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Global Affairs Canada Human Rights Report: SAUDI ARABIA
2015

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***Update:** On January 2, 2016, Saudi authorities executed 47 individuals convicted of terrorism-related offences, including prominent Shia cleric Sheikh Nimr al-Nimr. The executions took place at multiple locations throughout the kingdom. Of the 47, all were Saudi citizens save two individuals from Egypt and Chad. According to information released by the Ministry of Interior, those executed also included Sunnis convicted of involvement in Al-Qaeda-linked terror attacks in 2003. Sheikh Nimr was charged with seeking "foreign meddling" in the kingdom, "inciting sectarian strife," "disobeying the ruler," and "taking up arms against the security forces". He was known to have been a critic of the ruling Al-Saud family and a supporter of the mass anti-government protests that broke out in Saudi Arabia's eastern province in 2011 where the region's Shia minority have long complained of marginalization.

His arrest two years ago, during which he sustained injuries, sparked days of unrest on both sides of the border. (UNCLASSIFIED)

Sheikh Nimr's death sentence was confirmed in October, 2015. However, right up until January 2, it remained unclear as to whether the sentence would actually be carried out.

(CLASSIFIED)

The Government of Canada responded quickly with a statement from Minister Dion underscoring Canada's opposition to the death penalty, decrying the executions, and calling on the Government of Saudi Arabia to protect human rights, respect peaceful expressions of dissent and ensure fairness in judicial proceedings. The statement reinforced similar messaging from the US, EU members, and other European states. On the regional front, Iran warned that executing Sheikh Nimr would "cost Saudi Arabia dearly" and prominent figures in Lebanon and Iraq were highly critical of the decision, accusing the Saudis of "provoking sectarian fighting." In the wake of Al-Nimr's execution, protesters in Iran attacked the Saudi Embassy in Tehran and its Consulate in Mashhad. Tensions between Riyadh and Tehran escalated rapidly and culminated in a severing of diplomatic relations between the two regional powerhouses, which shows no sign of being mended anytime soon. (UNCLASSIFIED)

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I. SUMMARY:

1. Saudi Arabia is an absolute monarchy and [REDACTED] [REDACTED] It faces a deteriorating regional security situation; a growing domestic terrorist threat; including from the so-called Islamic State of Iraq and Syria (ISIS); a young and expanding population; growing unemployment; and domestic economic pressures resulting from its heavy reliance on the oil sector and the dramatic decrease in oil prices.

(UNCLASSIFIED)

2. Saudi Arabia's human rights record and practices are under frequent attack by international non-governmental organizations (NGOs), other states, and the international media. The Kingdom tends to refute outside criticism on human rights issues [REDACTED]

(UNCLASSIFIED)

3. During the reporting period there were modest reforms in specific areas of concern, such as women's political empowerment and participation. For the first time in Saudi Arabia's history, women were permitted to vote and run in municipal elections and despite predictions to the contrary, 21 were elected. In addition, a new law permitting the establishment of civil society organizations (CSOs) was approved by the Saudi government, establishing a legal framework for the registration, administration, and supervision of CSOs. While there is no scope for political parties within this absolute monarchy, closely-monitored social media increasingly provides a forum for dialogue on current issues affecting the Kingdom - within certain parameters. Corruption, state failures, and social issues are typically open for debate.

(UNCLASSIFIED)

4. During 2015, concerning human rights trends were reported, such as: a significant increase in the number of executions; restrictions on universal rights, such as freedom of expression, association and belief; lack of due process and fair trial rights; violations related to physical integrity and security of the person; and a lack of equal rights for women, children and migrant workers. Concerns have also been raised about the Saudi-led military coalition campaign in Yemen, and Saudi Arabia's combat role, with criticisms focused on Saudi and coalition airstrikes. This has given rise to repeated calls from the international community for investigations into civilian deaths and damage to non-military infrastructure. Detailed reporting on Saudi Arabia's human rights situation can be found at www.hrw.org, www.amnesty.org, www.state.gov, <http://www.gov.uk/government/publications/saudi-arabia-country-of-concern--2/saudi-arabia-country-of-concern>, and <http://www.gc4hr.org/> (UNCLASSIFIED).

5. Ongoing human rights challenges to watch for in the next year include: [REDACTED]

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[REDACTED]

(CONFIDENTIAL)

6.

