



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Third periodic report submitted by Saudi Arabia under article 19 of the Convention, due in 2024*, **

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* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CAT/C/SAU/QPR/3).



I. Introduction

1. The Kingdom of Saudi Arabia hereby submits its third periodic report under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report was drafted in accordance with the simplified reporting procedure, which was adopted by the Committee against Torture at its thirty-eighth session. On 5 January 2022, in the course of its seventy-second session, the Committee against Torture adopted the list of issues prior to the submission of the third periodic report of Saudi Arabia ([CAT/C/SAU/QPR/3](#)), which contains 29 paragraphs that include a body of questions under the simplified procedure regarding the implementation of the Convention. The present report provides answers to those questions.
2. The report was drafted by the standing committee for the drafting of reports, which was established pursuant to High-level Order No. 13084 dated 27 Rabi' I A.H. 1436 (18 January A.D. 2015). The standing committee is a national mechanism that brings together a number of relevant government bodies¹ and may also seek assistance from other bodies as it deems necessary. It is responsible for preparing the country's reports under human rights treaties, following up on the recommendations issued by treaty bodies, including the Committee against Torture, and undertaking other related duties. It works in partnership with civil society organizations.

II. Replies to the list of issues prior to reporting

Issues identified for follow-up in the previous concluding observations

A. Reply to paragraph 1 of the list of issues

3. Saudi Arabia wishes to point out that it has not recognized the competence of the Committee to receive communications from or on behalf of individuals who claim to be victims of violations, as stipulated in article 11 of the Convention. Saudi Arabia further notes that the article in question states that the Committee may not receive a communication concerning any State party to the Convention that has not made a declaration recognizing the Committee's competence in this regard. For this reason, the reply of Saudi Arabia to paragraph 1 of the list of issues will address only the substantive aspects. It should be noted, furthermore, that Saudi Arabia provides the special procedures of the Human Rights Council with replies to the issues they raise with regard to individual communications.

4. Saudi Arabia has implemented and continues to implement its obligations and voluntary pledges under the human rights treaties to which it is a party and is currently seeking, within the framework of the Saudi Vision 2030, to move from commitment to best practices. The ongoing process of review of national laws resulted in the issuance of the 2018 Juvenile Act under which juveniles who commit a crime that attracts the death penalty are placed in a juvenile care institution for a period of up to 10 years. Moreover, a Royal Order issued in March 2020 suspended the enforcement of the death penalty against persons who, before the Juvenile Act was issued, had been sentenced to death for crimes they committed when under the age of 18. The Order envisaged that the Juvenile Act should be applicable also to such persons. In addition to this, the *ta'zir* penalty of flogging was abolished under Decree No. M/40 issued by the Supreme Court sitting in full session on 24 Jumada II A.H. 1441 (18 February A.D. 2020), which stated that *ta'zir* penalties are to be limited to imprisonment and/or fines or some alternative penalty.

¹ The committee is made up of representatives from the following bodies: the Ministry of Justice, the Ministry of the Interior, the Ministry for Foreign Affairs, the Ministry of Health, the Ministry of Education, the Ministry of Culture, the Ministry of Information, the Ministry of Islamic Affairs, Dawah and Guidance, the Ministry of Human Resources and Social Development, the Public Prosecution Service, the General Authority for Statistics, the Bureau of Experts at the Council of Ministers, the Human Rights Commission and the King Salman Humanitarian Aid and Relief Centre.

5. Saudi Arabia wishes to reaffirm that legitimate peaceful practices are not criminalized but safeguarded under the law as long as they are undertaken in a way that is reasonable and does not prejudice national security, public order, public morals, public health or the rights and freedoms of others, or that does not transgress other restrictions stipulated in international human rights law. Therefore, the allegation that persons have been arrested or imprisoned for exercising their freedom of expression or for defending human rights is completely untrue. No one is arrested or imprisoned unless they are accused or convicted of committing acts that are criminalized under national law, including those prohibited under international human rights law such as provoking national, racial or religious hatred in a way that constitutes an incitement to discrimination, aggression and violence.

6. Courts in Saudi Arabia must abide by the principle of “no crime and no penalty save under law”. In that connection, article 38 of the Basic Law of Governance states: “Penalties are imposed on individuals, there can be no offence and no penalty save with reference to the provisions of sharia or statutory law and penalties can be imposed only for acts committed subsequent to the enactment of a law.” According to article 36 of the Basic Law: “The movement of individuals may not be restricted, nor may they be detained or imprisoned save in accordance with the law.” Article 3 of the Code of Criminal Procedure reads: “No one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law and after being convicted in a trial conducted in accordance with due process of law.” National laws also include other safeguards that uphold the principle of “no crime and no penalty save under law”, including article 40 of the Code of Criminal Procedure, which states: “Anyone who knows that a person is being imprisoned or detained unlawfully, or in a place not intended for imprisonment or detention, must notify the Public Prosecution Service. The competent official from the Service must go immediately to the place where the prisoner or detainee is located, conduct an investigation and order the person’s release if he is being unlawfully imprisoned or detained. The official shall write a report to that effect for submission to the competent authority so that it may launch legal proceedings against the persons responsible.”

7. In February 2021, His Royal Highness Prince Mohammed bin Salman bin Abdulaziz, Crown Prince and Prime Minister, announced a body of specialized legislation aimed at developing the legal environment through the introduction of new laws and the revision of existing ones to preserve rights, consolidate principles of justice and transparency, protect human rights and pursue comprehensive development. This takes the form of a package of legislation which includes the Personal Status Act to regulate family matters, including the rights of spouses and children. It also contains a draft criminal code which will uphold the principle of “no crime and no penalty save under law” as well as rights and safeguards for accused persons and general rules regulating criminal justice. This will serve to improve the consistency of sentencing, to enhance transparency and impartiality, ameliorate the performance of the organs of justice and consolidate oversight procedures and mechanisms, thus curbing the emission of arbitrary sentences. The package of legislation also includes the Civil Transactions Act which regulates legal relationships between individuals and channels for resolving civil disputes, and the Evidence Act which regulates what constitutes legal evidence (see section Q below).

Articles 1 and 4

B. Reply to paragraph 2 of the list of issues

8. The international treaties to which Saudi Arabia is a party are part of national law, and its commitments thereunder impose the same level of legal obligation as national legislation. This is because the legal instrument used to accede to treaties – the Royal Decree – is the same as that used to issue national laws, in line with article 70 of the Basic Law of Governance, which states that “laws, international agreements, treaties and concessions shall be approved and amended by Royal Decree”. Moreover, according to article 11 (1) of the Procedures for Contracting International Treaties, adopted by Decree of the Council of Ministers No. 287 on 14 Sha’ban A.H. 1431 (26 July A.D. 2010), when a treaty comes into force the competent authorities must take the measures necessary to implement it in such a

way as to ensure that Saudi Arabia fulfils all its obligations under that treaty. Article 26 of the Basic Law of Governance stipulates: “The State shall protect human rights in accordance with Islamic sharia”, while article 36 of the Law reads: “The State is to ensure the security of all citizens and residents on its territory. The movement of individuals may not be restricted, nor may they be detained or imprisoned save in accordance with the law.”

9. In the light of the definition of torture contained in article 1 of the Convention, laws in Saudi Arabia prohibit and criminalize that practice in all its forms and manifestations. These laws include the Code of Criminal Procedure, which was promulgated under Royal Decree No. M/2 dated 22 Muharram A.H. 1435 and which stipulates in article 2 that arrested persons may not be subjected to physical or mental harm or to torture or degrading treatment. Article 36 of the Code requires that arrested persons be treated in a manner that preserves their dignity and that they should not be subjected to physical or mental harm. Furthermore, all evidence obtained as a result of torture is to be considered null and void and persons responsible for such violations are to be held accountable under criminal, civil and administrative law. These provisions are enshrined not only in the Code of Criminal Procedure but also in laws regulating military and civil service.

10. Torture is also criminalized under article 2 (8) of Royal Decree No. 43 of 29 Dhu al-Qa’dah A.H. 1377 (16 June A.D. 1958), which envisages penalties of up to 10 years’ imprisonment against public officials who, in the course of their duties, inflict ill-treatment or use coercion such as torture, cruelty or other forms of mistreatment. Furthermore, torture is designated as a major offence that warrants arrest under paragraph 4 of Decree No. 1 of the Prosecutor General dated 1 Muharram A.H. 1442 (20 August A.D. 2020), while article 28 of the Prison and Detention Act, promulgated by Royal Decree No. M/31 of 21 Jumada II A.H. 1398 (29 May A.D. 1978), expressly prohibits any kind of assault against prisoners or detainees. Thus, it is clear that anyone who perpetrates an act of torture is committing a crime and faces legal proceedings and criminal penalties, in addition to any disciplinary penalty. In addition to this, article 20 of the Code of Criminal Procedure states that a court may examine and rule upon any actions occur that violate court orders, constitute contempt of court or unduly influence the members of the court or the parties or witnesses in a case, in regard of a case that is pending before that court.

11. As concerns the matter raised in paragraph 2 (b) of the list of issues, no statute of limitations is envisaged in law and, therefore, such actions are not subject to a statute of limitations. For a statute of limitations to exist, in fact, it must be expressly stipulated in law.

12. With reference to the matter raised in paragraph 2 (c) of the list of issues, national law does not permit any derogation from the principle that torture is prohibited in all cases and circumstances. Rather, the law emphasizes the need to take the necessary action in that regard. Article 3 (f) of the Statutes of the Public Prosecution Service, issued pursuant to Royal Decree No. M/56 on 24 Shawwal A.H. 1409 (29 May A.D. 1989), stipulates that the Service has the authority to supervise and inspect prisons, detention centres and any other location in which criminal sentences are enforced, to receive complaints from prisoners and detainees, verify the legitimacy of their imprisonment or detention, check whether any persons are being held beyond the expiry of the specified term, take the steps to secure the release of persons imprisoned or detained without legitimate reason and launch legal proceedings against the persons responsible. For its part, article 25 of the Code of Criminal Procedure states: “The Public Prosecution Service may ask the competent authority to look into cases involving persons responsible for violations or shortcomings in the discharge of their duties, and it may request that disciplinary proceedings be launched, without prejudice to the right also to bring criminal charges.”

Article 2

C. Reply to paragraph 3 of the list of issues

13. The Human Rights Commission is fully independent in the exercise of its functions. Decree No. 237 of the Council of Ministers dated 14 March 2016 introduced a number of amendments to the Statutes of the Commission, notably that of making it directly answerable

to the King, whereas it had previously been part of the executive branch. Under article 5 of the Statutes, the Commission has a board which constitutes its governing body and is responsible for the management of its affairs. The current board consists of a chair, a vice chair and an assistant to the chair. It also has 24 members who are drawn from various groups and sections of society, are highly qualified in human rights-related fields and are recognized for their impartiality, competence and experience. Efforts have been made to ensure a gender balance on the board and, in fact, 50 per cent of current members are women. The Human Rights Commission offers advice, recommendations and proposals on all human rights-related issues and prepares annual reports on the human rights situation in the country. It also monitors the implementation by government bodies of human rights-related laws and regulations, and exposes violations and transgressions, and it expresses its views on the legitimacy of bills and current legislation, as well as on the possibility of accession to international human rights instruments. Lastly, the Commission also supervises the drafting of national reports to United Nations bodies and mechanisms.

