



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1114th MEETING (Chamber A)

Held at the Palais Wilson, Geneva,
on Tuesday, 24 January 2006, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Saudi Arabia (continued) (CRC/C/136/Add.1;
CRC/C/SAU/Q/2 and Add.1)

1. At the invitation of the Chairperson, Mr. Al-Abdul Karim, Mr. Al-Ajaji, Ms. Al-Angari, Mr. Al-Aqil, Mr. Al-Hadlaq, Mr. Al-Harbi, Mr. Al-Hogail, Prince Torki bin Mohammed bin Saud Al-Kabeer, Mr. Al-Khayal, Mr. Al-Muheiza, Mr. Al-Rassi, Mr. Al-Shaddi, Ms. Al-Shiha, Mr. Al-Salihi, Mr. Al-Sheikh, Mr. Aqil, Mr. Attar and Mr. Rashwan (Saudi Arabia) resumed their places at the Committee table.
2. Mr. KOTRANE said that he had heard that in Saudi Arabia it was common for parents to leave their children in the care of paid servants. He asked what had been done to raise parents' awareness of their crucial role in their children's upbringing.
3. He wished to know the number of foreign children residing in Saudi Arabia and asked whether they had equal access to education and health care. The report shed little light on the situation of refugee children. Additional information was required on the exploitation of foreign child labour and measures taken to protect the fundamental rights of child domestic workers.
4. He asked whether the State party planned to raise the minimum age of criminal responsibility from 7, and whether cases involving juvenile offenders were handled by specially trained judges at all stages of the proceedings.
5. The delegation should indicate which body was responsible for monitoring follow-up to the Committee's recommendations.
6. Mr. AL-AQIL (Saudi Arabia) said that, under Saudi Arabian legislation, women could confer their nationality on their children if the father was foreign. Girl children had the right to obtain identity cards at their parents' request. The issuance of identity cards for girls was optional and required the father's authorization.
7. Mr. AL-HARBI (Saudi Arabia) said that the age of criminal responsibility had been raised to 12. The Social Protection Department attached to the Ministry of Social Affairs was responsible for protecting women and children who had been subjected to ill-treatment and violence. Thirteen social protection committees had been set up at the county level to receive and investigate complaints of abuse and to take remedial measures. A child helpline offered legal advice and counselling services.
8. The National Charitable Fund provided financial support to needy families, including immigrant families. Education and health care for immigrant children were free of charge. Children of unknown parentage were placed in orphanages or foster families, which received financial assistance from the State. Foreign-born orphans were entitled to identity cards and enjoyed the same rights as Saudi Arabian nationals.

9. Reform homes were not places of detention; rather they offered rehabilitative care with a view to ensuring children's social reintegration. Placement in reformatories required the consent of the parent or legal guardian; it could also occur at the express request of the family, even if the child had not committed an offence. However, efforts were being made to ensure that children were not deprived of a family environment; institutional placement was used as a last resort.
10. Disaggregated data on various types of disabilities could be placed at the Committee's disposal.
11. Ms. OUEDRAOGO asked why families sent their children to reform homes and what measures were being taken to reintegrate such children into family life. The delegation should clarify what was meant by "children of unknown parentage".
12. Mr. AL-HARBI (Saudi Arabia) said that the term "children of unknown parentage" referred mainly to orphans.
13. Mr. AL-MUHEIZA (Saudi Arabia) said that the international instruments to which Saudi Arabia was a party were automatically incorporated into domestic law. Consequently, the Convention on the Rights of the Child had the same legal status as domestic legislation and could be directly invoked in domestic court proceedings. Saudi Arabia was currently preparing to accede to the two optional protocols to the Convention.
14. Mr. AL-RASSI (Saudi Arabia) said that Saudi Arabia had been among the first countries to sign the Arab Charter on Human Rights and had actively participated in formulating the recent amendments to that instrument.
15. The National Human Rights Association was an independent body established in 2004 in accordance with the Principles relating to the Status of National Institutions (The Paris Principles). Details on the Association's mandate could be found in the written replies (CRC/C/SAU/Q/2/Add.1). Measures had been taken to facilitate the establishment of a governmental human rights institution.
16. The Government was making great efforts to raise public awareness of human rights, including children's rights. Human rights-related issues had been incorporated in the curricula of military schools, universities and secondary schools.
17. The CHAIRPERSON asked whether the Family Committee was responsible for matters pertaining to children. He requested additional information on the National Human Rights Association's complaints procedure.
18. Mr. AL-RASSI (Saudi Arabia) said that the National Human Rights Association did not specifically address child-related issues. Rather, it dealt with all aspects of human rights.
19. The Ministry of Education was responsible for disseminating the Convention on the Rights of the Child in schools. Measures to promote the Convention in schools included the distribution of brochures and wall posters.