[REDACTED]

(CONFIDENTIAL)

II. OVERVIEW:

7. The Kingdom of Saudi Arabia is a monarchy ruled by the Al Saud family. Saudi Arabia's [REDACTED]

[REDACTED] The King appoints the Cabinet as his executive as well as all members of the Shura Council. The Shura proposes laws to the King and Cabinet, reviews and provides commentary on laws proposed by Cabinet, but cannot enact legislation on its own. The Basic Law of 1992 states that the Qur'an and the Sunnah (traditions of the Prophet Muhammed) serve as the country's constitution. Therefore, the primary source of law in Saudi Arabia is Shari'a or Islamic law. (UNCLASSIFIED)

8. The law provides that judges are independent and subject to no authority other than the provisions of Shari'a and Saudi laws in force. [REDACTED]

[REDACTED] While both corporal punishment and the death penalty are permitted under Islamic law, there is scope for the government to limit their application. (CONFIDENTIAL)

9. The dramatic decline in oil prices over the past year has resulted in substantially lower fiscal revenues and a deficit of nearly US100 billion. The Kingdom still enjoys an enviable economic position of retaining substantial foreign currency reserves of approximately US 600 billion. However, the government has started taking some measures to deal with the current economic challenges, including lowering fuel subsidies, freezing certain capital expenditures, delaying projects, and establishing a new monitoring body to improve the efficiency of various ministries. According to commentators, there is a risk that cutting subsidies will upset a population that has grown accustomed to a certain level of support. Some go so far as to say that such changes could be viewed as a violation of the Kingdom's underlying social contract wherein citizens receive subsidized

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services and share in a portion of the country's wealth in exchange for unreserved acquiescence to the Al Saud's right to govern. Public reaction to subsidy cuts has thus far been relatively muted but it is possible that these measures may start to hurt more over time – [REDACTED]

[REDACTED] (CONFIDENTIAL).

10. Throughout the year, security was very much top of mind for the Kingdom. Saudi Arabia has committed its forces to the coalition to counter the spread and influence of ISIS/Daesh. During 2015, Saudis faced a number of deadly ISIS terrorist attacks targeting the minority Shi'a population and the security forces. In June 2015, the authorities claimed to have prevented a major terrorist attack at a Sunni mosque frequented by security forces that, had it succeeded, would have been "Saudi Arabia's 9-11," according to Saudi Ministry of Interior (MOI) officials. In two separate attacks in July 2015, a policeman was killed during a raid on ISIS suspects in the southwestern city of Taif, and two policemen were wounded following a car bomb at a check point in the capital Riyadh. In August 2015, a 21-year-old suicide bomber killed 15 people at a Sunni mosque in Abha, the capital of the southwestern Asir province, including 11 members of the Special Emergency Forces. The suicide bomber had previously been detained for 45 days in 2013, but eventually released for lack of evidence. Following these attacks, security forces arrested more than 400 terrorist suspects, and claimed to have foiled a number of terror plots. According to one estimate, the number of terror suspects arrested in the last seven years stands at 4,777.

(UNCLASSIFIED)

11. As part of its efforts in combating terrorism, in October 2015, Saudi Arabia became an observer to the Financial Action Task Force (FATF) and aims to become a full member by 2017. Saudi Arabia has also taken steps to enhance its counter-terrorism legislation, including through the creation of a list of terrorist entities, and by making it illegal to travel abroad for terrorist purposes. Still, in order to achieve membership, Saudi Arabia will likely need to make further changes to its regulations and demonstrate effective implementation of financial accountability and mechanisms. (UNCLASSIFIED)

12. In December 2015, Saudi Arabia announced the formation of a 34-nation Islamic coalition with the expressed aim of fighting terrorism and ISIS, a "disease which affected the Islamic world first, before the international community as a whole." The membership is a mixture of countries which belong to the Arab League and the Organization of Islamic Cooperation (OIC), with Saudi Arabia taking the lead and proposing establishment of a joint operations centre based in Riyadh. [REDACTED]

[REDACTED] (UNCLASSIFIED)

13. [REDACTED] In April 2015, a Brookings Institute study found that there were more Twitter accounts created by ISIS supporters in Saudi Arabia than anywhere else in the world, with 866 accounts, compared to 507 and 453 in Syria and Iraq, respectively. (UNCLASSIFIED)

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14. In the realm of international human rights, Saudi Arabia has ratified a number of human rights treaties, with a standard reservation that in case of a contradiction between the convention and Islamic law, the latter will prevail. These conventions include: The Convention on the Rights of the Child (1989); International Convention on the Elimination of All Forms of Racial Discrimination (1997); Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Punishment (1997); Convention on the Elimination of All Forms of Discrimination Against Women (2000); Convention on the Rights of Persons with Disabilities (2008); Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2011); and the Optional Protocol on the Convention on the Rights of the Child on the Sale of Children, and Child Prostitution (2011). Saudi Arabia has not acceded to the International Covenant on Civil and Political Rights, or the International Covenant on Economic, Social, and Cultural Rights. Article 26 of the Saudi Basic Law does provide that the state protects human rights according to Shari'a law. In practice, international conventions do not take precedence over Saudi national law,

(UNCLASSIFIED)

15. The Human Rights Council (HRC) conducted its second Universal Periodic Review (UPR) of the human rights situation in Saudi Arabia in 2013, resulting in 225 recommendations of which Saudi accepted 181; the next review is scheduled for April 2018. In its recommendations, Canada asked Saudi Arabia to ensure the full participation of women in all political processes, draft and implement a penal code, and amend the Law of Criminal Procedure. In its observation, Canada expressed concern about the high number of reported executions in the Kingdom, as well as the application of corporal punishment. (UNCLASSIFIED)