14. As concerns the question raised in paragraph 3 (b) of the list of issues, article 17 (1) of the Statutes of the Human Rights Commission states: The Commission is to have an independent budget to be drafted and issued following the procedures for issuing the general State budget. Disbursements from the budget are to be made in line with directives governing the State budget. The assets of the Commission are made up as follows:

- Allocations from the general State budget
- Income generated from the Commission's mandated activities
- Gifts, subsidies, grants and bequests accepted by the Commission under the rules set by the board
- Other resources that the board of the Commission decides to add to its assets

15. As concerns the question raised in paragraph 3 (c), under article 5 (6) of its Statutes, the Human Rights Commission can visit prisons and detention centres at any time and without authorization from the relevant authority, and submit reports on such visits. The visits serve to determine the extent to which convicted prisoners and detainees are able fully to exercise their human rights as guaranteed under national law and the extent to which conditions are consistent with international human rights standards. The tasks of the Commission's follow-up and investigation department are defined in article 11 (d) of the Statutes. These tasks include visiting prisons and detention centres, at the bidding of the board of the Commission and without authorization from the relevant authority, and looking into any violations of human rights that might require investigation. The Commission thus undertakes visits to prisons and detention centres under an annual programme which envisages visits of inspection and unannounced visits as well as visits made in response to specific complaints and on the basis of comments and observations received via various channels. Visits undertaken between 2016 and 2023 are illustrated in the table below.

Type	Number of visits during the years 2016–2023							
	2016	2017	2018	2019	2020	2021	2022	2023
General prisons	209	312	338	614	604	997	1 617	2 129
Prisons of the General Directorate of Investigations	225	352	461	557	389	332	413	206
Detention centres	398	514	581	835	505	737	654	807
Social surveillance centres		29	44	49	25	22	25	41
Girls' welfare institutions	25	22	14	39	15	15	18	33
Total	857	1 229	1 438	2 094	1 538	2 103	2 727	3 216

16. The Human Rights Commission receives and classifies the complaints it receives regarding different aspects of human rights. Beginning in 2022, it started to introduce a more detailed classification. The complaints the Commission receives – which amounted to a total of 15,895 between 2022 and 2023 – go through five stages: the reception of the complaint

followed by a preliminary examination, then verification, examination and, lastly, the decision. The Commission has six channels for receiving complaints: its own website, the free 19922 hotline, in person delivery at the Commission headquarters, email, regular post or telegram.

17. The Commission also has offices in a number of prisons and detention centres, which receive complaints directly, follow up on any problems or violations and monitor the conditions of inmates. Between 2022 and 2023, the Commission received 16 complaints relating to abuse of authority in response to which it took appropriate legal measures.

18. The Commission carries out visits of inspection under an annual plan which defines the target institutions, alongside the aforementioned prisons and detention centres. The purpose is to ensure that government bodies are duly implementing human rights-related laws and regulations. The number of visits undertaken by the Commission between 2020 and 2023 is shown in the table below.

Institution	2020		2021		2022		2023	
	No.	Proportion	No.	Proportion	No.	Proportion	No.	Proportion
Institutions of justice	3	1.01%	4	1.09%	3	1%	6	1.8%
Healthcare institutions	51	17.11%	106	28.96%	52	18%	42	12.6%
Educational institutions	10	3.36%	6	1.64%	12	4.4%	16	4.8%
Workers' housing	20	6.71%	6	1.64%	42	15.2%	21	6.3%
Shelters	185	62.08%	214	58.47%	132	48.2%	221	66.4%
Other	29	9.73%	30	8.19%	33	12%	27	8.1%
Total	298	100%	366	100%	274	100%	333	100%

19. On the subject of accession to the Optional Protocol to the Convention against Torture, it should be noted that the regional and international human rights instruments to which Saudi Arabia has not yet acceded are the subject of constant periodic review to consider the possibility of accession. In any case, the fact that the country has not acceded to the Optional Protocol has no effect on its obligation to criminalize torture and ill-treatment in accordance with the Convention.

20. As regards allowing non-governmental organizations (NGOs) to monitor places of detention, a number of them – including the National Society for Human Rights – already make regular visits to prisons and detention centres and receive and follow up on complaints received online or via other channels.

D. Reply to paragraph 4 of the list of issues

21. Article 37 of the Basic Law of Governance stipulates: “Dwellings are inviolable and may not be entered or searched without the permission of the owner, except in cases specified by law.” According to article 41 of the Code of Criminal Procedure: “Persons, their dwellings, offices and vehicles are inviolable and must be safeguarded. Protection of the inviolability of the person extends to the person’s body, clothing, money and belongings, while the inviolability of a dwelling extends to any location that is fenced off or surrounded by a barrier of any kind or that is intended for use as a shelter.” Article 42 of the Code stipulates: “No law enforcement official may enter or search an inhabited location, save in the circumstances defined by law and under a reasoned warrant issued by the Public Prosecution Service. To search locations other than dwellings, a reasoned order from the investigator is sufficient. If the owner or occupant of the dwelling refuses or resists the entry of the law enforcement official, the latter may resort to the legal means necessary to gain entry to the dwelling, as circumstances may require. It is permissible to enter a dwelling in the case of a call for help from inside, demolition, drowning, fire or similar circumstances, or if a violent fugitive has entered the dwelling while being pursued.”

22. Article 36 of the Basic Law of Governance stipulates that no one may be detained or imprisoned save in accordance with the law. Article 3 of the Code of Criminal Procedure states: “No one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law and after being convicted in a trial conducted in accordance with due process of law.” For its part, article 16 of the Code states that no person may be arrested, searched, detained or imprisoned save where provided for by the law. A person may be detained or imprisoned only in a location designated for such purposes and for the period prescribed by the competent authority. A person under arrest shall not be subjected to physical or moral harm and shall not be subjected to torture or degrading treatment. At the same time, article 40 of the Code provides that anyone who knows that a person is being imprisoned or detained unlawfully, or in a place not intended for imprisonment or detention, must notify the Public Prosecution Service. As for article 35 of the Code, it states that no one may be arrested or detained except in cases of *flagrante delicto* or under an order from the competent authority. Furthermore, in no case may the administration of a prison or detention centre admit or detain any person save pursuant to an order specifying the reasons and period for such imprisonment duly signed by the competent authority. The accused person is not to remain in custody following the expiry of the period specified in that order. Under article 37 of the Code, persons are to be imprisoned or detained only in places designated for that purpose.

23. Under article 4 of the Code of Criminal Procedure, all accused persons have the right to avail themselves of the services of a legal representative or lawyer to defend them during the investigation and trial stages. Article 65 of the Code also upholds the right of accused persons to appoint a lawyer and – as stipulated in article 24 of the implementing regulations to the Code issued pursuant to Council of Ministers Decree No. 142 dated 21 Rabi’ I A.H. 1436 (12 January A.D. 2015) – they are to sign to acknowledge that they have been informed of that right. In order to facilitate procedures and further uphold this safeguard, article 71 of the implementing regulations stipulates: “If necessary, the investigator may make a written record of the fact that an accused person has designated a lawyer for the investigation stage.”

24. Article 114 of the Code of Criminal Procedure regulates periods of detention. It states that courts may approve a request to extend detention for one or more consecutive periods as they see fit, and must issue a reasoned judicial order to that effect. For their part, accused persons have the right to appeal against pretrial detention. Article 115 of the Code stipulates: “When an accused person is detained, the original detention order is to be delivered to the director of the detention centre, who is to sign a copy of the order as an acknowledgement of receipt. Pretrial detainees may lodge a complaint against a detention order or a detention-extension order.” Under Decree No. 860 of the Council of Ministers, dated 14 Shawwal A.H. 1445 (23 April A.D. 2024) a paragraph was added to article 21 of the implementing regulations to the Code of Criminal Procedure. The new text (para. 5) reads: “It is prohibited to restrain accused persons at the moment of arrest unless they constitute a danger to themselves or others, or if they attempt to flee.”

25. It is important to note that these safeguards constitute general rules that are applicable to all crimes in the country, including those under the Terrorist Crimes and Terrorism Financing Act. Indeed, article 19 of that Act explicitly states that the authority to issue arrest warrants against persons accused of committing crimes under the Act lies with the Public Prosecution Service. According to article 93, moreover, the Code of Criminal Procedure is applicable in all cases not covered by a specific provision of the Terrorist Crimes and Terrorism Financing Act.

26. The Terrorist Crimes and Terrorism Financing Act was, moreover, among the legislation that was amended during the period covered by the present report. The amendments served to underscore the need to respect the human rights of accused persons, in line with the general rules set forth in the Code of Criminal Procedure. One of the amendments concerned article 12 of the Act, which had previously read: “The Public Prosecution Service may temporarily release any person being detained on suspicion of having committed a crime under the present Act, unless there are security concerns.” Following the amendment, article 12 now reads: “The Public Prosecution Service may temporarily release any person being detained on suspicion of having committed a crime under the present Act, unless to do so would be detrimental to the course of the investigation

or there are concerns that the person in question might flee or disappear.” Cases in which temporary release is not admissible are clearly defined. Persons accused of terrorist offences enjoy the same fundamental safeguards under the law as persons accused of other crimes, and the period of time they spend in pretrial detention and their detention conditions are defined in the relevant national laws. These include the Terrorist Crimes and Terrorism Financing Act, article 5 of which clearly specifies the length of detention that can be imposed by the investigating authority, and the extension of that detention by the criminal courts. According to article 215 of the Code of Criminal Procedure, if persons convicted to a term of imprisonment have spent a period in detention for the offence for which they were convicted, that period spent is to be counted as part of the prison term. The article further stipulates that a person who has suffered damages as a result of a false accusation or as a result of being detained or imprisoned for a period exceeding the prescribed term is entitled to claim compensation before the court that heard the original case. Terrorism was designated as a major offence that warrants arrest under Decree No. 1 of the Prosecutor General dated 1 Muharram A.H. 1442.

27. The Code of Criminal Procedure upholds the right of accused persons to request the court to assign them a defence lawyer at State expense. The mechanism for assigning lawyers in this way is laid out in Decree No. 1529 of the Minister of Justice dated 6 Jumada I A.H. 1439 (23 January A.D. 2018) under which impecunious persons accused of grave offences may request the assignment of a defence lawyer at State expense. In this way, the mechanism envisages full judicial guarantees for accused persons. Furthermore, article 2 of the Charter of the Saudi Bar Association includes provisions whereby the Association may be contacted with a view to providing legal assistance to eligible persons.

28. As concerns the release of persons in detention, the Code of Criminal Procedure requires that accused persons be set at liberty if the offence in question is non-arrestable or if the detention serves no interest or purpose. The offences envisaged under the Terrorist Crimes and Terrorism Financing Act are all arrestable offences although, in certain specific circumstances, the Public Prosecution Service does have the right to order the temporary release of accused persons, under specific conditions (art. 12 of the Act).

29. On the subject of how accused persons can request a medical exam, it should be noted that, upon entering prison, accused persons undergo a comprehensive medical examination at the prison medical facility, which operates around the clock including during holidays. Once in detention, a person can see a doctor at their own request at any time and can be referred to hospitals as necessary, be it for clinical tests or emergencies.

30. With regard to detailed record keeping, prisons keep records containing personal information relating to each prisoner. The Public Prosecution Service has a specialized section for overseeing prisons and detention centres which – acting in accordance with the Code of Criminal Procedure and its implementing regulations – monitors the measures taken in regard of accused persons and drafts reports in that regard. All prisons keep, *inter alia*, a register containing inmates’ names, their date of entry to the prison, the length of their prison term, the sentence pronounced against them and the expected date of release; a register of incidents inside the prison; a register of inmates’ personal effects; a register of inmates’ employment; a register of complaints and requests made by inmates; a register of sanctions applied against inmates; a register of visits by relatives and friends; and a register of emoluments.