20. Mr. AL-HARBI (Saudi Arabia) said that channels for reporting child abuse included hospitals, school counselling services and a special child-abuse hotline. Reporting child abuse was mandatory. All such reports were investigated and special protection measures were taken when appropriate.

21. Mr. AL-AQIL (Saudi Arabia) said that a final judgement was pending in the case of a 3-year-old girl of Egyptian nationality who had been murdered by a 14-year-old Egyptian boy. It was therefore premature to conclude that capital punishment would be imposed.

22. Mr. KOTRANE enquired whether, in principle, capital punishment could be imposed on a person who had been under 18 years of age at the time the crime had been committed.

23. Mr. AL-RASSI (Saudi Arabia) said that under Saudi Arabian legislation it was impermissible to impose a death sentence on a person for a crime he or she had committed before reaching the age of majority. It was up to the judge, to decide whether or not the perpetrator had attained the age of majority.

24. Mr. KOTRANE asked whether, under certain circumstances, an individual who had been under the age of 18 when the crime had been committed might be tried as an adult.

25. Prince Torki bin Mohammed bin Saud AL-KABEER (Saudi Arabia) said that a special committee of experts in sharia and international law had been established to consider whether the age of majority should be set at 18. The committee's findings would be communicated in due course.

26. Mr. AL-SALIHI (Saudi Arabia) said that primary health-care services were free of charge. In order to ensure the broadest coverage possible, mobile health units travelled to remote rural areas.

27. Steps had been taken to reverse a declining trend in breastfeeding. A royal decree on the marketing of breast-milk substitutes had been issued. Hospitals encouraged breastfeeding, and breastfeeding-awareness programmes were offered as primary health-care services. Female workers in the public and private sectors were entitled to leave work every day for one hour in order to breastfeed their babies. Statistics indicated that 94 per cent of women breastfed their babies during the first four months.

28. Ms. AL-THANI asked whether those statistics referred to exclusive breastfeeding and whether statistics were available on breastfeeding in Saudi Arabia during the first six months.

29. Mr. AL-SALIHI (Saudi Arabia) said that statistics for the first six months were not currently available. Approximately 15 per cent of children in Saudi Arabia were obese. Steps were being taken to inform parents and children about nutrition and to improve the quality of food provided in schools. The results of malnutrition studies would be provided in Saudi Arabia's next periodic report.

30. Health services for adolescents were offered in hospitals and other medical institutions throughout Saudi Arabia. Efforts were currently under way to train doctors in adolescent psychology and psychiatry. Once considered a taboo, psychological counselling for families was now being encouraged.