16. Controversy ensued when Saudi Arabia took on the Chair of the five-member Consultative Group at the HRC. The Consultative Group assesses candidates for UN human rights expert positions and makes recommendations by consensus to the president of the HRC, who conducts additional consultations before submitting the names to the HRC for approval. In September 2015, following extensive media coverage and criticism regarding Saudi Arabia's role, the office of the High Commissioner for Human Rights (OHCHR) issued a strongly-worded statement clarifying the "highly distorted narrative" regarding the appointment. The statement emphasized that the five ambassadors are not elected by the HRC or any other UN body, but appointed by the five regional groups and serve in their personal capacity. The Saudi Ambassador was selected by the Asian group and assumed the chair on a rotating basis, but held no additional powers compared to the four other members. Despite the explanation, concerns persisted among human rights groups and in the international media about Saudi Arabia's suitability for the role. (UNCLASSIFIED)

17. There are two national human rights organizations in Saudi Arabia: The Human Rights Commission and the National Society for Human Rights. The Human Rights Commission (HRC) is a governmental body established in 2005 which reports directly to the King. It is responsible for promoting awareness of human rights; monitoring the implementation of conventions; and receiving and taking

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action on behalf of complainants. Endowed by the late King Fahd, the National Society for Human Rights (NSHR) was established in 2004, [REDACTED] it exists with the consent of the government and many of its members are drawn from the ranks of government, including from the Shura Council. The NSHR reviews compliance with conventions, receives and follows up on complaints, and provides human rights education. Both entities are open to meeting with foreign interlocutors, and are open to discussion and, at times, intervention on individual cases brought to their attention. Civil society organizations working on human rights in Saudi Arabia do not currently have legal status, [REDACTED]

(UNCLASSIFIED)

18. The HRC and NSHR are relatively new organizations, and are gradually developing their expertise and authority, as well as negotiating the parameters within which they have to work. [REDACTED]

(CONFIDENTIAL)

19. The Hajj period was a particularly challenging and tragic one for the Kingdom. On September 24 two large groups of pilgrims converged on a narrow road during the annual Hajj pilgrimage in Mina near the holy city of Mecca, causing many pilgrims to suffocate or be trampled to death in the confusion. While Saudi authorities reported 769 dead and 934 injured, subsequent information indicated that as many as 2200 people died, making the stampede the worst ever tragedy in the history of the annual Hajj pilgrimage. This followed on the heels of an earlier accident on September 11, when a crane collapsed in Mecca's Grand Mosque resulting in 111 deaths. The Saudi government struck two separate committees to investigate the accidents but has yet to issue a final report. Following the crane accident, King Salman received a preliminary report of the investigation and subsequently issued several directives, including paying compensation for the victims and their families ranging from 500,000 to 1 million Saudi riyals each. The King's directives also stipulated that those affected could still seek additional remedies through legal means. The incidents prompted an unprecedented outpouring of criticism from Muslims around the world about what they see as the Kingdom's mismanagement of the site including the razing of areas of historical significance. (UNCLASSIFIED)

20. Throughout the year, Saudi Arabia attracted criticism due to its military campaign in Yemen. In March 2015, a Saudi-led Arab coalition launched operation "Decisive Storm" to disarm Houthi rebels and reinstate the ousted President of Yemen, Abdrabbuh Mansour Hadi. Yemen had already been suffering from a significant and prolonged humanitarian crisis before the escalation of the current conflict. At the beginning of 2015, the UN estimated that 15.9 million people were in need of humanitarian assistance out of a total population of 25 million. Since the violence escalated in March 2015, the number of people in need of humanitarian or assistance has increased to 21.2 million people, or 82 per cent of the population. In December 2015, Yemen's warring sides participated in UN-led peace talks in Switzerland with no major breakthrough. The seven-day ceasefire ahead of the peace negotiations was broken within a few hours. (UNCLASSIFIED)

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21. In December 2015, the UN High Commissioner for Human Rights Zeid Raad told the UN Security Council that the Saudi-led coalition appears to be responsible for a "disproportionate amount" of attacks on civilian areas. The UN estimates that nearly 6,000 have been killed since March, almost half of them civilians, including some 600 children. In two separate incidents in October and December 2015, air strikes by the Saudi-led coalition hit health facilities operated by Doctors Without Borders, wounding several people. Despite calls from the international community for investigations into civilian deaths and damage to non-military infrastructure

Meanwhile, cross-border attacks by Houthi rebels on southwestern Saudi Arabia, including by small arms, mortar, and rocket fire, resulted in more than 80 casualties, most of them soldiers and border guards. (UNCLASSIFIED)

22. In December 2015, Saudi Arabia hosted 116 members of the Syrian opposition representing armed and non-armed groups, who — despite their major differences and the exclusion of certain groups — agreed upon the structure of the negotiating delegation that will represent them in the anticipated UN-led peace talks scheduled for January, 2016. The Saudi initiative attracted both praise and criticism from various quarters of the international community, but without a doubt the meeting did succeed in fostering much needed cohesion amongst opposition figures in advance of the talks. (UNCLASSIFIED)

III. DESCRIPTION:

Civil and Political Rights:

23.