31. The Nafethah website is currently being reviewed and assessed in the light of national law and issues relating to confidentiality. In any case, under current regulations it is possible to visit and communicate with inmates via the prison administration, as per article 36 of the Code of Criminal Procedure.

E. Reply to paragraph 5 of the list of issues

32. Saudi Arabia wishes to reaffirm that any reports of widespread arbitrary and incommunicado detention, enforced disappearance and torture are completely untrue. National law, in fact, requires the competent authorities to take full legal measures and launch court proceedings if any such allegations are made. Saudi Arabia also wishes to express its

regret at the practice of putting forward allegations that are not supported by credible information and it recommends that the Committee verify the sources of such allegations.

33. In response to the allegations of torture or other forms of ill-treatment, it should be noted that, as stated earlier, all forms of torture and ill-treatment are criminalized under national law, including Royal Decree No. 43 of 1958 and the Code of Criminal Procedure, which stipulate that arrested persons may not be subjected to physical or mental harm or to torture or degrading treatment. These laws operate in combination with other provisions to obviate any possibility of impunity. The Public Prosecution Service, the Human Rights Commission and the National Society for Human Rights undertake periodic visits to prisons and detention centres to ensure that safeguards are being duly applied, in accordance with national law and the human rights treaties to which Saudi Arabia is a party. The visits also serve to listen to the complaints and grievances of detained persons and to conduct other forms of oversight. The relevant statistics are given above.

34. There are no secret or unofficial detention centres or prisons in Saudi Arabia, and all detention centres and prisons are subject to judicial, administrative, health and social inspections. Article 37 of the Code of Criminal Procedure stipulates: “No person shall be detained or imprisoned except in places designated for that purpose by law.” Article 38 of the Code reads: “Authorized members of the Public Prosecution Service may, at any time and without regard to official hours, visit prisons and places of detention in their areas of jurisdiction to ascertain that no one is being unlawfully imprisoned or detained. They may examine the records of prisons and places of detention, communicate with prisoners and detainees, hear their complaints and accept any submissions made in that connection. Governors of prisons and places of detention are to provide prosecutors with everything they need to perform their functions.”

35. A committee has been formed, headed by the Ministry of Interior and with members drawn from other relevant authorities, to examine complaints concerning abuse of authority in the context of the use of firearms by security personnel during the discharge of their duties. When a case arises in which a security official is implicated by virtue of his office, then – regardless of any civil proceedings – the case is examined and the committee emits a ruling by majority within a set period of time. If it emerges that some abuse of authority has effectively occurred, the case is duly referred to the competent investigative authority. If, on the other hand, the committee finds the accused party to be innocent then, under article 124 of the Code of Criminal Procedure, the case is closed and the accused person, if held in detention, is set at liberty and compensated for the time spent in detention. Under article 63 of the Code of Criminal Procedure, the complainant is informed of the committee’s decision and his or her request for *diya* or compensation is recorded by the committee or referred to the competent court.

36. The Commission for the Promotion of Virtue and the Prevention of Vice is a governmental body that operates in accordance with its own Statutes, which have recently been amended in order to better serve the purposes for which the Commission was established. The amendments concern the issue of administrative or criminal detention, which is to be effected by the competent authority (the police, etc.), while the role of the Commission is to report violations that fall within its remit and to intensify its oversight in the field to prevent the occurrence of violations, as these are defined in the law. The Commission has special departments that look into any complaints related to such violations. Thus, following the amendment of its Statutes, the Commission for the Promotion of Virtue and the Prevention of Vice does not undertake criminal detention of any kind.

37. All ministries, authorities and government agencies are required, each within its own area of responsibility, to provide redress to any person who has suffered a human rights violation, including torture or ill-treatment, and to work to prevent the recurrence of such a violation. This does not preclude recourse to judicial redress as, under Council of Ministers Decree No. 662 of 24 Shawwal A.D. 1441 (16 June A.D. 2020), legal departments in government agencies are authorized to conduct human rights-related duties, including detecting human rights violations and taking the necessary action in relation thereto.

F. Reply to paragraph 6 of the list of issues

38. The Protection from Abuse Act of September 2013 provides legal protection against violence for particular groups, especially women and girls. The Act also places an obligation on anyone who learns of an instance of abuse to report the matter immediately. In particular, the Act requires all public officials, military or civilian, and all private sector workers who learn of an instance of abuse to report the matter to their employer. The employer is then required to relay it promptly to the competent authority or the police. The Act was amended under Royal Decree M/72 of 6 Sha'ban A.H. 1443 (9 March A.D. 2022) with changes that addressed aggravating circumstances and ongoing monitoring of abuse cases after they have been resolved.

39. The Ministry of Human Resources and Social Development receives reports of violence via its reporting centre, which operates round the clock to receive reports of domestic violence via the single hotline number 1919. Security agencies also receive such reports using special emergency numbers designated for the purpose, as well as via the Internet using means such as the *Kollona Ann* app. In addition to this, protection teams have been formed to receive reports at the level of provinces and governorates. The reports received are transmitted to social protection units which exist in all parts of the country and which complete the necessary procedures and assist victims. The units refer cases in which there is sufficient evidence that a crime has been committed to the police and the Public Prosecution Service for them to take action under the Protection from Abuse Act and the Code of Criminal Procedure. In addition to this, the Human Rights Commission also receives complaints of domestic violence via a number of channels, follows up with the competent authorities and takes the necessary action.

40. High-level Order No. 27808 of 6 Jumada II A.H. 1438 (15 March A.D. 2017) focuses on the issue of domestic violence and the optimal way to handle questions relating to guardianship and custody. Some of the more salient points of the Order concern the conduct of a review of the relevant laws and the proposal of amendments; the drafting of a code to raise awareness about domestic violence in general, custody and other related matters; and the running of programmes for judges across the country with the participation of the relevant authorities. The Order led to the amendment of the Protection from Abuse Act and the Child Protection Act.

41. The Ministry of Human Resources and Social Development is also developing an integrated approach to domestic violence in the country and is building a strategy that seeks to play a leading role in creating cohesive families where individuals are safe and domestic violence is reduced. The following initiatives are being rolled out in that regard:

- Partnership with the tertiary sector to increase the geographical coverage of protection services in the country.
- Development of an online family protection system.
- Development of cooperation mechanisms between all stakeholders against domestic violence.
- Development of awareness-raising campaigns to protect society against domestic violence.
- Development of an integrated package of services to cover the needs of victims and offenders, including the following rehabilitation and prevention programmes for victims of domestic violence: a recovery programme for children, a programme to preserve families, a programme to support healthy forms of communication, a behavioural modification programme for offenders, a case management and safety planning programme, a women's support programme and a support group.

42. Royal Order No. 25803 of 29 Jumada I A.H. 1439 (15 February A.D. 2018) concerns the provision of legal assistance to women and children in cases of abuse. It includes provisions directing the Ministry of Human Resources and Social Development to coordinate with the Saudi Bar Association, to obtain a periodically updated list of the names and

addresses of lawyers willing to provide legal aid. This matter is regulated under article 13 (11) of the Charter of the Saudi Bar Association.

43. The National Family Safety Programme also plays an important role in this connection. The Programme, which operates at the national level, aims to protect families against domestic violence by providing support, raising awareness and building professional partnerships with experts, governmental and non-governmental institutions and international organizations in order to provide a safe environment for families in the country.

44. The Ministry of Justice has organized exhibitions on “knowledge and enrichment of the culture of justice” in several cities across the country. The exhibitions revolve around the following four hubs: the “online services” hub which introduces the most significant services the Ministry provides; the “laws” hub which showcases several laws that concern women; the “knowledge” hub which provides basic information to increase public awareness about personal status issues; and the “reconciliation” hub which highlights the role and importance of reconciliation.

45. As regards the elimination of involuntary sterilization of women with psychosocial or intellectual disabilities, national laws such as the Protection from Abuse Act and the Child Protection Act prohibit all forms of abuse, including involuntary sterilization. In line with World Health Organization (WHO) policies in this regard, no hospitals or health centres perform such procedures.

46. Rape is criminalized under Islamic sharia with penalties that are intended to deter a practice that constitutes an attack against honour, which is one of the five things that sharia exists to protect. For this reason, rape is considered to be a major offence that warrants arrest under the Code of Criminal Procedure. Likewise, in the case of transgressions within the framework of a marital relationship that cause harm to either of the parties, the victim has the right to seek redress before the courts under Islamic sharia, which enjoins that spouses should treat one another well and without harm. The same principles are upheld in statutory law, notably the Protection from Abuse Act.

47. The Personal Status Act, which was promulgated under Royal Decree No. M/73 of 6 Sha’ban A.H. 1443 (9 March A.D. 2022), regulates family relationships with a view to maintaining the stability of families, which constitute the main component of society. The Act also controls the discretionary powers of judges in such a way as to ensure the stability and consistency of judicial rulings, provides a framework for relations between family members, protects their rights and accelerates the settlement of domestic disputes.

48. Civil society organizations in the country are seen as essential partners of governmental human rights agencies. This effective partnership has led to measures that have spurred on progress in the field of promoting and protecting human rights, including the rights of women. Civil society institutions that concern themselves with women and protection against violence include the Mawadda association, Aman, the Alnahda society and the King Khalid Foundation. Civil society institutions play an active oversight role that consists in receiving complaints concerning women’s rights, monitoring violations and bringing them to the attention of the relevant government agencies. The institutions also play an advisory and educational role, in which capacity they have been involved in the drafting of human rights reports, including reports on women’s rights, which have provided a valuable opportunity to review the current state of such rights in the country, and they strive to raise awareness about women’s rights, including the definition of such rights under the Convention. For its part, the Office of the United Nations High Commissioner for Human Rights (OHCHR) held a workshop on 20 November 2020 during which it showed a number of civil society organizations how to prepare shadow reports.

49. A number of measures designed to promote the rights of female domestic workers have been adopted. These include awareness-raising measures by the Ministry of Labour and Social Development, the Human Rights Commission, the National Society for Human Rights and other civil society organizations. In addition to this, the Standing Committee to Combat Trafficking in Persons has taken steps to monitor and address the underlying causes of economic and sexual exploitation against domestic workers. The Ministry of Labour and Social Development and the Human Rights Commission also play an oversight role. Moreover, in the light of the fact that ill-treatment, exploitation and violence against foreign

female workers, particularly domestic workers, can take place with no accountability, the following action has been taken to render the environment on the Saudi labour market more conducive to the rights of foreign workers:

- *Developing contractual mechanisms.* In this connection, training on professional standards and on how to recognize different forms of trafficking in persons is provided to the offices and companies responsible for contracting migrant workers. Action is also taken to verify whether the companies concerned meet the criteria required for obtaining a licence and to coordinate with the embassies of countries with which treaties of cooperation have been signed.
- *Developing control and oversight of parties operating in this field.* This has been achieved thanks to the Musanad programme, which is an online service run with stakeholders both inside and outside Saudi Arabia, that brings together all relevant procedures, from the employment of domestic workers in their country of origin until they leave Saudi Arabia at the conclusion of their contract. Documentation procedures for domestic workers from their first arrival in Saudi Arabia until the conclusion of their contract have been automated, while the rights of such workers are protected and the payment of salaries and registration of contracts are duly monitored. Support and protection are also provided via the client service agency of the Ministry of Labour and Social Development.
- *Developing support and protection mechanisms.* This includes the launch of the 19911 hotline, which receives reports and complaints. In addition, booklets and leaflets have been circulated to make workers aware of the redress procedures available to them in the event of any violation of their rights, mechanisms for receiving complaints, ways to obtain legal assistance and access to translation services. The hotline receives reports of violations from individuals, offices, companies and embassies. If a violation of labour rights is reported, teams are sent out to handle the case according to predefined mechanisms.

