2.d.).

Foreign embassies continued to receive many reports that employers abuse foreign women working as domestic servants. Some embassies of countries with large domestic servant populations maintain safehouses to which their citizens may flee to escape work situations that include forced confinement, withholding of food, beating and other physical abuse, and rape. Often the reported abuse is at the hands

of female Saudis. In general, the Government considers such cases family matters and does not intervene unless charges of abuse are brought to its attention. It is almost impossible for foreign women to obtain redress in the courts due to the courts' strict evidentiary rules and the women's own fears of reprisals. Few employers have been punished for such abuses. There are no private support groups or religious associations to assist such women.

By religious law and social custom, women have the right to own property and are entitled to financial support from their husbands or male relatives. However, women have few political or social rights and are not treated as equal members of society. There are no active women's rights groups. Women, including foreigners, legally may not drive motor vehicles and are restricted in their use of public facilities when men are present. Women must enter city buses by separate rear entrances and sit in specially designated sections. Women risk arrest by the Mutawaa'in for riding in a vehicle driven by a male who is not an employee or a close male relative. Women are not admitted to a hospital for medical treatment without the consent of a male relative. By law and custom, women may not undertake domestic or foreign travel alone (see Section 2.d.).

In public a woman is expected to wear an abaya, a black garment covering the entire body, and to also cover her head and face. The Mutawaa'in generally expect women from Arab countries, Asia, and Africa to comply more fully with Saudi customs of dress than they do Western women; nonetheless, in recent years they have instructed Western women to wear the abaya and cover their hair. During the year, Mutawaa'in continued to admonish and harass women to wear their abayas and cover their hair.

Some government officials and ministries still bar accredited female diplomats in Saudi Arabia from official meetings and diplomatic functions.

Women also are subject to discrimination under Islamic law, which stipulates that daughters receive half the inheritance awarded to their brothers. In a Shari'a court, the testimony of one man equals that of two women (see Section 1.e.). Although Islamic law permits polygyny, with up to four wives, it is becoming less common. Islamic law enjoins a man to treat each wife equally. In practice such equality is left to the discretion of the husband. Some women participate in al-Mesyar (or "short daytime visit") marriages, where the women relinquish their legal rights to financial support and nighttime cohabitation. Additionally, the husband is not required to inform his other wives of the marriage, and the children have no inheritance rights. The Government places greater restrictions on women than on men regarding marriage to non-Saudis and non-Muslims (see Section 1.f.).

Women must demonstrate legally specified grounds for divorce, but men may divorce without giving cause. If divorced or widowed, a woman normally may keep her children until they attain a specified age: 7 years for boys, 9 years for girls. Children over these ages are awarded to the divorced husband or the deceased husband's family. Numerous divorced women who are foreigners continued to be prevented by their former husbands from visiting their children after divorce.

Women have access to free, but segregated, education through the university level. They constitute over 58 percent of all university students but are excluded from studying such subjects as engineering, journalism, and architecture. Men may study overseas; women may do so only if accompanied by a spouse or an immediate male relative.

Women make up approximately 5 percent of the formal work force and own about 4 percent of the businesses, although they must deputize a male relative to represent the business. Most employment opportunities for women are in education and health care, with lesser opportunity in business, philanthropy, banking, retail sales, and the media. Many foreign women work as domestic servants and

nurses. In 1997 the Government authorized women to work in a limited capacity in the hotel industry. Women wishing to enter nontraditional fields are subject to discrimination. Women may not accept jobs in rural areas if they are required to live apart from their families. Most workplaces where women are present are segregated by sex. Contact with male supervisors or clients is allowed by telephone or facsimile machine. In 1995 the Ministry of Commerce announced that women would no longer be issued business licenses for work in fields that might require them to supervise foreign workers, interact with male clients, or deal on a regular basis with government officials. However, in hospital settings and in the oil industry, women and men work together, and in some instances women supervise male employees.

## **Children**

The Government provides all children with free education and medical care. Children are not subject to the strict social segregation faced by women, although they are segregated by sex in schools starting at the age of 7. In more general social situations, boys are segregated at the age of 12 and girls at the onset of puberty.

It is difficult to gauge the prevalence of child abuse, since the Government currently keeps no national statistics on such cases. In September leading academics and medical professionals called for the establishment of a National Committee on Prevention and Management of Child Abuse and Neglect. A major hospital has begun a program to detect, report, and prevent child abuse. Another hospital reported 13 serious cases in a 1-year period ending in June 1997. In general, Saudi culture greatly prizes children and initial studies show that severe abuse and neglect of children appears to be rare.