[REDACTED]

Also in 2014, following continued investigation and prosecution by the authorities, the Saudi Civil and Political Rights Association (ACPRA) ceased operations, although it maintained some presence on social media. In 2014 and 2015, several founding members of ACPRA were placed on trial and given lengthy prison sentences. (UNCLASSIFIED)

24.

[REDACTED] the approval in December of a new law permitting the establishment of civil society organizations (CSOs) may make it possible for advocacy groups to operate, [REDACTED] Proposed in 2006 by the Saudi Ministry of Social Affairs, it was amended by the Shura Council and submitted to the Cabinet in 2008. The law establishes a legal framework for the registration, administration and supervision of CSOs. In the absence of the law, CSOs have been forced to register as charities, and advocacy organizations such as human rights organizations have been prohibited. [REDACTED]

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(UNCLASSIFIED)

Issues relating to freedom of religion or belief:

25.

Saudi laws do not allow the construction of places of worship other than mosques. (UNCLASSIFIED)

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(CONFIDENTIAL)

27. While the Ministry of Interior maintains primary control over police forces, social behaviour, public interaction between the members of the opposite sex, and enforcing dress deemed 'appropriate' for women is monitored and regulated by the semiautonomous Commission for the Promotion of Virtue and the Prevention of Vice (CPVPV) - commonly known as the "Commission" or "Religious Police." Reporting to the Royal Court and the Minister of Interior, the CPVPV also enjoys the power to investigate alcohol and drug-related offenses, enforce public respect for Saudi religious policies, such as closing public places during prayer times, detain suspects for brief periods before transferring them to the police, and monitor social media sites such as Twitter. According to media reports, the CPVPV shut down more than 10,000 Twitter accounts in 2014 for "violating religious standards." Some CPVPV officers have been found to have used their powers to harass individuals, accused of corruption, and abuse of authority. In August 2014, four CPVPV officers were found guilty of abuse of authority after witnesses filmed them assaulting a British national and his Saudi wife whom they suspected of gender mixing. (UNCLASSIFIED)

28. With the emergence of ISIS, violence has increasingly become sectarian in nature. In May 2015, two separate attacks by ISIS which targeted Shi'a mosques in the Eastern Province claimed the lives of 25 worshippers. On 16 October, an ISIS gunman killed five people at a Shi'a gathering in the eastern city of Saihat. The authorities arrested 49 people suspected of links with the terror attack. Ten days later, a suicide bomber targeted a Shi'a mosque in the city of Najran in southern Saudi Arabia, killing two and wounding 25. The attacks generated extensive media coverage and debate, with leading religious figures exhorting the youth to shun extremists groups and their ideologies. In the majority Shi'a Eastern Province, at least eight members of the security forces have been killed since the protests began in 2011, including four in 2015. (UNCLASSIFIED)

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Issues relating to the physical integrity and security of the person:

29. [REDACTED] Crimes could either be punishable under "*hadd*" – a crime for which Islamic law prescribes a specific punishment, including the death penalty – or under judicial discretion or "*ta'zir*", meaning neither the crime nor the punishment is defined under Islamic law. [REDACTED] The most frequently used form of corporal punishment is flogging. Flogging is administered publicly and with a view to causing humiliation and having a demonstration impact on observers. The subject remains fully clothed and the lashes involve a rapid series of strokes with a thin cane swung from the wrist or elbow and applied to the back and backside. (UNCLASSIFIED)
30. Saudi Arabia engages in capital punishment, including public executions by beheading. The death penalty can be imposed for a wide range of offences, including murder, rape, armed robbery, drug use, apostasy, sorcery, or adultery. The number of recorded executions increased in 2015, with 159 executions. The annual total for 2014 was 86 executions and in 78 executions 2013; there were 26 executions in 2010, the lowest recorded figure in the past decade. At this time, there is no significant public movement to abolish the death penalty in Saudi Arabia. Authorities maintain that the death penalty is an integral part of Islamic law, that it serves as a deterrent, and that it is only applied for the "most serious crimes", following very thorough judicial proceedings, including the involvement 13 judges at three levels of court. [REDACTED] (UNCLASSIFIED)
31. In October 2014, Shaykh Nimr Al-Nimr, a high-profile Shi'a cleric who led protests in the Shi'a-dominated Eastern Province in 2011 and 2012, was sentenced to death by the Specialized Criminal Court (SCC). The charges against Al-Nimr included "breaking allegiance with the ruler," "inciting sectarian strife" and "encouraging foreign meddling in Saudi Arabia." Saudi officials claim that Al-Nimr resisted arrest during a demonstration in 2012 by firing upon a policeman. During the alleged exchange of gunfire, he was hit twice in the leg and subsequently arrested. His supporters and human rights organizations believe that he was convicted in a questionable legal process and deeply flawed trial, including being denied the right to prepare an adequate defence and respond to the charges, and failure to inform his lawyer of the dates and numbers of court hearings. Saudi authorities claim that the charges against him were not based on religious grounds. His followers and human rights organizations dispute the claim and highlight alleged long-term discrimination and state repression of the Shi'a minority. (UNCLASSIFIED)
32. There are currently three Shi'a minors who have been sentenced to death and have lost their appeal: Ali Al-Nimr, Dawood Al-Mahroon, and Abdullah Al-Zaher, arrested when they were aged 17, 17, and 16 respectively. In May 2014, Nimr Al-Nimr's nephew, Ali Al-Nimr, was convicted and sentenced to death by the SCC.