50. Several workshops have been held for domestic workers in their countries of origin in order to familiarize them with their rights. Upon their arrival in Saudi Arabia, leaflets in different languages are distributed to remind the workers of those rights, and prepaid communication cards are handed out at the airport, which are then used to send text messages about rights, complaints mechanisms and legal aid. Workers are also given the contact details of the call centre at the Ministry of Human Resources and Social Development, which provides support in several foreign languages.

51. Via the aforementioned 19911 hotline, the Ministry of Human Resources and Social Development receives complaints in different languages from migrant workers, including domestic workers, as explained above. For its part, the wage protection system serves to ensure the prompt payment of workers' salaries through local banks.

52. Women and girls who are victims of sexual assault are not penalized in any way but are provided with redress. The legally prescribed penalties are imposed against offenders and victims are provided health, social and legal assistance. Article 5 of the Trafficking in Persons Act states: "No account is to be taken of the consent of the victim in any of the offences envisaged under the present Act." Thus, there can be no question of "consent" on the part of a woman or girl who has been assaulted in a context of sexual exploitation, which is one form of trafficking in persons.

53. Abortions in cases where the mother's life is in danger can be done legally in Saudi Arabia at healthcare facilities located throughout the country. There are 21 hospitals specializing in gynaecology and obstetrics as well as 160 general hospitals that provide gynaecological and obstetric services. In addition to this, primary healthcare centres – 2,120 as of the end of 2022 – are located across the provinces, governorates and villages of Saudi Arabia.

Article 3

G. Reply to paragraphs 7–9 of the list of issues

54. Saudi Arabia remains committed to implementing the provisions of article 3 of the Convention, which states that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that the person in question would be in danger of being subjected to torture. Article 3 of the Residency Act regulates the procedures whereby foreigners may enter Saudi Arabia, in normal circumstances and in emergency situations.

55. Committees have been formed to examine cases involving persons arrested for violating laws relating to residency, labour or border security before such persons are transferred to deportation centres for expulsion from the country. The purpose of the committees is to verify that no one is returned to places where their life or freedom might be imperilled and that deportation, when it takes place, is done in a context of safe and voluntary return. This verification takes the form of an initial screening to ensure that the party concerned does not come from a country where there is armed conflict or war, or where there are reasonable grounds to believe that return would entail a risk of torture or a threat to life, freedom or personal security. The determination of status and the provision of protection, in case of need, is done in coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR).

56. Saudi Arabia takes a humanitarian approach to refugees, one consistent with the principles and teachings of Islam which enjoin love, peace, brotherhood, relief of the distressed and assistance to those in need. It is in this perspective that the State has acted on behalf of Yemenis, Syrians and members of the Burmese community who are refugees in Saudi Arabia. All of them have received assistance in various fields, such as permits, healthcare, education. In fact, a total in excess of \$13 billion was provided in aid between 2011 and 2019 to persons of the three aforementioned nationalities (Yemenis, Syrians and members of the Burmese community). Saudi Arabia has also upheld their right to freedom of movement, on an equal footing with other residents on national territory.

57. Saudi Arabia was one of the first countries to respond to the humanitarian crisis in Yemen, where it provided humanitarian and development aid across all sectors and in all governorates to help relieve the suffering of the Yemini people. A total of more than \$8 billion has been allocated to complete 789 different projects over a number of years. In addition to this, during the virtual donor conference for Yemen which it organized in partnership with the United Nations in 2020, Saudi Arabia made a commitment to provide \$500 million to support the 2020 humanitarian response plan for Yemen. At the same time, many Yemenis are hosted in Saudi cities. The Custodian of the Two Holy Mosques has issued a directive to regularize the situation of Yemenis residing in Saudi Arabia irregularly, and to provide them with visitor cards that allow them to remain for a period of six months, renewable, once they have obtained travel documents from the legitimate Government of their country. The directive also grants them permission to work on an equal footing with other residents, in line with regulations set by the competent authorities, and envisages other measures to assist them, such as the provision of free medical treatment and opportunities to enrol in the public education system.

58. Since the outbreak of the Syrian crisis in 2011, Saudi Arabia has welcomed hundreds of thousands of Syrian citizens, whom it has treated as visitors and sought to integrate into society, preserving their dignity, maintaining their security and granting them full freedom of movement. Other measures – costing in excess of \$2 billion – have been taken to help them settle in Saudi Arabia, such as the provision of regular residency to persons wishing to stay, on an equal footing with other residents, with all the concomitant rights to free healthcare. The State has also worked to integrate them into the labour market and the education system, the costs of the latter being estimated in excess of \$1 billion, while a further \$1 billion has been spent on additional services for migrants. In addition to this, Saudi Arabia has provided support and welfare for millions of Syrian refugees in neighbouring States,

including Jordan, Lebanon and elsewhere. In this connection, it has worked in coordination with other donor governments and with international relief organizations.

59. Since 1957, Saudi Arabia has also been hosting refugees from Myanmar, whose status has been regulated. They have been granted legal residency, without having to pay the related fees, and have been given full access to social, health and educational services as well as to employment opportunities. At the same time, the Ministry of Human Resources and Social Development has been providing institutions and companies with incentives to encourage them to employ persons from this community. In all, more than \$60 million was disbursed on their behalf in the period between 2011 and 2019. In 2015, UNHCR praised the action of Saudi Arabia in this regard, which it described as a groundbreaking experience that could be extended to other countries.

60. Saudi Arabia also plays a major role in alleviating refugee crises in many other parts of the world. In fact, its efforts in this field are not limited just to hosting refugees on its own territory, it also provides care for millions of refugees across the world, in coordination with host country governments and international humanitarian relief organizations. As of 2 April 2024, a total in excess of \$1 billion had been provided for refugees outside Saudi Arabia, as well as humanitarian assistance for displaced persons outside the country, which amounted to more than \$2 billion.

61. Persons who violate laws relating to residency, labour or border security are placed in special facilities (homes for men and homes for women), not in ordinary prisons, and they are provided with the necessary protection and security round the clock. These procedures are in line with the relevant international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In those facilities, Saudi Arabia applies the highest standards consistent with the best international practices regarding hygiene, ventilation, healthcare and nutrition, and it does so without discrimination on grounds of nationality, colour, sex, religion or any other grounds. It also works to ensure that all persons placed in those facilities are able to enjoy their rights under sharia and statutory law. As part of its protection measures, Saudi Arabia ensures that social workers and border guards who deal with women, girls and children in the context of irregular migration undergo mandatory training.

62. The Human Rights Commission undertakes regular visits to facilities for persons who have violated residency and border security laws to ensure that the proper procedures are being followed and that the relevant laws and regulations in regard to human rights are being observed. Acting within the terms of its mandate, it also verifies that no laws are being infringed and monitors any violations that might be taking place.

63. Law enforcement agencies in Saudi Arabia coordinate with the International Organization for Migration (IOM) to build the capacity of their staff in those aspects of international human rights law that have a bearing on their duties. They also run training courses in the field of human rights and gender equality. In all 2,832 persons attended 35 training programmes between 2020 and 2024.

64. As concerns the ratification of specific international instruments, as mentioned above, the regional and international human rights instruments to which Saudi Arabia has not yet acceded are the subject of constant periodic review to consider the possibility of accession.

Articles 5–9

H. Reply to paragraph 10 of the list of issues

65. Decree No. 279 of the Council of Ministers dated 28 Jumada II A.H. 1435 (28 April A.D. 2014) included provision for the creation, within the Ministry of the Interior, of a standing committee for the transfer of persons sentenced to custodial penalties. The membership of the committee is composed of representatives from the stakeholder authorities, and its task is to take the action necessary to fulfil obligations arising from bilateral and multilateral treaties and agreements relating to the transfer of persons sentenced to custodial penalties. The standing committee also receives, examines and submits requests for the

transfer of such persons – including those not covered by bilateral and multilateral treaties and agreements – and takes all necessary measures in that regard. The principle of reciprocity is applied whenever possible. In addition to this, the committee coordinates with authorities inside and outside the country in all matters regarding the transfer of persons sentenced to custodial penalties. It replies to requests for transfer and submits proposals to overcome any obstacles, clarify any misunderstandings or make good any shortcomings that may prevent the enforcement of such requests. Lastly, the committee exchanges information and expertise with similar authorities in other countries, international bodies and other organizations involved in the transfer of persons sentenced to custodial penalties.

66. Article 42 of the Basic Law of Governance states: “Laws and international agreements are to determine the rules and procedures for the extradition of ordinary criminals.” Accordingly, the extradition of persons accused of committing a crime, including the crimes set forth in the Convention, takes place within the framework of the agreements Saudi Arabia has concluded with other States. Saudi Arabia, moreover, has acceded to a number of regional agreements on extradition and judicial cooperation, and it has concluded several bilateral agreements regarding security and judicial cooperation and the enforcement of judgments, letters rogatory and judicial notices. Several of these agreements regulate procedures for the extradition of criminals and accused persons. No case relating to the application of article 5 of the Convention has arisen during the period covered by the present report.

Article 10

I. Reply to paragraphs 11 and 12 of the list of issues

67. The Public Prosecution Service annually runs 32 mandatory training programmes in various fields, in order to disseminate a culture of human rights among investigators, prosecutors and prison staff. The programmes serve to provide updated information in line with recent developments, consolidate the concept of justice and eliminate injustice. In addition, the Public Prosecutor has issued a circular requiring members of the Public Prosecution Service to invoke the human rights treaties to which Saudi Arabia is a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

68. Training programmes have also been run within the framework of a 2012 memorandum of understanding between the Saudi Human Rights Commission and OHCHR. In all, more than 100 programmes have been rolled out, including programmes to introduce the human rights treaties to which Saudi Arabia is a party, among them the International Convention against Torture, and programmes on international human rights indicators.

69. Many of the training programmes and training activities are aimed at law enforcement officials and seek to raise their capacity to recognize instances of trafficking in persons and to address such cases properly by prosecuting perpetrators and assisting victims, in accordance with the Trafficking in Persons Act. Eighty-three training programmes were run in the period 2020–2023, attended by more than 6,500 beneficiaries from governmental and civil society organizations.

70. Other training programmes have been organized for Ministry of the Interior staff under a memorandum of understanding on technical cooperation in the field of criminal justice, which was signed by the Ministry and the United Nations Office on Drugs and Crime (UNODC). The memorandum includes provision for the planning, development and running of training programmes for directors and staff of the agencies concerned, in order to enhance their capacity to implement national policies, strategies and laws in a manner consistent with international treaties and international standards.

71. The Ministry of Justice has a judicial training centre, which was created under Decree No. 162 of the Council of Ministers dated 24 Rabi' II A.H. 1435 (24 February A.D. 2014) and which runs training programmes for judges, prosecutors and lawyers. In all, the centre has run 8,396 courses for 42,770 beneficiaries with training on, inter alia, the provisions of

the human rights treaties to which Saudi Arabia is a party, including the Convention against Torture.

Article 11

J. Reply to paragraphs 13–18 of the list of issues

72. Prisons are correctional facilities designed to hold detainees and convicted inmates. Such facilities are regulated under the Prison and Detention Act, promulgated by Royal Decree No. M/31 of 21 Jumada II A.H. 1398, which provides for the welfare and discipline of prisoners and detainees in order to create an environment conducive to their rehabilitation. The penalties envisaged for breaches of discipline in prisons or detention centres are set forth in article 20 of the Act. At the same time, the Act also seeks to uphold human rights and includes provision for adequate food and water, healthcare and leisure facilities such as radio, television and sports equipment.

