

THE HUMAN RIGHTS SITUATION IN SAUDI ARABIA: ANALYSIS AGAINST THE “OBJECTIVE CRITERIA”

The “[objective criteria](#)” list the following objective criteria to initiate Council action:

- **whether there has been a call for action by the UN Secretary General, the High Commissioner for Human Rights or a relevant UN organ, body or agency;**

The High Commissioner Bachelet’s opening statements at the [39th](#), [40th](#) and [41st](#) sessions at the HRC, denounced the crackdown on human rights defenders (HRDs) in Saudi Arabia, and in particular the torture of women human rights defenders (WHRDs), called on the Saudi authorities to release all individuals detained for exercising their fundamental freedoms and condemned the mass execution of 37 individuals in April 2019. Also, on [31 July 2018](#), the High commissioner raised his concern about the arbitrary detention of HRDs and urged the government to release them. Following the disappearance and extra judicial killing of journalist Jamal Khashoggi, the UN Secretary General [stressed](#) the need for full accountability for those responsible. The High Commissioner also released statements on [16 October](#) and [30 October](#) highlighting her call for a transparent investigation and [regretted](#) the dismissal by Saudi Arabia of the [report](#) by the Special Rapporteur on extrajudicial, summary or arbitrary executions.

- **Whether a group of Special Procedures have recommended that the Council consider action;**

In response to the killing of journalist Jamal Khashoggi, David Kaye, the UN Special Rapporteur on freedom of expression, and Dr. Agnès Callamard, the UN Special Rapporteur on summary executions, [called for](#) “an independent investigation that could produce credible findings and provide the basis for clear punitive actions”. Dr. Callamard’s investigation [found](#) that Saudi Arabia is responsible for the killing of Khashoggi called on the Council to take immediate action. In statements released on 27 June 2018 and 29 October 2018, UN experts urged the Saudi Arabia government to immediately [release](#) a number of WHRDs arrested in a nationwide crackdown by the authorities and urged Saudi government to immediately halt the [execution](#) of six individuals sentenced to death for alleged crimes committed when they were under the age of 18.

- **Whether the State concerned has a national human rights institution with A-status; [and whether that institution has drawn the attention of the international community to an emerging situation and called for action];** N/A

- **whether the State concerned has been willing to recognise that it faces particular human rights challenges and has laid down a set of credible actions, including a time-table and benchmarks to measure progress, to respond to the situation;**

In June 2016, the Committee against Torture [commended](#) the Kingdom on the ongoing reform of the penal laws but expressed concern at the numerous reports that torture and other ill-treatment are commonly practised in prisons and detention centres. Also, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism during his country visit to the Kingdom in 2017, [cited](#) the use of torture to get confessions from

suspects during investigations. Yet despite the numerous recommendations by UN human rights mechanisms, the Saudi government continues to [deny](#) the use of torture in the Kingdom despite recent allegations of torture of women human rights defenders. So far there has been no investigation into these allegations of torture.

- **Whether the State concerned is engaging in a meaningful, constructive way with the Council on the situation;**

Since 2010, Saudi Arabia has been cited in seven of the Secretary Generals' [annual reports](#) on intimidation and reprisals for cooperating with the UN in the field of human rights. Defenders who have engaged with or seeking to engage with the UN have faced travel bans, threats, intimidation, judicial harassment as well as being held in incommunicado detention and handed lengthy prison sentences after unfair trials. Saudi Arabia [rejected](#) the report of the Special Rapporteur on extrajudicial, summary or arbitrary killing of her investigation into the killing of Khashoggi and refused to cooperate with her mandate.

- **Whether the State concerned is effectively cooperating with HRC Special Procedures, including by allowing country visits.**

Saudi Arabia has a poor record of cooperation with UN special procedures. Only 4 out of 17 visit requests [have been completed](#). More specifically, Saudi Arabia has failed to respond to visit requests by the Special Rapporteurs on freedom of assembly, and freedom of expression; a request by the Special Rapporteur for human rights defenders which the country accepted in 2015 has not taken place to date; and the country has made no standing [invitations](#) to UN Special Procedures.

- **whether the State concerned is engaging with OHCHR, including in the field of technical assistance and effective engagement with the UN Human Rights Treaty Bodies;**

There is no OHCHR office in Saudi Arabia. Saudi Arabia does not have any outstanding reports to treaty bodies as of 9 July 2019.

- **Whether a relevant regional mechanism or institution has identified a situation as requiring the attention of the international community; or whether the State concerned is cooperating with relevant regional organisations; - N/A**

- **whether the State is facilitating or obstructing access and work on the part of humanitarian actors, human rights defenders and the media.**

Since May 2018, Saudi authorities launched a spate of [arbitrary arrests](#) and detention in a nationwide crackdown against prominent women human rights defenders. The Kingdom's 2015 Law of Associations has been used to hinder the registration and operation of independent civil society organisations. Furthermore, Saudi Arabia's use of counter-terrorism measures and broad definition of 'terrorism' has been used to restrict freedom of expression, association and peaceful assembly. The Specialised Criminal Court which was set up in 2008 to address cases of terrorism and national security has been used to target HRDs. The former Special Rapporteur on human rights and counter-terrorism [urged](#) Saudi to stop using counter-terrorism laws against defenders.