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[REDACTED]

His alleged crimes included participating in a demonstration, attacking the security forces, possessing a weapon, and armed robbery. In September 2015, the Supreme Court upheld the death sentence. (UNCLASSIFIED)

33. In November 2015, poet and artist Ashraf Fayadh, who was born in Saudi Arabia to Palestinian refugee parents, was found guilty of apostasy and sentenced to death. Fayadh was initially arrested in January 2014 and charged with apostasy and spreading atheist thoughts through his poetry. He was also accused of taking photos of women who were not his relatives and storing them on his phone, a violation of the country's Anti-Cyber Crime law. In April 2014, the General Court accepted his repentance for the charges of apostasy but sentenced him to four years in prison and 800 lashes for the photo charges. However, a court of appeal rejected the apostasy decision and sent back the case to the General Court, which in turn sentenced him to death for apostasy. Fayadh denies the charges and claims that he was falsely accused. According to human rights organizations following the case, Fayadh was denied access to a lawyer. (UNCLASSIFIED)

34. According to a report issued by the [United States Department of State] Saudi Arabia remains a destination for human trafficking. The Government of Saudi Arabia has taken a number of measures to address this problem such as passing a law against human trafficking and joining the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime. In addition, it has participated in regional efforts against human trafficking. Finally, the Saudi HRC organised a workshop on human trafficking. [REDACTED]

release

[REDACTED]
(UNCLASSIFIED)

Issues relating to the rule of law and due process

35. Saudi law states that no person may be arrested, searched, detained or imprisoned except as provided by law and that all accused have the right to seek counsel.

[REDACTED]

(UNCLASSIFIED)

36. The Specialized Criminal Court (SCC) came under fire during the year by Saudi human rights activists and international human rights organizations expressing concern that the SCC was being used to prosecute human rights defenders by holding unfair trials. Established in 2008 to deal with terrorism-related offences,

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[REDACTED]

(UNCLASSIFIED)

37.

[REDACTED]

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38. The Government of Saudi Arabia has made progress in the areas of rule of law and due process. In August 2014, the first Family Court was implemented, with plans to build another 22 throughout the Kingdom. This is expected to provide specialized and timely legal access to plaintiffs seeking to resolve family law issues. In addition, the Saudi Government has undertaken significant investments in building new court houses, integrating technology, and offering judicial training. The sizes of the Appeal Court and Supreme Court have increased and will potentially provide better access to justice. In addition, new arbitration processes are being integrated into the legal process to support alternative dispute resolution. (UNCLASSIFIED)

Issues relating to political and democratic rights and freedoms:

39.

[REDACTED]

(UNCLASSIFIED)

40. The Basic Law states that the role of the media is to educate the nation and to promote national unity. Publications can be banned if they are found to foster sedition, harm state security, or undermine human dignity or rights. [REDACTED] Internet is censored, although Saudis are prolific users of Twitter, Facebook and other social media platforms, [REDACTED] International publications are available but subject to censorship. Despite restrictions, Saudis engage informally through social media in vibrant discussions on social issues such as the role of women or corruption. Elections are rare in the Kingdom, although

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municipal elections took place for the third time in the history of the Kingdom in December 2015, when women were given the right to vote for the first time.

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41. In 2014 and 2015, Saudi courts sentenced eight members of ACPRA to prison sentences of 8 to 15 years for charges related to establishing a human rights organization and criticizing the government. For example, on 13 October 2015, Abdulrahman Al-Hamid, human rights defender and co-founder ACPRA, was sentenced by the SCC to 9 years, fined 50,000 Riyals, and banned from travel for 9 years upon completion of his sentence. Al-Hamid was arrested in April 2014 and was charged, among other charges, with incitement against public order and establishing an unlicensed organization. Also on 13 October 2015, human rights defender Abdulaziz Al-Senaidi was sentenced to 9 years in prison. He was arrested in March 2015 and asked about his online activities. He was later charged with inciting public opinion online and for signing a petition calling for demonstration and spreading chaos. (UNCLASSIFIED)

42. In December 2015, writer Zuhair Kutbi was sentenced to four years in prison, followed by a five-year ban on international travel, and a fine of 100,000 Saudi riyals. The SCC found him guilty of "inciting public opinion", among other charges. He was arrested in July 2015, after he was interviewed on an Arab Satellite channel, in which he criticized political repression and proposed to change the country's political system into a constitutional monarchy.