## **People With Disabilities**

The provision of government social services increasingly has brought the disabled into the public domain. The media carry features lauding the public accomplishments of disabled persons and sharply criticizing parents who neglect disabled children. The Government and private charitable organizations cooperate in education, employment, and other services for the disabled. The law provides hiring quotas for the disabled. There is no legislation that mandates public accessibility; however, newer commercial buildings often include such access.

## **Religious Minorities**

Shi'a citizens are discriminated against in government and employment, especially in national security jobs. Several years ago the Government subjected Shi'a to employment restrictions in the oil industry and has not relaxed them. Since the 1979 Iranian revolution, some Shi'a suspected of subversion have been subjected periodically to surveillance and limitations on travel abroad. Since beginning the investigation of the 1996 bombing of a U.S. military installation, authorities have detained, interrogated, and confiscated the passports of a number of Shi'a Muslims, including Shi'a returning to Saudi Arabia following travel to Iran (see Sections 1.d. and 2.d.).

In November several Mutawaa'in attacked and killed an elderly Shi'a prayer leader in Hofuf for repeating the call to prayer twice (a traditional Shi'a practice). The Government reportedly is investigating the incident (see Sections 1.a. and 2.c.).

## **National/Racial/Ethnic Minorities**

Although racial discrimination is illegal, there is substantial societal prejudice based on ethnic or

national origin. Foreign workers from Africa and Asia are subject to various forms of formal and informal discrimination and have the most difficulty in obtaining justice for their grievances. For example, pay scales for identical or similar labor or professional services are set by nationality such that two similarly qualified and experienced foreign nationals performing the same employment duties receive different compensation based on their nationalities (see Section 6.b.).

## **Section 6 Worker Rights**

### **a. The Right of Association**

Government decrees prohibit the establishment of labor unions and any strike activity.

In 1995 Saudi Arabia was suspended from the U.S. Overseas Private Investment Corporation (OPIC) insurance programs because of the Government's lack of compliance with internationally recognized worker rights standards.

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

Collective bargaining is forbidden. Foreign workers comprise about two-thirds of the work force. There is no minimum wage; wages are set by employers and vary according to the type of work performed and the nationality of the worker (see Section 5).

There are no export processing zones.

### **c. Prohibition of Forced or Compulsory Labor**

The Government prohibits forced or compulsory labor pursuant to a 1962 royal decree that abolished slavery. Ratification of the International Labor Organization (ILO) Conventions 29 and 105, which prohibit forced labor, gives them the force of law. However, employers have significant control over the movements of foreign employees, giving rise to situations that sometimes involve forced labor, especially in remote areas where workers are unable to leave their place of work.

Some sponsors prevented foreign workers from obtaining exit visas to pressure them to sign a new work contract or to drop claims against their employers for unpaid salary (see section 2.d.). In another pressure tactic, some sponsors refused to provide foreign workers with a "letter of no objection" that would allow them to be employed by another sponsor.

The labor laws do not protect domestic servants. There were credible reports that female domestic servants sometimes were forced to work 12 to 16 hours a day, 7 days a week. There were numerous confirmed reports of runaway maids (see Section 5). The authorities often returned runaway maids to their employers against the maids' wishes.

There have been many reports of workers whose employers refused to pay several months, or even years, of accumulated salary or other promised benefits. Nondomestic workers with such grievances have the right to complain before the labor courts, but few do so because of fear of deportation. The labor system is conducive to the exploitation of foreign workers because enforcement of work contracts is difficult and generally favors employers. Labor courts, while generally fair, may take many months to reach a final appellate ruling, during which time the employer can prevent the foreign laborer from leaving the country. An employer also may delay a case until a worker's funds are exhausted and the worker is forced to return to his home country.

The law does not specifically prohibit forced or bonded labor by children. Nonetheless, with the rare exception of criminal begging rings, and the possible exceptions of family businesses, forced or bonded child labor does not occur (see Section 6.d.). In 1997 the Government actively sought to eradicate forced child begging. According to reports, criminal rings consisting almost exclusively of foreigners bought and imported South Asian children, including disabled children. Ring organizers systematically forced the children to beg in the streets and then confiscated all money that the children gained. The authorities arrested some ring organizers and returned at least 76 children to their own countries.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 13 years of age, which may be waived by the Ministry of Labor with the consent of the juvenile's guardian. There is no minimum age for workers employed in family oriented businesses or in other areas that are construed as extensions of the household, such as farmers, herdsman, and domestic servants. The law does not specifically prohibit forced or bonded labor by children, but it is not a problem, with the rare exception of forced child begging rings, and possibly, family businesses (see Section 6.c.).