31. According to the Ministry of Health, in 2004 there were 1,919 cases of HIV/AIDS. Saudi Arabians accounted for some 22 per cent of those cases. Of the children infected with HIV/AIDS, 67 per cent were boys and 33 per cent were girls. The Ministry of Health had set up three HIV/AIDS referral centres that provided diagnostic and preventive services. The media had been used to discourage discrimination against AIDS patients and persons infected with HIV.
32. There had been no reported cases of female genital mutilation, which was prohibited by law in Saudi Arabia. Persons who engaged in that practice would be punished and expelled from the country.
33. Mr. AL-HADLAQ (Saudi Arabia) said that, according to new labour legislation enacted in September 2005, the minimum age for employment was 18. Children could begin working at the age of 15, depending on their capacity to work, the work environment and the type of work involved. Saudi Arabia and the International Labour Organization (ILO) were currently discussing certain provisions of ILO Convention No. 138 concerning Minimum Age for Admission to Employment, which Saudi Arabia had not yet ratified. Saudi Arabia had been one of the first States to ratify ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. A royal decree had been issued to prohibit children under the age of 18 from working as camel jockeys, and monitoring committees had been established to ensure that the decree was observed.
34. The Yemeni/Saudi Coordination Council had recommended that a committee should be established by the relevant ministries of Yemen and Saudi Arabia to study the question of Yemeni children who came to Saudi Arabia as beggars. The United Nations Children's Fund (UNICEF) and the Governments of Yemen and Saudi Arabia had held discussions on the subject.
35. Ms. AL-ANGARI (Saudi Arabia) said that maternity leave with full pay had been increased from two months to three months. Following maternity leave, mothers were entitled to take three years' leave without pay to care for their children at home.
36. Ms. ORTIZ asked whether there was any legislation that enabled organizations to establish the identity of parents of abandoned children. She wished to know whether there were any regulations to protect the rights of domestic workers under the age of 18. The delegation should indicate what type of employment contract such workers held, and what body was responsible for ensuring that age requirements were met.
37. The CHAIRPERSON wished to know what institution placed children who had been separated from their parents under the guardianship of the State. He asked whether that institution could decide to transfer a child from one institution to another.
38. Mr. AL-SALIHI (Saudi Arabia) said that DNA testing was used to identify the parents of abandoned children. If the parents were found, the children were returned to them; if not, children were placed in an institution or with a foster family. A department of the Ministry of Social Affairs was responsible for placing children in institutions or foster care.

39. Mr. AL-HADLAQ (Saudi Arabia) said that when a child was found, the police must attempt to identify the child's parents. A department in the Ministry of Social Affairs was responsible for assigning the child a name, and the Ministry of the Interior issued the child an identification card.
40. Mr. AL-SALIHI (Saudi Arabia) said that all domestic workers in Saudi Arabia were foreigners and worked under special contracts. No domestic worker could be under the age of 35.
41. Mr. AL-ABDUL KARIM (Saudi Arabia) said that basic education was free for all children in Saudi Arabia, whether or not they were Saudi citizens or foreigners. Schools provided free textbooks and medical care. Measures had been taken to provide education to Bedouin children, including the establishment of fully staffed - often temporary - schools for as few as 15 Bedouin children, and financial incentives to encourage school attendance.
42. Education was compulsory for children between the ages of 6 and 15. Many schools operated a programme that enabled children with disabilities to attend mainstream schools. There were no religious schools as such in Saudi Arabia; however, certain public schools, which followed the national academic curriculum, offered classes in religion.
43. A number of measures were being taken to address the problem of school dropouts. Children who were in danger of dropping out were given counselling either at school or at special guidance centres. Students who preferred not to follow an academic curriculum could attend vocational training centres. In order to prevent primary school dropouts, a monitoring system had been set up to evaluate pupils regularly throughout the primary grades.
44. Although the vast majority of Saudi Arabian citizens were Muslim, parents were free to teach their children other religions.
45. Corporal punishment was prohibited, and teachers were required to sign an agreement in which they acknowledged that prohibition. Teachers who used corporal punishment were subject to disciplinary measures, which ranged from payment of a fine to dismissal.
46. Mr. AL-SHADDI (Saudi Arabia) said that, when the Ministry of Education had been established in 1952, the illiteracy rate had been 88 per cent; currently, only 15 per cent of the population was illiterate. The Government's commitment to education was demonstrated by the fact that schools had been established throughout Saudi Arabia, even in remote areas. He pointed out that, out of a total of 3,200 schools, 1,200 had as few as 30 students.
47. The CHAIRPERSON said that in 2004 more girls had completed primary education than boys.
48. Mr. AL-HARBI (Saudi Arabia) said that a special department with responsibility for immigrant workers had been established in the Ministry of Labour. The employment of adolescents in hard physical labour or in work that was deemed to be dangerous or hazardous to their health, was prohibited by law.

49. Mr. KRAPPMANN wished to know whether human rights education had been included in school curricula. He requested information about opportunities for vocational training and about poor attendance and enrolment in intermediate and secondary schools.

50. Mr. AL-SHADDI (Saudi Arabia) said that the Government was currently considering the introduction of human rights education in school curricula. The Government was taking measures to ensure access to vocational training; a number of technical and vocational training establishments already existed.

51. Prince Turki bin Mohammed bin Saud AL-KABEER (Saudi Arabia) said that Saudi Arabia attached great importance to vocational training and that efforts were being made to reform the curricula of vocational training establishments.