(UNCLASSIFIED)

43. In November 2015, an appeal court upheld a decision by a lower court which sentenced human rights defender and blogger Mikhliif Al-Shammari to two years in prison and 200 lashes. He was initially charged with "violating instructions by the rulers by holding a private gathering and tweeting" and "stirring public opinion by sitting with the Shi'a." The court amended the second charge after sentencing, so that it now reads "stirring public opinion by sitting with trouble makers from the Shi'a." When Al-Shammari complained about the change, he was told that such changes are subject to the discretion of the judge. Al-Shammari was previously arrested a number of times, spent several months in prison,

In an opinion piece in the semi-official daily Al-Watan, prominent Saudi journalist Qinan Al-Ghamdi questioned the legal grounds for both the original and the Appeal Court's judgments.

(UNCLASSIFIED)

The case of Raif and Samar Badawi

44. Raif Badawi is a Saudi blogger and activist and the creator of the website Free Saudi Liberals. He was arrested in 2012 on a charge of insulting Islam through electronic channels and brought to court on several charges, including apostasy. He was sentenced to seven years in prison and 600 lashes in 2013. In 2014 he was cleared of apostasy, which could have carried a death sentence, but lost his

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appeal to his earlier 'more lenient' sentence and was resentenced to 1000 lashes and ten years in prison plus a fine of 1 million Saudi riyals. The lashes were to be carried out over 20 weeks. The first 50 were administered publicly outside a mosque in Jeddah on January 9, 2015. No subsequent lashes have since been administered, despite reports they were to resume. There was an unconfirmed report in December 2015 that he had gone on a hunger strike. (UNCLASSIFIED)

45. Badawi's case has generated extensive international interest and is regularly raised by Western officials and diplomats in their meetings with Saudi officials. In December 2015, the European Parliament awarded Badawi the prestigious Sakharov Prize for Freedom of Thought, which his wife accepted on his behalf. Human rights organizations increased considerably their advocacy efforts. In October 2015, a UK-based coalition and campaign – We Are Raif – was formed. In November 2015, a 12-page written argument by Lawyers Without Borders Canada claimed that Badawi's conviction was tainted because of irregularities, including that under Saudi's Anti-Cyber Crime Law and the Law of Printed Materials and Publication, it was not the Criminal Court of Jeddah but the special committees of the Ministry of Culture and Information that ought to have adjudicated the case; that Badawi's right to the legal assistance of his own choosing was not respected; and that only some of the charges against him were disclosed. (UNCLASSIFIED)

46. In September 2014, while making a statement about the human rights situation in Saudi Arabia at the Human Rights Council, Badawi's sister, Samar, was interrupted by the Saudi delegation. Upon her return to Saudi Arabia, she reportedly received threats and, in December 2014, she was banned from travel indefinitely. In recognition of her campaign to allow Saudi women to vote and drive, Samar was awarded in 2012 the State Department's International Women of Courage award. Meanwhile, her former husband, Waleed Abulkhair, a lawyer and a founder of the Monitor of Human Rights in Saudi Arabia, is serving a 15-year prison after being convicted by the SCC on several charges, including "inflaming public opinion and disparaging and insulting the judicial authority." Hundreds of thousands of Amnesty International's supporters campaigned for his release during Amnesty's December 2015 Write for Rights Campaign. (UNCLASSIFIED)

Economic, Social and Cultural Rights:

47. **Labour rights and working conditions:** The majority of the 8.5 million migrant workers in Saudi Arabia are drawn from developing countries in Asia and Africa, and undertake much of the manual, clerical and service-related work in the Kingdom. In 2013, the Saudi Government expelled hundreds of thousands of foreign migrants found in violation of labour laws, such as those without a valid work permit or those working for someone other than their legal sponsor.

Many other illegal migrants were provided the opportunity to regularize their status in the Kingdom. The Saudi government amended its laws in 2013 to provide more rights to migrant workers, and better define employer obligations. This provided new means to take recourse against employers, and allows the government to ensure these rights are being upheld.

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Equity, Equality and Non-Discrimination:

48. **Sexual orientation and gender identity:** Homosexuality is illegal in Saudi Arabia.

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50. **Freedom from discrimination:** In 2013, the state adopted new legislation against domestic violence and established programs to provide victims of abuse with access to health care and other means of support. At the same time, the government established new specialized family courts that provide women with better access to the justice system.