Children under the age of 18 and women may not be employed in hazardous or harmful industries, such as mining or industries employing power-operated machinery. While there is no formal government entity charged with enforcing the minimum age for employment of children, the Ministry of Justice has jurisdiction and has acted as plaintiff in the few cases that have arisen against alleged violators. In general, however, children play a minimal role in the work force.

#### e. Acceptable Conditions of Work

There is no legal minimum wage. Labor regulations establish a 48-hour workweek at regular pay and allow employers to require up to 12 additional hours of overtime at time-and-a-half pay. Labor law provides for a 24-hour rest period, normally on Fridays, although the employer may grant it on another day. The average wage generally provides a decent standard of living for a worker and family.

The ILO has stated that the Government has not formulated legislation implementing the ILO Convention on Equal Pay and that regulations that segregate work places by sex or limit vocational programs for women violate ILO Convention 111.

Some foreign nationals who have been recruited abroad have complained that after arrival in Saudi Arabia they were presented with work contracts specifying lower wages and fewer benefits than originally promised. Other foreign workers reportedly have signed contracts in their home countries and later were pressured to sign less favorable contracts upon arrival. Some employees report that at the end of their contract service, their employers refuse to grant permission to allow them to return home. Foreign employees involved in disputes with their employers may find their freedom of movement restricted (see Section 2.d.). Some female domestic servants often were subjected to abuse (see Sections 5 and 6.c.).

Saudiization is the Government's attempt to decrease the number of foreigners working in certain occupations and to replace them with Saudi workers. To this end, the Government has taken several long-term steps, most notably limiting employment in certain fields to Saudis, prohibiting renewal of existing contracts, and requiring that 5 percent of the work force in private sector companies be filled by Saudi workers. The Government also requires firms to increase the proportion of Saudi workers by 5 percent each year. There is a limited number of persons, both influential and otherwise, who attempted to circumvent the requirements of the law. For example, employers have altered job descriptions or hired

foreigners for nominally low-level positions but in fact had them fill Saudi positions. Influential persons effectively may circumvent the law because the Ministry of Labor is simply unwilling to confront them.

The ongoing campaign to remove illegal immigrants from the country has done little to Saudiize the economy because illegal immigrants largely work in low-income positions, which most Saudis consider unsuitable. However, the campaign did improve overall working conditions for legally employed immigrants in low-income positions. The Government is carrying out the campaign by widely publishing its enforcement of existing laws against illegal immigrants and Saudis employing or sponsoring illegal immigrants. In addition to deportation for illegal workers and jail terms and fines for Saudis hiring illegal workers, the Government in September announced that houses rented to illegal aliens would be ordered closed. In 1997 the Government offered an amnesty of several months duration, which allowed illegal immigrants and their employers or sponsor to avoid the possibility of prosecution by voluntarily seeking expeditious repatriation. As many as 750,000 persons departed the country under terms of the amnesty or were deported for violating residence and labor laws in 1997 and 1998. During this process, the Government bowed to domestic pressure and granted grace periods and exemptions to certain categories of illegal immigrants (such as servants, drivers, and shepherds), thereby allowing many illegal immigrants to legalize their status without leaving the country. The effect of the expeditious repatriation of some illegal immigrants and the legalization of others has been to improve overall working conditions for legally employed expatriates. Illegal immigrants are generally willing to accept lower salaries and fewer benefits than legally employed immigrants. Their departure or legalization reduced the competition for certain jobs and thereby reduced the incentive for legal immigrants to accept lower wages and fewer benefits as a means of competing with illegal immigrants. Furthermore, the departure or legalization removed a large portion of the class of persons most vulnerable to abuse and exploitation because of their illegal status.

Labor regulations require employers to protect most workers from job-related hazards and disease. Foreign nationals report frequent failures to enforce health and safety standards. Farmers, herdsman, domestic servants, and workers in family operated businesses are not covered by these regulations. Workers risk losing employment if they remove themselves from hazardous work conditions.

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