52. Mr. ATTAR (Saudi Arabia) said that participation in vocational training was more widespread than had been indicated in the report, since the statistics on the number of young people enrolled in vocational training programmes did not include training programmes in factories and large companies. Many students who dropped out of secondary education did so in order to undertake vocational training.

53. Prince Turki bin Mohammed bin Saud AL-KABEER (Saudi Arabia) said that the State was trying to work with the private sector to guarantee access to vocational training. Many private companies offered vocational training in their own specialized fields.

54. The CHAIRPERSON requested additional information about pre-primary education in Saudi Arabia.

55. Ms. AL-SHIHA (Saudi Arabia) said that, although Saudi Arabia had initially chosen to focus its efforts on primary-level education, pre-primary education had recently attracted greater attention. The Ministry of Education had drawn on a number of United Nations early childhood development programmes and had established a national programme to facilitate children's learning and development through the use of toys and games. Five training institutes had been established to train nursery teachers. Awareness-raising campaigns were conducted for professionals and parents. The State encouraged food manufacturers to include a message on product packages stating that pre-primary education was beneficial for children's development. A programme had been developed with a view to helping mothers to educate their pre-school children in the home.

56. The CHAIRPERSON asked whether victims of child abuse and neglect were always cared for in institutions. He wished to know more about measures to prevent child abuse under the National Plan of Action for Children.

57. Mr. KOTRANE asked whether the Convention on the Rights of the Child took precedence over domestic law. He wished to know whether children who committed criminal offences were tried in children's courts and whether there were restrictions on the nature or severity of the punishments that judges could hand down to children. He also wished to know whether there was a minimum age for marriage.

58. The CHAIRPERSON asked for clarification of the situation of children cared for under the kafalah system. The delegation should clarify the difference between social surveillance centres and social guidance centres, and explain how family break-up could be a valid reason for detention. He noted that the Committee had been provided with little information about the incidence of drug abuse among young people in Saudi Arabia. The delegation should explain the 60-per-cent increase, between 2002 and 2004, in the detention rate for girls under the age of 18.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

59. Mr. AL-SHADDI (Saudi Arabia) said that Saudi Arabia had held a number of workshops with a view to formulating a child protection regime, and a new law on child protection would most likely be adopted within the next few months. A major programme to prevent child abuse had been included in the National Plan of Action for Children, which covered the period 2005-2015.

60. Ms. ORTIZ asked whether there was any difference between foster care and kafalah.

61. Mr. AL-HARBI (Saudi Arabia) said that there was no difference between a child cared for under the kafalah system and a foster child. A Government department was responsible for ensuring that such children were well cared for by foster families. Social surveillance centres were for juveniles who had committed offences, whereas social guidance centres were for children who had not been involved in criminal offences but who had been placed there at the request of their parents, owing to such circumstances as divorce or the death, imprisonment or severe illness of a parent.

62. National legislation that was not in conformity with the Convention on the Rights of the Child had been amended, since the Convention took precedence over domestic law. There had never been any difficulty in ensuring respect for the Convention, and its provisions could be invoked in court.

63. Mr. AL-HADLAQ (Saudi Arabia) said that every town had rehabilitation centres for juveniles. When children were arrested, they were not placed in detention centres but were sent to rehabilitation centres, where their cases were examined by special investigators. A social worker was present at the investigation. Punishment consisted of a disciplinary measure commensurate with the offence and could involve keeping the child at the centre. The offence was not mentioned in the child's personal records, nor was it recorded that the child had been referred to a juvenile centre. Pardons or amnesties could be issued in specific cases and in keeping with the best interests of the child. The parent could decide to leave the child in the rehabilitation centre to complete the school year.

64. With regard to child abuse, he said that the investigator could decide not to allow the child to return home if there was a danger of further abuse. In such cases, the child was often placed with a relative until the case was referred to a court, which decided whether the child should return to his or her parents or be placed in a special school or with another family member.

65. The CHAIRPERSON said that the Committee had been informed that over 10,000 Saudi Arabian juveniles under 18, and over 2,000 foreign children, were being held in detention centres. According to some reports, flogging of juveniles continued to take place. He wondered whether the reason for such a large number of juveniles in detention centres was that 16- and 17-year-olds were not treated as children. It appeared that Saudi Arabia did not have many alternatives to detention, such as community service.