(UNCLASSIFIED)

51. The Kingdom has been one of the largest donors to Syrian refugee camps in Lebanon and Jordan, and sees itself as being one of the most generous countries in terms of giving access to Syrian refugees, although it does not refer to them as "refugees" in the sense of the UN Convention but rather as "Arab brothers and sisters in distress."

According to the office of the United Nations High Commissioner for Refugees (UNHCR) in Riyadh, the number is somewhere between 800,000 to 1 million, with approximately 500,000 having resided and worked legally prior to the start of the conflict. (UNCLASSIFIED)

52. As of June 2015, UNHCR figures show that there are 211 refugees, 93 asylum seekers, and 70,000 stateless person in Saudi Arabia. (UNCLASSIFIED)

53. The Kingdom was one of the 10 largest donors of development aid in the world in 2013, according to the Development Assistance Committee of the Organization for Economic Co-operation and Development (OECD-DAC). In May 2015, Saudi Arabia created the King Salman Humanitarian Aid and Relief Centre, which has committed US\$272 million in support of the humanitarian operations in Yemen. In December 2015, OECD-DAC received a request from Saudi Arabia to become a Participant of the DAC. (UNCLASSIFIED)

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54. **Promotion and protection of women's rights and gender equality:** While the role of women in Saudi society is very restricted and largely segregated, there has been some progress. Occasionally medical, cultural and commercial conventions may be open to participation by both men and women, as part of an effort to increase women's participation in the economy. According to the Saudi Central Department of Statistics and Information, 49 percent of Saudi university graduates in 2014 were women and the number of employed women has almost doubled between 2010 and 2014. While the improvement is positive, the participation rate of women remains very low and broad restrictions on what women can and cannot do in society and in the labour market remain, including a ban on driving, gender segregation, as well as restrictive dress and moral codes. These restrictions have a broad impact on women's participation in the Saudi economy, as currently they only make up 16 percent of the Saudi workforce. (UNCLASSIFIED)
55. During the reporting period, the most notable progress in terms of the role of women in Saudi society occurred on 12 December 2015, when for the first time in the history of Saudi Arabia women voted and ran for municipal elections. This was the third municipal election to ever take place in Saudi Arabia; the first two occurred in 2006 and 2011, when only men were allowed to run. A total of 21 women were elected, which represents only 1 percent of the 2016 elected. Civil society groups were bracing for a situation where no women would be elected but were pleasantly surprised with the final tally of 21. Following a royal decree changing the governance of the Shura Council, the 150-person appointed body has included 30 women as full members since February 2013. Some Shura female members have spoken out on issues important for women, including domestic abuse, unemployment, and driving. (UNCLASSIFIED)
56. In a country where gender segregation is prevalent at all levels, during the 2015 municipal elections, female candidates faced some obstacles, including such as: they were not allowed to directly address male voters (instead male relatives or supporters played that role); their pictures were not allowed to be included in campaign literature (a restriction eventually applied equally to men); and certain women activists' names were removed from the list of candidates. To overcome their inability to campaign directly, women candidates relied heavily on social media, including Facebook, Twitter, and YouTube. It was reported that 30 women dropped out of the campaign because of family pressure. In one case, a female candidate's husband in the Mecca region received threats when his wife, a school vice principal, declared her candidacy. She ended up winning the seat by 68 votes. (UNCLASSIFIED)
57. Women continue to suffer a lack of legal autonomy due to the guardianship laws, which require women to have the permission of a male guardian (father, brother, uncle, son) to travel, study, marry or work - limiting women's freedom of movement and undermining women's economic independence. Although Saudi Arabia committed at the UN HRC in 2010 to dismantle the guardianship system, it has yet to do so. (UNCLASSIFIED)
58. Reports of child, early and forced marriage, while rare, are not unheard of within Saudi Arabia. [REDACTED]

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[REDACTED]

(UNCLASSIFIED)

59. In December 2015, it was announced that the Interior Ministry will begin issuing family identity cards to widows and divorcees, granting them a variety of administrative powers including accessing records, registering children for schools and authorizing medical procedures. Previously these kinds of actions required approval from the former spouse or designated male guardian, or a court order. [REDACTED] described the move as a concrete and important step in enabling women to act independently in making decisions for the well-being of their families. The matter has become increasingly relevant as divorce rates climb in the Kingdom. According to Ministry of Justice statistics, family status cases account for 65 percent of all those before courts and 28 percent of marriages that took place in 2015 ended in divorce. (UNCLASSIFIED)

60. Saudi women are not allowed to drive. In November and December 2014, Saudi Arabian women activists Loujain Al-Hathloul and Maysaa Al-Amoudi were detained as they attempted to drive to Saudi Arabia from the United Arab Emirates (UAE). They were released in February 2015. (UNCLASSIFIED)

61. **Minorities and Indigenous peoples:** Saudi Arabia has made progress toward better integrating its minority Shi'a population and overcoming the historical prejudice against Shi'a Muslims held by many Saudi Sunni Muslims. Aramco, the state-owned petroleum giant, is increasingly recruiting Shi'a into its ranks. Government scholarships to study overseas have not been seen to discriminate against Shi'a. [REDACTED]

[REDACTED] In the wake of several bombings against Shi'a by ISIS, the government has made active efforts to reach out to the community and provide reassurances as well as increased security. These attacks also saw several self-reflective articles in the state-controlled media about the need to end sectarian differences. [REDACTED]

(CONFIDENTIAL)

IV. ANALYSIS:

62. [REDACTED]

s.13(1)(a)

s.15(1) - International

(CONFIDENTIAL)

63.