73. The obligation to classify prisoners is laid out in article 10 of the Prison and Detention Act, and regulations have been issued in that regard that take due account of the general rules for the classification of prisoners and detainees set forth in the Nelson Mandela Rules. The disciplinary penalties applicable to inmates who breach prison regulations are duly defined and calibrated depending upon the breach in question.

74. Registers at prisons and detention centres are regularly examined by the Public Prosecution Service. In that connection article 38 of the Code of Criminal Procedure states: “Authorized members of the Public Prosecution Service may, at any time and without regard to official hours, visit prisons and places of detention in their areas of jurisdiction to ascertain that no one is being unlawfully imprisoned or detained. They may examine the records of prisons and places of detention, communicate with prisoners and detainees, hear their complaints and accept any submissions made in that connection. Governors of prisons and places of detention are to provide prosecutors with everything they need to perform their functions.”

75. Laws and prison regulations in Saudi Arabia guarantee that all prison inmates can practise their religious rites without discrimination. Nothing in those laws and regulations or in existing practices prevents non-Muslims from practising their religion freely.

76. Acting under High-level Order No. 10721 dated 2 Rabi' I A.H. 1438 (5 February A.D. 2011), the General Directorate for Medical Services at the Ministry of the Interior has created an administrative unit called the General Directorate for Prison Healthcare, which is responsible under its statutes for the provision of healthcare to prison inmates in facilities across the country. A joint working group has been formed with specialists from the Ministry of Health, the General Directorate of Prisons and the General Directorate for Prison Healthcare to develop and implement a protocol for periodic testing for infectious disease among inmates. Also, a regulation for the release of inmates on health grounds has been introduced. Inmates undergo a medical examination upon entering prison and, if they display symptoms of any infectious or contagious disease, they are isolated or referred to specialized hospitals. Prisons have fully equipped health centres and clinics staffed by specialized personnel who examine inmates and dispense appropriate treatment then monitor their progress, in order to prevent the spread of disease. In addition to this, inmates undergo psychological assessments and are provided with mental healthcare, in partnership with the psychiatric healthcare institutions of the Ministry of Health. The care is delivered using mechanisms designed to ensure the quality of treatment and the rehabilitation of patients. Moreover, a body of precautionary measures was rolled out to protect inmates and staff in places of deprivation of liberty during the coronavirus disease (COVID-19) pandemic. Prisoners also undergo medical tests before being deported, and are provided with a certificate to confirm that they are free of disease. Lastly, a protocol has been issued for the periodic re-examination of inmates serving long sentences.

77. All facilities run by the General Directorate of Prisons have sanitation services, which are monitored and overseen by an agency with responsibility for maintenance and cleaning. Any concerns raised concerning sanitation are dealt with promptly.

78. Meals are served to prison inmates and detainees awaiting deportation under the supervision of specialized teams of staff who are qualified in food preparation and nutrition. That process starts with the conclusion of catering contracts. Great care is given to the quality of the foodstuffs provided to inmates in prisons and detention centres to ensure that all their nutritional needs are met. To that end, variegated weekly menus are drawn up that cover all food items, including meat, poultry, fish, starches, vegetables and fruits. Great care and attention are given to the preparation of meals in prisons to ensure that the food that reaches inmates is healthy and of high nutritional value. In this regard, food preparation sites are inspected for health and safety, staff are monitored and periodically tested and food transportation, distribution and shelf life are all kept under close observation. The ingredients used, both fresh produce and dry goods, are also closely examined. Inmates can be provided with special meals on the basis of medical tests conducted by the prison doctor or a nutritional expert, and special nutrition is provided for small children who accompany their incarcerated mothers. In fact, the needs of incarcerated women and children are contemplated in the contract concluded with the catering service provider. More generally, food is provided to inmates and detainees depending upon their state of health or the presence of conditions such as diabetes or high blood pressure.

79. The protocols in place to meet the needs of specific groups of prisoners, such as women, older persons and persons with disabilities include the following: A special wing – known as the care wing and located close to the medical unit – is made available for older inmates and those suffering chronic illnesses. There is also a wing for persons with disabilities, which is tailored to meet their particular needs with equipment such as mobility carts, crutches and commodes. Inmates, both male and female, are assigned an attendant who assists them in return for a monthly wage.

80. As concerns juveniles, article 7 of the Juvenile Act stipulates that they may not be detained for the purpose of an investigation unless the prosecutor considers such detention to be necessary. In all cases, juveniles may be detained only in a juvenile care institution, and the detention order must explain the reasons for the detention.

81. All prisons in Saudi Arabia strive to uphold human rights in general and women's rights in particular, in accordance with the Prison and Detention Act. Under article 13 of the Act, pregnant prisoners or detainees must be given special medical treatment, food and employment from the first signs of pregnancy until 40 days after delivery. Article 14 stipulates that a pregnant prisoner or detainee is to be transferred to a hospital when the time of delivery approaches and to remain there until she gives birth and the doctor authorizes her discharge. The General Directorate of Prisons then provides a raft of services intended to protect children from the moment of birth until they reach the age of 2. According to article 15 of the Act, a female inmate or detainee is to keep her child with her until the child reaches the age of 2. If the woman does not wish to keep the child with her or the child reaches that age, it is to be handed over to the father or to the person holding the legal right to custody after the mother. If the child has no father or relatives to provide care, it is to be placed in a child welfare institution and the mother is to be so informed. In all cases, the best interests of the child are to be given due consideration.

82. Mothers are given regular access to their offspring, to which end special mother-and-child wings are set aside, duly equipped with all necessities such as outdoor spaces, a dining room and a play area. Services available include healthcare for mothers and children, support and sustenance, birth registration and special programmes and areas for mothers and children, as follows:

- Pregnant women are provided with medical care from the moment they enter prison. The progress of their pregnancy is monitored by a female gynaecologist and the woman is provided with any treatment that may be necessary, depending upon her condition, while her food intake is monitored by a nutritionist. She is also referred to an external hospital in case of need and when the time comes to give birth. Once born, children receive medical care from a paediatrician and they are given all the necessary

childhood vaccinations for as long as they remain with their mothers inside the prison. Special wings are set aside for mothers and children to protect them against disease. Baby food – stored in refrigerators to protect it from spoilage – is also provided from the moment of birth.

- Children's meals are prepared by their mothers and a cash allowance is disbursed to mother and child as well as an in-kind allowance (milk and special meals) for children up to the age of 2. In addition to this, a budget is allocated for the purchase of children's clothing and other necessities, from birth until they reach the age of 2. External oversight bodies such as the Public Prosecution Service and the Human Rights Commission and internal oversight bodies such as the Human Rights Department at the Ministry of the Interior undertake regular visits to verify the quality of the care and services being provided and to ensure that the optimal conditions to ensure the health and dignity of inmates awaiting deportation are not being violated or neglected. The oversight bodies also listen to inmates' complaints and seek to address them in accordance with the law.

83. Mental healthcare services provided to inmates in prisons and detention centres include the following:

- Interviews with new inmates using scientific methodologies in order to arrive at a psychological assessment. The inmates are observed and psychiatric parameters are applied with a view to reaching a clinical formulation and a diagnosis; a psychiatric report is then drawn up using appropriate scientific language to be submitted to the authorities.
- Case studies followed by the formulation and application of an individual treatment plan.
- Participation in seminars and conferences at healthcare institutions, correctional facilities and prisons in order to provide psychological support and treatment, both pharmacological and behavioural.
- Regular review of inmates' medical files when they visit the psychiatric clinic to update information vis-à-vis case follow-up, medication and any new developments.
- Rehabilitation of inmates through behavioural therapy and "behavioural modification".
- There are mental health clinics that provide care, support, rehabilitation and psychological healthcare services to inmates, free of charge.

84. With regard to the disciplinary system, under article 20 of the Prison and Detention Act, in the case of a first misdemeanour, an investigation takes place and the offender is issued with a warning. If a crime occurs, the matter is referred to the competent authorities for them to complete the necessary procedures. Records are kept of the proceedings and of any penalty inflicted, and these may be consulted by the competent authorities at any time. The maximum disciplinary penalty that can be inflicted for a third or more misdemeanours is 15 days solitary confinement. However, since no inmate may spend more than 7 consecutive days in solitary confinement, a special area is to be set aside where the inmate can be held for at least one day before completing the rest of the penalty. Inmates can be placed in solitary confinement only under a reasoned order signed by the competent authority and only after the statement of the inmate in question has been heard. All this information is to be recorded in a special register kept for that purpose.

85. In response to the matter raised in paragraph 15 (a) of the list of issues and the use of solitary confinement at the investigation stage, it should be noted that, under article 119 of the Code of Criminal Procedure, the period of incommunicado detention must not exceed 60 days. It must, moreover, serve the interests of the investigation, and the person being held incommunicado must not be prevented from communicating with his legal representative or lawyer.

86. With regard to paragraph 15 (b) of the list of issues, there are no prisons for children or adolescents in Saudi Arabia, only juvenile care institutions. The legal basis for the detention of juveniles lies in article 7 of the Juvenile Act, which stipulates that juveniles may

not be detained for the purpose of an investigation unless the prosecutor considers such detention to be necessary. In all cases, juveniles may be detained only in a juvenile care institution, and the detention order must explain the reasons for the detention. The nature of such institutions is explained in article 1 of the Juvenile Act, according to which they are affiliated to the Ministry of Human Resources and Social Development and are supervised by social workers and educators. The institutions, moreover, offer social, sports and educational activities, and the families of the juveniles are allowed to visit them twice a week. All necessities for persons in that age group are provided, including recreational facilities. Juveniles with psychosocial disabilities are placed in psychiatric institutions and provided with medical care.

87. As concerns paragraph 15 (c) of the list of issues, the enforcement of disciplinary penalties inside prisons and detention centres is subject to strict oversight. Appropriate numbers of special prosecutors have been assigned to that task in all provinces of Saudi Arabia; they conduct regular visits and monitor all the penalties that have been imposed on inmates. Their actions in this regard are regulated by article 3 (f) of the Statutes of the Public Prosecution Service, issued pursuant to Royal Decree No. M/56 on 24 Shawwal A.H. 1409 (30 May A.D. 1989), as amended by Royal Decree No. M/31 dated 13 Rabi' II A.H. 1436 (2 February A.D. 2015) and by Royal Decree No. M/125 dated 14 Ramadan A.H. 1441 AH (7 May A.D. 2020). The article in question grants prosecutors the authority to supervise and inspect prisons, detention centres and any other location in which criminal sentences are enforced, to receive complaints from prisoners and detainees, verify the legitimacy of their imprisonment or detention, check whether any persons are being held beyond the expiry of the specified term, take steps to secure the release of persons imprisoned or detained without legitimate reason and launch legal proceedings against the persons responsible. Moreover, under article 20 of the Prison and Detention Act, any penalties inflicted against a prisoner must be recorded in the register of sanctions.

88. A query was raised concerning criminal investigations into instances of violence by prisoners against public officials, the results of those investigations and the measures taken to prevent similar cases from occurring in the future. Such incidents are investigated and evidence is collected. The police are then informed and complete their own procedures before the case is referred to the competent authority. The matter then goes before the courts, which issue a ruling under both public and private law.