66. Mr. AL-HADLAQ (Saudi Arabia) said that the reference to 10,000 juvenile detainees was for the whole year. A minor could be placed in a centre only pursuant to a court decision. The prosecution could not ask the court to place a child in a centre unless the offence was serious. Placement in a centre was a way of rehabilitating the child through education, vocational training or religious instruction, and ensuring that he or she did not repeat the offence in the future.

67. In Saudi Arabia, drug use was not considered to be a crime but an illness. Children with drug problems were placed in facilities not as a punishment but to rehabilitate them. Only drug trafficking was considered to be a crime.

68. Mr. AL-HARBI (Saudi Arabia), referring to rehabilitation centres for girls, said that, even if a case was settled in one day, the girl was registered, which was why the number of detainees seemed to have risen. In most cases, girls who committed minor offences were soon released.

69. Mr. KOTRANE asked whether the law stipulated the maximum period for which a child could be held in pretrial detention.

70. Mr. AL-HARBI (Saudi Arabia) said that, pursuant to article 114 of the Criminal Code, children accused of criminal offences could not be detained for more than six months.

71. Ms. ORTIZ asked whether the press and the media in Saudi Arabia supported Government efforts to bring about changes in values and ensure compliance with the Convention.

72. Prince Torki bin Mohammed bin Saud AL-KABEER (Saudi Arabia) said that his Government sought to provide a genuine picture of Saudi Arabian society with the help of available statistics and data, and it hoped that the press would report the positive results of its efforts. In his view, the media must play an educational and awareness-raising role, and it was important for the press to provide complete and truthful information.

73. The CHAIRPERSON said that the delegation should consider holding a press conference after the Committee issued its concluding observations in order to publicize the Committee's recommendations, highlight the efforts being made in Saudi Arabia on behalf of children, and explain what measures the Government was taking to implement the Convention and address remaining issues.

74. Mr. KOTRANE asked the delegation to comment on Mesyar, or marriages of convenience. Apparently, women who consented to such marriages waived all their rights, and such arrangements were not in the best interests of the child.

75. Prince Torki bin Mohammed bin Saud AL-KABEER (Saudi Arabia) said that marriages of convenience were a private matter in which the State did not interfere. Such marriages were based on legal contracts in which the woman waived most of her rights. However, children born to such marriages had the same legal rights as any other children, including the right to maintenance payments.

76. Mr. AL-HARBI (Saudi Arabia) said that many men and women did not want to declare publicly that they had concluded a marriage convenience.

77. Ms. ORTIZ said that, according to reports, some 10,000 children, chiefly foreigners, had been reduced to begging in the streets in Saudi Arabia. She wished to know what the Government was doing to address that problem.

78. The CHAIRPERSON asked the delegation to comment on begging in holy places.

79. Mr. AL-SHADDI (Saudi Arabia) said that Saudi Arabia cooperated with the countries of origin of children who had entered the country illegally. Joint efforts to help such children to return home had had excellent results.

80. The CHAIRPERSON asked whether Saudi Arabia had a poverty-reduction strategy.

81. Prince Torki bin Mohammed bin Saud AL-KABEER (Saudi Arabia) said that a draft poverty-reduction strategy was in the final stages, and he hoped that it would soon be adopted.

82. Ms. AL-THANI (Country Rapporteur) commended Saudi Arabia's decision to raise the age of criminal responsibility to 12, its efforts to combat child abuse and its initiatives for new school curricula. Progress had been made in providing care for children, and prohibiting corporal punishment in the family and the judicial system. She hoped that the Committee would receive more information on the implementation of the poverty-reduction strategy in the near future. She was pleased that the Government was considering ratification of the two optional protocols to the Convention on the Rights of the Child.

83. Prince Torki bin Mohammed bin Saud AL-KABEER (Saudi Arabia) said that his Government would do its utmost to take the Committee's recommendations and concluding observations into account and would provide information on their implementation in the next report. He would make every effort to carry out the Chairperson's proposal to hold a press conference, since it was important for the media to provide information about his Government's efforts to protect children's rights.

The meeting rose at 6 p.m.