(CONFIDENTIAL)

64.

(CONFIDENTIAL)

65.

(CONFIDENTIAL)

66.

The decision to allow women to run and vote in the 2015 municipal elections received some criticism from conservative circles, when it was first announced by the late King Abdullah in 2011, at the height of the Arab Spring. In 2013, he named 30 women to the appointed Shura Council, which also ruffled some conservative feathers. The results of the 2015 municipal elections, considered by many women activists as a watershed moment in Saudi women's struggle towards achieving equality, has also had its detractors within the conservative religious establishment. Women see the change as gradual, and the election of 21

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women is therefore viewed as a positive development, albeit very small.

(CONFIDENTIAL)

67. Saudi Arabia is a close ally on counter-terrorism and in particular in the campaign against ISIS and radicalization more generally. Political commitment to fight terrorism has increased as the country has faced several deadly ISIS terrorist attacks over the last several months. While ISIS has shown a resiliency and ability to repeatedly hit soft targets in Saudi Arabia

A decade earlier, Saudi Arabia put in place a very effective strategy of deterrence, prevention, active monitoring and policing and rehabilitation to meet a homegrown Al Qaeda challenge.

(CONFIDENTIAL)

V. CANADIAN REPRESENTATIONS, INTERVENTIONS AND POLICY:

68. Significant Canadian interventions/actions on case of Raif Badawi:

- The December 17, 2015 statement issued by Minister Dion highlighted that he "discussed Canada's concerns... regarding the state of human rights in Saudi Arabia, including the case of Raif Badawi, whose family resides in Canada. I

s.13(1)(a)

s.15(1) - International

s.19(1)

(Minister Dion) expressed the government's hope that clemency will be granted in this case."

- During Saudi Foreign Minister Adel Al-Jubeir's December 17-18, 2015 visit to Canada, Minister Dion expressed, to his Saudi counterpart, concerns regarding the state of human rights in Saudi Arabia, [REDACTED]
- On November 29, 2015, Ambassador of Canada to Saudi Arabia, Dennis Horak, spoke with the President of the Human Rights Commission (HRC) and to the Director for the Americas Department at the Saudi Ministry of Foreign Affairs. [REDACTED]
- On November 12, 2015, Department of Foreign Affairs and International Trade officials raised the Badawi case with the Saudi Ambassador.
- On 29 October, 2015, the Embassy of Canada in Riyadh [REDACTED]
[REDACTED]
- Ambassador Bennett issued additional tweets on June 8, 2015 in response to the Saudi Supreme Court's decision to uphold Mr. Badawi's sentence.
- On April 1, 2015, the House of Commons passed a motion denouncing the reprehensible treatment of Mr. Badawi and calling on the government of Saudi Arabia to end his punishment and release him immediately.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Embassy of Canada officials in Riyadh shared a copy of Ambassador Bennett's January 8th statement in a demarche [REDACTED]
[REDACTED]

s.13(1)(a)

s.15(1) - International

s.19(1)

- [REDACTED]
- Former Foreign Minister issued a press statement on January 14, 2015 condemning the punishment and urging clemency.
- [REDACTED]
- On January 8th 2015, Ambassador Bennett released a statement expressing deep concern about the Saudi authorities' intention to commence Mr. Badawi's punishment of 1,000 lashes, calling it a "gross violation of human dignity". [REDACTED]
- Canada's Ambassador for Religious Freedom Andrew Bennett tweeted about the case of Mr. Raif Badawi on June 23, 2014.

(UNCLASSIFIED)

Other Examples of Interventions:

- On 11 December 2015, Minister Dion issued a statement which commended Saudi Arabia's leadership in convening a broad and representative group from Syrian opposition who agreed upon the structure of the negotiating delegation that will represent them in the anticipated UN-led peace talks scheduled for January 2016.
- [REDACTED]
- In its recommendations to Saudi Arabia at the 2013 UPR, Canada asked Saudi Arabia to ensure the full participation of women in all political processes, draft and implement a penal code, and amend the Law of Criminal Procedure. In its observation, Canada expressed concern about the reported high number of executions in the Kingdom and the application of corporal punishment.

(UNCLASSIFIED)

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15(1) - International, 21(1)(a)

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