Number of prisoners since 2016 disaggregated by year, gender, nationality and status as detained or convicted (adults)

Year	Detainees				Detainees referred to court				Convicted prisoners				Total
	Saudis (male)	Foreigners (male)	Saudis (female)	Foreigners (female)	Saudis (male)	Foreigners (male)	Saudis (female)	Foreigners (female)	Saudis (male)	Foreigners (male)	Saudis (female)	Foreigners (female)	
2016	5 434	5 573	44	623	12 732	11 565	55	510	17 014	12 221	56	398	66 225
2017	5 338	6 503	37	447	11 435	11 560	108	523	17 219	13 105	41	450	66 766
2018	4 461	7 500	42	357	9 639	8 700	58	409	20 742	15 041	57	332	67 338
2019	4 121	7 918	60	248	8 528	10 347	76	343	20 614	11 143	110	304	63 812
2020	5 452	6 708	79	350	8 074	9 195	78	313	12 661	10 121	61	357	53 449
2021	7 669	7 015	102	358	7 600	6 402	90	408	14 670	16 872	93	445	61 726

89. The concept of gender identity and sexual orientation is inconsistent with the constitutional principles of Saudi Arabia and the values of Saudi society, which underpin public order. For this reason, practices ascribable to such a concept are prohibited under national law and lie beyond the scope of the country's obligations under the human rights treaties and conventions to which it is a party. Saudi Arabia and a number of other States have expressed their views in this regard in many international forums, including the General Assembly of the United Nations and the Human Rights Council. Therefore, any demand to embrace such a concept and the practices it entails constitutes an attempt to impose specific sociocultural norms and values upon societies that have quite different cultures. It is also at odds with the rules of the international system, first among them that of national sovereignty, which means respecting the constitutions, judicial structures and laws of other countries.

Articles 12 and 13

K. Reply to paragraphs 19–21 of the list of issues

90. The name of the “Public Investigation and Prosecution Department” was changed to “Public Prosecution Service” under Royal Order No. A/240 of 22 Ramadan A.H. 1438 (17 June A.D. 2017). The Service was likewise granted complete independence in the exercise of its duties and was made directly answerable to the King. The Public Prosecution Service is thus an independent body that is part of the judiciary and has its own budget. Members of the Service also enjoy complete independence. The status of the Public Prosecution Service as an organ of the judiciary is also upheld in its Statutes, article 5 of which stipulates: “The work of members of the Service is vested with judicial character. The members themselves enjoy complete independence and are subject to no authority in the conduct of their duties other than sharia and statutory law. No one may interfere with the conduct of their duties.” The Public Prosecutor and the members of the service are appointed by royal order, as per article 10 of the Statutes.

91. The Act regulating the Oversight and Anti-Corruption Authority was issued pursuant to Royal Decree No. M/25 of 23 Muharram A.H. 1446 (29 July A.D. 2024). The Authority concerns itself with conducting administrative oversight of public institutions, protecting integrity, promoting transparency and combating corruption. The staff of the Authority are fully independent and are subject to no authority in the conduct of their duties other than sharia and the relevant statutory law. According to article 2 of the Act, crimes that entail an abuse of authority are considered to constitute corruption. It is the task of the Authority to receive complaints and reports concerning corruption-related offences and verify their authenticity. It then launches an investigation and brings a case before the competent court.

92. National law envisages redress for any damages arising from an abuse of authority. One such provision is contained in the Internal Security Forces Act, promulgated by Royal Decree No. 30 of 4 Dhu al-Hijjah A.H. 1384. According to article 172 of the Act, anyone who has a private right or who suffers personal harm as the result of an abuse of authority has the right to uphold their right or claim compensation for damages before the competent authorities. Article 171 of the Act envisages the penalty of dismissal or expulsion from military service for persons who commit acts of ill-treatment and coercion in the course of duty.

93. The Act to protect informants, witnesses, experts and victims was promulgated pursuant to Royal Decree No. M/148 of 18 February 2024. It envisages a body of measures, procedures and safeguards aimed at protecting victims, informants, witnesses and experts as well as their relatives and others who might be harmed as a result of their testimony.

94. The Council of Ministers has issued a decree on the human rights-related tasks that legal departments are expected to undertake, notably that of uncovering violations or abuses that might amount to human rights violations. Acting under that decree, the competent sections of the Ministry of the Interior conduct visits to prisons and places of detention in order to uncover and verify any abuses that might be taking place, to confirm that all inmates and detainees are able to enjoy their legal rights to ensure that the well-being and dignity of inmates are not being violated or neglected.

95. Allegations of torture, ill-treatment, etc. are handled in different ways depending upon the case but always so as to ensure complete confidentiality. The applicable provision is contained in article 25 of the implementing regulations to the Code of Criminal Procedure, which stipulates: “Any appropriate channel – as determined by the Public Prosecution Service – can be used to communicate with prisoners and detainees regarding complaints.” Contact with prisoners is also established via periodic visits to prisons and places of detention to verify whether inmates have any complaints, in accordance with article 38 of the Code of Criminal Procedure according to which such visits can take place at any time and without regard to official hours. Moreover, under article 27 of the implementing regulations to the Code, the complaints mechanism admits reports from anyone, even if the complainant has no direct involvement in the matter. Article 40 of the Code states that, as soon as a complaint is received, the competent official must go immediately to the prison or detention centre and

verify the complaint. Several channels are available for the submission of complaints to different authorities, including via telephone, letter or online. This includes the website of the Public Prosecution Service, which any anyone can use to report a complaint which is then promptly verified and addressed. The Code of Criminal Procedure also includes provision for making complaints inside prisons or detention facilities (arts. 37–39 of the Code and arts. 25–27 of its implementing regulations).

96. With reference to the channels that detainees can use to report ill-treatment in detention facilities, it is important to note that officials at such facilities are under an obligation to inform detainees of the reasons for their detention and to enable them to exercise their right to contact a person of their choice, as well as to inform them of their right to submit a complaint. The channels whereby detainees can make complaints are indicated in posters on display inside all detention facilities.

97. Complaints can be received by the director of a detention facility, either orally or in writing, in accordance with Article 39 of the Code of Criminal Procedure. If a complaint is submitted orally, the director is to make a record, signed by the complainant, giving the contents of the grievance and the reasons behind it. A summary of the detainee's file is to be attached to the complaint and the matter is then reported to the competent prosecutor, in accordance with article 26 (1) of the implementing regulations to the Code of Criminal Procedure.

98. In addition to this, detainees can also submit complaints directly to authorized members of the Public Prosecution Service under article 38 of the Code of Criminal Procedure, as explained above. The Service has developed a system for classifying complaints and a process for dealing with them, and it has identified different types of serious incident that have been observed inside prisons, detention centres and social care institutions. These have been integrated into the electronic prison monitoring system, into the operating manuals annexed to instructions for monitoring and inspecting prisons and detention centres and for overseeing the enforcement of sentences and into online forms.

The following measures are taken in regard of complaints and the classification of complaints:

- Complaints are received, examined and followed up. The competent authority is then contacted in writing to take the required legal action with a request that those responsible for any violations should be held legally accountable. The operating manuals include special forms for recording complaints and specify how these should be handled, as follows:

(a) *Field visits to facilities subject to oversight and inspection by the Public Prosecution Service:*

- A form for receiving complaints from inmates; the prosecutors meet with the detainees concerned and listen to their complaints.
- A form for investigating and following up on complaints; this serves to monitor the progress of the complaint and how it is addressed, and to keep the complainant informed of the action being taken.
- A form to enter a cell or wing in order to listen to inmates' complaints and remarks.
- A form in which to enter the names of inmates whose cases have been examined and in which no violation was found to have occurred or no complaint was filed.

(b) *Complaints received via electronic channels:*

- Electronic monitoring system (currently under trial, optimization and development).
- Complaints system on the *Absher* platform.
- Online system for communicating with the Public Prosecutor.

The types of complaints monitored were as follows:

- Statutory complaints, including those against evidence-gathering procedures, investigation procedures or placement procedures.
- Private complaints.
- Complaints regarding living conditions concerning, *inter alia*, healthcare, social welfare, education, air conditioning and ventilation, food, hygiene, access to the open air, equipment for people with disabilities and overcrowding.

99. The complaints listed above were received and followed up, and the competent authorities were contacted in writing using the forms included in the instructions for monitoring and inspecting prisons and detention centres. Daily tours and regular inspections are carried out to ensure that the complaints have been resolved. The resolution of the complaint can also be monitored directly by inmates then conveyed to prosecutors during their regular visits, or by inmates' relatives, or it can be addressed in written reports sent to the competent prosecutor.

100. If it is shown that a member of staff in a detention centre, acting in bad faith, has prevented or hindered a detained person from submitting a complaint, criminal proceedings are initiated against the staff member concerned for the non-application or misapplication of laws that have been endorsed by royal orders, royal decrees or decrees of the Council of Ministers. The applicable legal provision is contained in article 2 (5) of Royal Decree No. 43 of 1958.

101. Persons who allege that they have suffered torture or ill-treatment or a violation of any of their legally guaranteed rights have the right to seek redress. The channels they can pursue include the Public Prosecution Service, the Human Rights Commission, relevant civil society organizations (the National Society for Human Rights) and others, and the law requires those bodies to take the action necessary in regard of such allegations. The family members or legal representatives of the persons concerned may also pursue such action. In addition to this, persons who allege that they have suffered torture or ill-treatment may also bring a case before their trial court, which will investigate the allegations during the trial taking all legal measures to verify the claims, including hearing witnesses, traveling to the scene of the incident, ordering tests, calling upon experts and other relevant action.

102. Saudi Arabia attributes great importance to the question of amnesties, and regulations have been issued that govern the operation of the reconciliation commissions in the provincial emirates. According to those regulations, each province is to form a commission which is answerable to the Amir and is to pursue reconciliation in *qisas* cases that envisage the death penalty, as long as the case does not involve murder in the context of an abduction, robbery or other serious offence. The commission is to endeavour to reconcile the parties in the case with a view to achieving understanding, resolving disputes, placating souls and attaining rapprochement, without coercion, force or pressure. A standing committee has been formed in the Ministry of the Interior to oversee the work of the provincial reconciliation commissions.

Article 14

L. Reply to paragraphs 22 and 23 of the list of issues

103. With regard to the right of all victims of torture and ill-treatment to compensation, national law, notably Royal Decree No. 43 of 1958, underscores the right to adequate compensation for persons who have suffered harm. In that connection, article 16 of the Terrorist Crimes and Terrorism Financing Act stipulates: "Any person who has been accused or convicted of one of the offences specified in the present Act and who has suffered harm may apply for compensation to the Director of State Security before the matter reaches the competent court. The application is examined by a conciliation committee formed for that purpose by order of the Director, which is to have a minimum of three members, including an expert on sharia law and an expert on statutory law. The committee is to issue its decision

by majority within no more than 90 days from the date the application was submitted.” The party who suffered the damages is free to accept the committee’s decision or to reject it and bring a compensation case before the courts.

104. Article 28 of the Prison and Detention Act prohibits any kind of assault against prisoners or detainees and envisages disciplinary measures to be taken against military or civilian personnel who commit such assault.

105. Great attention and care are lavished on the criminal justice system in order to construct and revitalize the organs of justice. One of these is the Public Prosecution Service which – acting under articles 38–40 of the Code of Criminal Procedure – investigates crimes, conducts the public prosecution and monitors prisons and centres of detention. It also receives complaints from prisoners and detainees, and takes legal action against persons found to have violated the law.

Article 15

M. Reply to paragraph 24 of the list of issues

106. In response to the query concerning the inadmissibility of evidence obtained under torture, it should be noted that article 187 of the Code of Criminal Procedure states that any course of action is invalid if it is contrary to Islamic sharia and to statutory law, including the rules enshrined in the Code that govern investigations, evidence-gathering, etc. According to article 102 of the Code, the interrogation of accused persons is to be conducted in a manner that does not influence their will to make statements, and they must not be required to take an oath or be subjected to coercive measures. Article 161 of the Code of Criminal Procedure provides that, if at any time accused persons confess to the charges against them, the court must listen to their statements in detail and cross-examine them. If the court is satisfied that the confession is true and sees no need for further evidence, it shall take no further action and issue a ruling on the case. The court may, nonetheless, continue the investigation if it finds it necessary to do so.

