

SAUDI ARABIA

CERD A/58/18 (2003)

201. The Committee considered the initial and second reports of Saudi Arabia, submitted as one document (CERD/C/370/Add.1), and the third periodic report (CERD/C/439/Add.1), at its 1558th and 1559th meetings (CERD/C/SR.1558 and 1559), held on 5 and 6 March 2003, and adopted the following concluding observations at its 1580th meeting (CERD/C/SR.1580), held on 20 March 2003.

A. Introduction

202. The Committee welcomes the reports submitted by the State party, including the additional answers provided in writing, and is encouraged by the attendance of a high-ranking delegation. The Committee expresses its appreciation for the dialogue which took place.

203. The Committee notes, however, that the reports submitted are not entirely consistent with its guidelines. While they provide information on relevant laws and regulations and the court system, no information was provided in the reports, or in the core document, on the political structure of the country and the demographic characteristics of the population. Moreover, there is insufficient information in the reports on how the Convention is applied in practice, and on what factors and difficulties affect its full implementation.

B. Positive aspects

204. The Committee notes the reforms in the field of human rights which the State party has embarked upon. It notes, inter alia, the enactment of new codes of judicial procedure, criminal procedure and on the legal profession; the establishment of a standing committee to investigate complaints of torture; and the recent national programme to eliminate poverty. The Committee further notes that the State party will shortly authorize the establishment of the first human rights non-governmental organization (NGO) in Saudi Arabia, and looks forward to information on this positive development in its next report.

205. The Committee welcomes the dialogue and cooperation of the State party with the United Nations human rights mechanisms, including the Special Rapporteur on the independence of judges and lawyers, as well as with international human rights NGOs.

206. The Committee welcomes the recent initiative to include non-Saudis in a health insurance system. The Committee has also noted with satisfaction that measures have been taken to put an end to the practice of employers retaining the passports of their foreign employees, in particular domestic workers. It also notes the high number of schools that have been authorized to offer programmes for the education of children of migrant workers that have been designed in their country of origin.

207. The Committee notes with satisfaction the State party's ratification on 28 February 2003 of the

amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

208. The Committee welcomes information that the State party will soon accede to the international Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

C. Concerns and recommendations

209. The broad and imprecise nature of the State party's general reservation raises concern as to its compatibility with the object and purpose of the Convention. The Committee encourages the State party to review the reservation with a view to formally withdrawing it.

210. While noting that the Basic Law, and provisions of Royal Decrees, regulations and codes, as well as the Islamic Shariah, guarantee equality, the Committee is of the opinion that the mere statement of the general principle of non-discrimination in these laws is not a sufficient response to the requirements of the Convention. The Committee recommends that the State party adopt legislation that meets the requirements of articles 2, 3 and 4 of the Convention. In this connection, the Committee draws attention to its general recommendations I, II, VII and XV, and emphasizes the preventive value of legislation expressly prohibiting racial discrimination and racist propaganda.

211. Moreover, the Committee emphasizes that guarantees of non-discrimination laid down in law, without mechanisms to monitor their application, do not on their own ensure the enjoyment of non-discrimination. It requests the State party to provide information in subsequent reports on the practical implementation and monitoring of articles 4, 5 and 6 of the Convention, including on mechanisms for receiving complaints, conducting investigations and prosecutions, and implementing consequent decisions.

212. The Committee notes that insufficient information has been provided on efforts to promote racial tolerance within the State party, such as in school curricula and public information campaigns. The Committee recommends that the State party provide this information in its next report.

213. The Committee recommends that the State party institute training programmes on human rights and understanding among ethnic groups for law enforcement officials, including policemen, military and prison staff, and members of the judiciary.

214. The Committee, noting the information provided concerning the acquisition of nationality under the Nationality Regulations, is nevertheless concerned that a Saudi woman is unable to transmit her nationality to her child when she is married to a foreign national, and that a foreign man is unable to acquire Saudi nationality in the same manner as a foreign woman. The Committee requests the State party to consider the possibility of modifying these provisions in order to conform to article 5 (d) (iii) of the Convention.

215. The Committee is concerned about reports that persons of some racial or ethnic origins are unable to manifest their religious beliefs in the State party. The Committee wishes to receive further information on this issue.

216. Noting that the law guarantees equal status to all workers, Saudi and non-Saudi, the Committee wishes to obtain further information on the practical implementation of this principle, particularly given the high proportion of migrant workers in Saudi Arabia (60 per cent of the workforce in Saudi Arabia are migrant workers).

217. The Committee is concerned about allegations of substantial prejudice against migrant workers, in particular those coming from Asia and Africa. The Committee invites the State party to report on the situation, in particular, of women domestic workers and draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination.

218. The Committee is concerned at allegations that a disproportionate number of foreigners are facing the death penalty. The Committee encourages the State party to cooperate fully with the Special Rapporteur on extrajudicial, summary and arbitrary executions who has requested information on several cases of migrant workers who have not received legal assistance and have been sentenced to death.

219. The Committee would appreciate more information on the announced "Saudization Plan", in particular on the implications of the plan for migrant workers.

220. The Committee requests the State party to include in its next periodic report statistics, disaggregated by migrants' national origin, which would provide a better understanding of the economic and social standing of non-citizens in Saudi Arabia.

221. The Committee is concerned about the situation of Iraqi refugees who have lived in the Rafha refugee camp for more than 12 years under very difficult circumstances. The Committee hopes that the State party will find a solution to this problem in the near future.

222. The Committee requests the State party to include in its next periodic report information on progress made in establishing a national human rights institution, and further details of the intended membership, mandate and status of that institution. In this connection, it draws the attention of the State party to the Paris Principles annexed to General Assembly resolution 48/134.

223. The State party is invited to include in its next periodic report specific information on the political structure and composition of the population, including its ethnic and demographic characteristics.

224. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and

Programme of Action at the national level.

225. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention and urges the State party to consider the possibility of making such a declaration.

226. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

227. The Committee recommends that the State party submit its fourth periodic report jointly with its fifth periodic report, due on 22 October 2006, and that it address all points raised in the present concluding observations.