107. Article 14 of the Evidence Act states that a confession is judicially valid if during the course of proceedings the party concerned confesses before the court to the matter that has been brought against him.

108. In making a judgement, the judge does not rely solely on confessions but on factual and presumptive evidence, arrest and search reports, witness testimonies and cross-examinations and statements heard during the trial proceedings. Measures taken by the judge in that context may comprise hearing witnesses, visiting and inspecting the scene of the offence and seeking the assistance of experts, including forensic medical examiners. In this way, the trial serves as the final investigation. Article 161 of the Code of Criminal Procedure states: “If at any time accused persons confess to the charges against them, the court must listen to their statements in detail and cross-examine them. If the court is satisfied that the confession is true and sees no need for further evidence, it shall take no further action and issue a ruling on the case. The court may, nonetheless, continue the investigation if it finds it necessary to do so.”

Article 16

N. Reply to paragraphs 25–26 of the list of issues

109. The corporal punishment envisaged for *qisas* offences such as murder and assault, and for *hudud* offences, wherein the penalties are set forth in the Qur’ān and the Sunna, cannot be modified or suspended by any authority of the State. This is because they are enshrined in Islamic sharia in definitive terms that admit no interpretation. They are, however, confined to crimes of which the nature, penalty and methods of proof are all predefined. The trend in jurisprudence is to invoke the sharia principle of “reasonable doubt” to revoke *hudud* penalties.

110. Article 3 of the Code of Criminal Procedure stipulates: “No one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law and after being convicted in a trial conducted in accordance with due process of law.” The enforcement of such penalties is surrounded by numerous safeguards and conditions as cases must be heard jointly by three judges in a court of first instance before being submitted to courts of second instance – the courts of appeal – even if not of the parties to the case has challenged the verdict. Cases in the second instance are heard by a bench of five judges and, if they uphold the original verdict, the case goes before the Supreme Court, where it is again heard by five judges. If the Supreme Court upholds the verdict, the process of judicial review is complete. It should be pointed out that prosecutors do not bring a case with a demand for a *hudud* penalty until the matter has been fully reviewed by specialists. The Public Prosecution Service oversees the enforcement of criminal penalties in order to ensure that they are correctly administered and to verify the absence of any impediment that could entail the suspension or postponement of the penalty. Article 217 of the Code of Criminal Procedure and article 156 of the implementing regulations to the Code envisage the formation of a committee to witness the enforcement of the penalty. For its part, article 139 of the Code stipulates that, if a person accused of a major offence lacks the financial means to seek the assistance of a lawyer, he may ask the court to appoint one to defend him at State expense.

111. The penalty of flogging for *ta’zir* crimes was abolished under Decree No. M/40 of 24 Jumada II A.H. 1441 (18 February A.D. 2020), issued by the Supreme Court sitting in full session, in which it decided that the courts should, in cases of *ta’zir* crimes, impose imprisonment and/or a fine, or alternative penalties.

112. Saudi Arabia is committed to international standards relating to the enforcement of the death penalty, including the “safeguards guaranteeing protection of the rights of those facing the death penalty” approved by the Economic and Social Council (ECOSOC) in its resolution 1984/50 of 25 May 1984. In fact, the death penalty in Saudi Arabia is applied only for the most serious crimes under the law. It is not handed down save if there is clear and convincing evidence that leaves no room for any alternative explanation of the facts of a case, and the competent court issues a definitive sentence only once all legal safeguards have been duly respected, including the provision of legal aid. A sentence of death handed down by a court of first instance is subject to mandatory appeal before a court of appeal and is then reviewed by the Supreme Court. This means that such cases are reviewed by 13 judges in courts of different levels. This is in addition to other safeguards that are consistent with relevant international standards.

113. As regards the commutation of sentences of death handed down against persons who were minors when they committed their crime, the Juvenile Act – promulgated by Royal Decree No. M/113 of Dhu al-Qa’dah A.H. 1439 (1 August A.D. 2018) – includes provisions relative to the treatment of juvenile offenders and the cases in which they are involved, including procedures governing arrest, detention, investigation and trial, that are appropriate to the age of the persons concerned and that aim to achieve their best interests and correct their behaviour. According to article 15 of the Act, if juveniles commit an offence that attracts the death penalty, they are to be placed in a juvenile care institution for a period of up to 10 years. In that connection, a royal order was issued in 2020 to stay the enforcement of definitive death sentences handed down against offenders before the enactment of the Juvenile Act for crimes they committed while under the age of 18, and to make them subject to the Juvenile Act.

O. Reply to paragraph 27 of the list of issues

114. Saudi Arabia wishes to point out that it has not recognized the competence of the Committee to receive communications from or on behalf of individuals who claim to be victims of violations, as stipulated in article 11 of the Convention. Saudi Arabia further notes that the article in question states that the Committee may not receive a communication concerning any State party to the Convention that has not made a declaration recognizing the Committee’s competence in this regard. For this reason, the reply of Saudi Arabia will address only the substantive aspects. It should be noted, furthermore, that Saudi Arabia

provides the special procedures of the Human Rights Council with replies to the issues they raise with regard to individual communications.

115. Article 38 of the Basic Law of Governance states: “Penalties are imposed on individuals, there can be no offence and no penalty save with reference to the provisions of sharia or statutory law and penalties can be imposed only for acts committed subsequent to the enactment of a law.” According to article 36 of the Basic Law: “The movement of individuals may not be restricted, nor may they be detained or imprisoned save in accordance with the law.” Article 3 of the Code of Criminal Procedure reads: “No one may be sentenced to a criminal penalty save for an act that is prohibited by sharia or statutory law and after being convicted in a trial conducted in accordance with due process of law.” Furthermore, arrested persons are to be treated in a manner that preserves their dignity; torture is forbidden, and they may not be subjected to physical or mental harm. They must, moreover, be informed of the reasons for their detention and allowed to contact a person of their choice (arts. 2 and 36 of the Code of Criminal Procedure).

116. Legitimate peaceful practices are not criminalized in Saudi Arabia but safeguarded under the law as long as they are undertaken in a way that is reasonable and does not prejudice national security, public order, public morals, public health or the rights and freedoms of others, or that does not transgress other restrictions stipulated in international human rights law. Therefore, the allegation that persons have been arrested or imprisoned for exercising their freedom of expression or for defending human rights is completely untrue. No one is arrested or imprisoned unless they are accused or convicted of committing acts that are criminalized under national law.

P. Reply to paragraph 28 of the list of issues

117. Among the measures taken to tackle the COVID-19 pandemic was the publication of circular No. 54194 of the Prosecutor General dated 12 April 2020 enjoining the continuance of visits to prisons, detention centres and social care institutions and the implementation of precautionary measures to prevent the transmission of infection. Specifically, the following measures were put in place:

- With the involvement of healthcare agencies, a crisis-management operation room was set up to apply precautionary measures against the coronavirus, as recommended by health authorities.
- Social distancing, sterilization and other precautionary measures were applied inside prisons and detention facilities, and inmates were served meals and provided with services individually.
- All prison facilities were sanitized twice a day.
- Masks, gloves, sterilizers and personal hygiene products were distributed to detainees and prisoners.
- Regular coronavirus swab tests were administered to staff upon their arrival at work; they were then held onsite until their test results had come back negative before they replaced their colleagues.
- Extensive coronavirus swab tests were administered to inmates, while new arrivals underwent immediate testing and had no contact with other detainees until their test results had come back negative.
- Detainees were able to maintain communication with their families using indirect communication channels that guaranteed social distancing.
- Rights organizations and monitoring bodies were allowed to oversee the precautionary and preventive measures taken to tackle the COVID-19 pandemic.

118. The following measures were taken in prison and detention facilities:

- The use of temporary release was extended and other safeguards appropriate to crisis situations were rolled out.

- Isolation facilities were set up inside prisons and detention centres.
- A special wing was set aside for older inmates suffering from chronic illnesses, and their condition was regularly and closely monitored by specialized healthcare personnel.

119. For its part, the Public Prosecution Service applied precautionary measures intended to strike a balance between, on the one hand, enabling prosecutors to continue their duty of oversight and inspection of prisons, detention centres and social care institutions and, on the other hand, enforcing strict precautionary measures inside facilities for persons deprived of their liberty. In that regard, online platforms were set up to receive complaints while prosecutors set up phone lines for the same purpose at the provincial and governorate levels. Also, a pandemic crisis management unit was set up to ensure that any complaints received were dealt with promptly.

120. An online judicial platform was set up that lawyers could use to submit their pleadings and defence arguments. The Ministry of Justice also extended its remote trial initiative to include many more inmates, thus facilitating and reducing the length of proceedings while still ensuring full legal and fair-trial safeguards for accused persons. An average of 300 sessions were held each day in 71 courts across the country.

Q. Reply to paragraph 29 of the list of issues

121. In addition to existing human rights-related laws, regulations and institutions, a number of other laws, regulations, orders and decrees were enacted during the period covered by the present report; also, several current laws and regulations were amended and a number of human rights institutions were established. A summary of the most important legal and institutional developments that have a bearing on the implementation of the Convention is given below.

(i) Legal framework

Evidence Act

122. The Act, which was promulgated under Royal Decree No. M/43 of 26 Jumada I A.H. 1443 (30 December A.D. 2021), aims to regulate the ways in which legal evidence can be submitted and to accelerate court proceedings and the resolution of cases. It also seeks to facilitate ways to give probative value to transactions, thus evidencing the existence of a right and making interaction between persons more reliable. This helps to favour more stable and secure social interactions and to reduce any related conflicts and disputes.

Board of Grievances Procedures Act

123. The Act was promulgated under Royal Decree No. M/3 of 22 Muharram I A.H. 1435 (25 November A.D. 2013) and last amended under Royal Decree No. M/43 of 26 Jumada I A.H. 1443 (30 December A.D. 2021). It explains how an administrative case is to be brought, examined and adjudicated, and how to appeal against a judgment.

Code of Criminal Procedure

124. The Code was promulgated under Royal Decree No. M/2 dated 22 Muharram A.H. 1435 (25 November A.D. 2013) and last amended under Royal Decree No. M/43 of 26 Jumada I A.H. 1443 (30 December A.D. 2021). The implementing regulations to the Code were issued pursuant to Council of Ministers Decree No. 142 dated 21 Rabi' I A.H. 1436 then subsequently amended under Council of Ministers Decree No. 46 dated 15 Muharram A.H. 1440, Council of Ministers Decree No. 332 dated 14 Jumada II A.H. 1440 and Council of Ministers Decree No. 727 dated 16 Dhu al-Qa'dah A.H. 1441. They contain provisions intended to regulate the course of criminal proceedings, uphold the rights and safeguards of accused persons and the principle of innocence, avoid any kind of ill-treatment of accused persons, protect their dignity, illustrate channels of appeal and enforce sentences once the judgment has become final and definitive.

Act regulating the legal profession

125. The Act was promulgated under Royal Decree No. M/38 of 28 Rajab A.H. 1422 (15 October A.D. 2001) and last amended under Royal Decree No. M/52 of 14 Rabi' II A.H. 1445 (29 October A.D. 2023). The Act, which serves to regulate the legal profession, stipulates in article 19 that both the courts and the investigative authorities are obliged to provide lawyers with the facilities they need to carry out their duties.

Terrorist Crimes and Terrorism Financing Act

126. The Act was promulgated under Royal Decree No. M/21 of 12 Safar A.H. 1439 (1 November A.D. 2017) and last amended under Royal Decree No. M/31 of 18 Safar A.H. 1444 (24 September A.D. 2022). The Act defines terrorism and addresses the procedural aspects related to arrest, detention, the appointment of counsel, temporary release and the court competent to hear such cases. It also describes the offences and their respective penalties. It constitutes an improvement on the previous Act in that it addresses the promotion and protection of human rights in the fight against terrorism.

Anti-Harassment Act

127. The Act was promulgated under Royal Decree No. M/96 of 16 Ramadan A.H. 1439 (31 May A.D. 2018) and last amended under Royal Decree No. M/48 of 1 Jumada II A.H. 1442 (14 January A.D. 2021). Its purpose is to combat and prevent the crime of harassment, punish perpetrators and protect victims while maintaining the privacy, dignity and personal freedom of individuals, which are guaranteed under sharia and statutory law.

Juvenile Code

128. Promulgated by Royal Decree No. M/113 of 19 Dhu al-Qa'dah A.H. 1439 (1 August A.D. 2018), the Act defines the rules and procedures for dealing with juvenile offenders and the cases in which they are involved, including in relation to age-appropriate arrest, detention, investigation and trial procedures that serve to protect their interests correct their behaviour. Article 15 of the Act stipulates that "any juvenile found guilty of committing a crime punishable by death, shall instead be placed in a juvenile care institution for a period of up to 10 years".

Implementing regulations to the Juvenile Code

129. The regulations, which were promulgated under Council of Ministers Decree No. 237 of 16 Rabi' II A.H. 1442 (1 December A.D. 2020), forbid the use of restraints or shackles when a juvenile is arrested. The regulations also state that the juvenile and the juvenile's guardian are to be informed of the reasons for the arrest and the charges, and of the juvenile's right to seek the assistance of a lawyer at every stage of proceedings, from evidence gathering to investigation to trial.

Audiovisual Media Act

130. The Act was promulgated under Royal Decree No. M/33 of 25 Rabi' I A.H. 1439 (13 December A.H. 2017). Article 5 (4) of the Act prohibits any actions liable to provoke enmity, division and hatred among citizens, incite violence or threaten societal harmony. The implementing regulations of the Act (No. 16927 of 4 Rabi' I A.H. 1440 (12 November A.D. 2018)) include detailed provisions regarding audiovisual media activities.

Labour Code

131. The Code was promulgated under Royal Decree No. M/51 of 23 Sha'ban A.H. 1426 (27 September A.D. 2005) and amended under Royal Decree No. M/5 of 7 Muharram A.H. 1442 (26 August A.D. 2020). It underscores the obligation to preserve the dignity of workers and to create a healthy working environment, and it elucidates the rights and duties of all the parties involved in the employment relationship. Specifically, the duties of employers towards their workers are set forth in article 61, which states that employers may not use forced labour or withhold any part a worker's wages without judicial warrant; moreover, they

must treat their workers with respect and refrain from any words or actions that might injure workers' dignity or offend their religion.

Act to protect informants, witnesses, experts and victims

132. The Act, which was promulgated under Royal Decree No. M/148 of 8 Sha'ban A.H. 1445 (18 February A.D. 2024), describes all the measures, procedures and safeguards to protect victims, informants, witnesses and experts as well as their relatives and others who might be harmed as a result of their testimony.

Persons with Disabilities Act

133. The Act, which was promulgated under Royal Decree No. M/27 of 11 Safar A.H. 1445 (27 August A.D. 2023), replaces the old "Disabled Persons' Welfare Act". It was drafted with a view that it should envisage all vital necessities and thus become the basis to enable persons with disabilities to enjoy their rights across a range of sectors.

Protection against Abuse Act

134. The Act was promulgated by Royal Decree No. M/52 of 15 Dhu al-Qa'dah A.H. 1434 (29 October A.D. 2013) then amended by Royal Decree No. M/72 of 6 Sha'ban A.H. 1443 (9 March A.D. 2022). One of the amendments concerns article 12 whereby cases of abuse are to be monitored for a period of not less than 6 months after the court has handed down its ruling. Article 13 was also amended to introduce more severe penalties for cases of abuse where the victim is a person with disabilities, is one of the perpetrator's parents or is over the age of 60, or if the victim is pregnant and miscarries as result of the abuse. More severe penalties are envisaged if the abuse occurs in a place of work, study or worship, if the perpetrator is a person entrusted with the enforcement of the present Act or if the abuse is perpetrated using a weapon.

Child Protection Act

135. The Act was amended by Royal Decree No. M/72 of 6 Sha'ban A.H. 1443 (9 March A.D. 2022). One of the amendments concerns article 19, under which the authorities are required to develop health, educational, psychological and social programmes to rehabilitate children who have suffered abuse or neglect. In cases of need, the Ministry of Human Resources and Social Development can coordinate with the Ministry of Health to ensure that perpetrators of abuse or neglect undergo psychiatric treatment or attend rehabilitation programmes, depending upon the case. In addition to this, a paragraph 3 was added to article 23 which states that, taking due account of the provisions of the Code of Criminal Procedure, the Ministry of Human Resources and Social Development is to monitor cases until they are adjudicated by the courts.

Board of Grievances Enforcement Act

136. The Act was promulgated under Royal Decree No. M/15 of 27 Muharram I A.H. 1443 (4 September A.D. 2021). It is part of the judicial framework regulating the enforcement of administrative judgments and includes provision for the creation of one or more administrative enforcement courts or (in provinces and governorates that do not have such a court) the creation of enforcement chambers within existing administrative courts.

Personal Data Protection Act

137. The Act was promulgated under Royal Decree No. M/19 of 9 Safar A.H. 1443 (16 September A.D. 2021). It sets forth the rights of personal data holders and explains how such data is to be processed. It also addresses issues such as changes to the purpose of data processing and the choice of processor and it sets periods in which personal data may be accessed and gathered. In addition, it regulates the content of such data, the destruction of data, a data privacy policy and the means for collecting data and maintaining confidentiality. Lastly, it includes a body of regulations.

Act on the Rights and Welfare of Older Persons

138. Article 2 of the Act, which was promulgated under Royal Decree No. M/47 of 3 Jumada II A.H. 1443 (6 January A.D. 2022), states that the Ministry of Human Resources is to coordinate with the competent authorities to ensure that older persons are able to live in an environment that preserves their rights and protects their dignity.

Personal Status Act

139. The Act, which was promulgated under Royal Decree No. M/73 of 6 Sha'ban A.H. 1443 (8 March A.D. 2022), regulates familial relationships with a view to maintaining the stability of families, which constitute the main component of society. The Act also controls the discretionary powers of judges in such a way as to ensure the stability and consistency of judicial rulings, provides a framework for relations between family members, protects their rights and accelerates the settlement of domestic disputes.

Civil Transactions Act

140. The Act, which was promulgated under Royal Decree No. M/191 of 29 Dhu al-Qa'dah A.H. 1444 (18 June A.D. 2023), contains provisions to regulate contracts and financial transactions between individuals. It is intended to consolidate the stability of financial operations and civil contracts, to protect individuals' financial rights and to improve the predictability and consistency of rulings relating to financial matters.

Fraud and Embezzlement Act

141. The Act, which was promulgated under Royal Decree No. M/79 of 10 Ramadan A.H. 1442 (22 April A.D. 2021), is the jewel in the crown of the system of criminal protection against fraud. It enhances the effectiveness and reliability of financial guarantees and fixes standards and principles for financial transactions.

Royal Orders, High-level Orders and Decrees of the Council of Ministers

High-level Order No. 33322 of 21 Rajab A.H. 1438 (18 April A.D. 2017)

142. The Order informs all relevant authorities that they are not to require women to obtain the consent of a guardian in order to receive services or complete procedures. It also envisages support for the Human Rights Commission as it runs programmes to promote awareness of the international treaties to which Saudi Arabia has acceded, including through a comprehensive awareness-raising campaign on women's rights

Council of Ministers Decree No. 289 of 4 Rajab A.H 1437 (11 April A.D. 2016)

143. The Decree endorses new statutes for the Committee for the Promotion of Virtue and the Prevention of Vice, defining the jurisdiction of the Committee and establishing procedures whereby it is to exercise its mandate in coordination with law enforcement agencies.

Royal Order No. A/240 of 22 Ramadan A.H. 1438 (17 June A.D. 2017)

144. The Order changes the name of the "Public Investigation and Prosecution Department" to the "Public Prosecution Service" and gives it greater autonomy in the exercise of its functions.

High-level Order No. 5160 of 3 Safar A.H. 1439 (23 October A.D. 2017)

145. The Order stipulates that all ministers and directors of independent agencies are to make regular visits to inspect the work being undertaken by their associated bodies in other provinces of Saudi Arabia and to canvass the views of citizens, thereby reinforcing the promotion and protection of rights, including participation in decision-making.

Council of Ministers Decree No. 713 of 30 Dhu al-Qa'dah A.H. 1438 (22 August A.D. 2017) as amended by Council of Ministers Decree No. 200 of 4 Rabi' II A.H. 1443 (10 October A.D. 2021)

146. Under the Decree, government agencies – each within its own area of specialization – are to publish online their proposals for draft regulations or decrees so that organizations and individuals can express their views and comments thereon.

Royal Order No. 46274 dated 29 Rajab A.H. 1441 (24 March A.D. 2020)

147. The Order serves to stay the enforcement of definitive *ta'zir* death sentences handed down against offenders before the enactment of the Juveniles Act for crimes they committed while under the age of 18, and to make them subject to the Juveniles Act.

(ii) Institutional framework

148. A number of institutional frameworks have been established the aim of which is to bolster and protect human rights by applying or monitoring the application of the relevant laws and regulations as well as the treaties to which Saudi Arabia is a party. The framework also seeks to reinforce judicial and administrative remedies. The more significant institutions that were established or modified in the period covered by the present report are listed below

Oversight and Anti-Corruption Authority

149. The Act regulating the Oversight and Anti-Corruption Authority was issued pursuant to Royal Decree No. M/25 of 23 Muharram A.H. 1446 (29 July A.D. 2024). The Authority concerns itself with conducting administrative oversight of public institutions, protecting integrity, promoting transparency and combating corruption.

Family Affairs Council

150. The Council was established under Council of Ministers Decree No. 443 of 20 Shawwal A.H. 1437 (25 July A.D. 2016) and tasked with responsibility for family affairs. Article 6 of its statutes envisages the formation of a number of standing or ad hoc technical committees, including a committee for childhood, a committee for older persons and a committee for women. The Council itself is to decide on the membership and tasks of each committee.

Authority for Persons with Disabilities

151. The Authority was established by Council of Ministers Decree No. 266 of 27 Jumada I A.H. 1439 (13 February A.D. 2018) with the aim of providing care for persons with disabilities, ensuring their access to disability-related rights and improving the services provided to them by government agencies. It seeks to facilitate their access to care and rehabilitation, raise the level of prevention, define the role of each agency concerned with the welfare of persons with disabilities and, to that end, cooperate and coordinate with stakeholders to ensure that the necessary measures are taken.

National Centre for the Non-Profit Sector

152. The Centre came into being under Decree No. 618 of the Council of Ministers dated 20 Shawwal A.H. 1442 (1 June A.D. 2021). Its purpose is to regulate and promote the activity of non-profit organizations and expand their activities into the new areas of development, thereby expanding the sphere of civil society activity.