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Hala Mazyad Al-Tuwajri, President of the Saudi Human Rights Commission of Saudi Arabia addresses the 52nd Regular Session of the Human Rights Council, Geneva. © UN Photo / Violaine Martin, licensed under CC BY-NC-ND 2.0.

# THE SAUDI HUMAN RIGHTS COMMISSION

A whitewashing tool of the Kingdom

November  
2023

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# 1. Introduction

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Saudi Arabia has long been responsible for a persistent pattern of gross human rights violations. These violations encompass a broad range of issues, manifesting in both law and practice, ranging from the severe repression of freedom of expression, peaceful assembly, and association, to the disregard for the principles of due process and fair trial, and the persistent use of the death penalty. This ongoing pattern highlights the urgent need for reform, vigorous oversight and protection of human rights.

Since its establishment in 2005, the Saudi Human Rights Commission (SHRC) has, in principle, been responsible for promoting and protecting human rights in the country. The SHRC is mandated to undertake a number of human rights-related tasks, including addressing human rights complaints, engaging in legislative work, and monitoring detention facilities. In theory, it stands as an independent entity, capable of holding the government accountable and advancing human rights on the ground.

However, the effectiveness of the SHRC in fulfilling this essential role should be questioned, both in theory and practice. As a general rule, National Human Rights Institutions (NHRIs) seek accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), a step greatly encouraged by UN human rights bodies. As part of their accreditation process, these institutions are assessed according to

international standards adopted by the UN General Assembly,<sup>1</sup> commonly referred to as the Paris Principles.<sup>2</sup> However, the SHRC has never sought accreditation from the GANHRI, and its independence and effectiveness have never been assessed on an international level.

This comprehensive report aims to critically analyse the SHRC's role in Saudi Arabia. It finds clear evidence pointing to the institution's alignment with the government's interests, and its exploitation as a tool to whitewash the Kingdom's egregious human rights record. By examining its legal framework, composition, partnerships and actions, the report provides a comprehensive analysis of the SHRC's independence and effectiveness in promoting and protecting human rights.

The content of this report is founded upon a combination of open-source information and testimonies of victims of human rights abuses gathered by the report's co-authors. The report was drafted by MENA Rights Group with the inputs of ALQST for Human Rights and the European Saudi Organisation for Human Rights, as well as with the contribution of Reprieve.

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1 The Paris Principles were adopted by the UN General Assembly in 1993 and by the Vienna World Conference on Human Rights.

2 UN General Assembly, *Principles relating to the Status of National Institutions (The Paris Principles)*, 20 December 1993, UN Doc. A/RES/48/134, <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris> (accessed 13 November 2023).

# 2. The human rights situation in Saudi Arabia

## 2.1 Legal framework: International conventions applicable to Saudi Arabia

The Kingdom of Saudi Arabia is a State party to the UN Convention against Torture and other Cruel Inhuman or Degrading Treatment or Punishment (UNCAT),<sup>3</sup> the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),<sup>4</sup> the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),<sup>5</sup> the Convention on the Rights of the Child (CRC),<sup>6</sup> the Convention on the Rights of Persons with Disabilities (CRPD),<sup>7</sup> and the Arab Charter on Human Rights.<sup>8</sup>

Saudi Arabia has not ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the Rome Statute of the International Criminal Court (ICC), the

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) nor the International Labour Organisation's (ILO) Domestic Workers Convention (No. 189).

Moreover, it has not accepted the competence of the UN Committee against Torture (CAT) to conduct inquiries under article 20 of the Convention against Torture nor the individual communication procedure under article 22. During its last Universal Periodic Review (UPR) in 2018, Saudi Arabia only noted the great majority of recommendations regarding the ratification of international treaties and compliance with international norms.<sup>9</sup> Despite having supported recommendations regarding the

3 Saudi Arabia ratified the UNCAT in September 1997.  
4 Saudi Arabia ratified the CEDAW in September 2000.  
5 Saudi Arabia ratified the CERD in September 1997.  
6 Saudi Arabia ratified the CRC in January 1996.  
7 Saudi Arabia ratified the CRPD in June 2008.  
8 Saudi Arabia ratified the Arab Charter on Human Rights in November 2013.

9 Saudi Arabia noted all, or most, recommendations related to the ratification of the Rome Statute, the ICPPED, and the OPCAT. It supported recommendations that relate to the ratification of the two international Covenants and conventions regarding issues of migration. Noted recommendations: 122.154 (Ireland), 122.31 (Liechtenstein), 122.30 (Latvia), 122.29 (Honduras), 122.28 (Japan), 122.25 (Haiti), 122.23 (Honduras), 122.22 (Hungary), 122.21 (Denmark), 122.20 (Chile), 122.19 (Croatia), 122.18 (Uruguay), 122.14 (Austria), 122.13 (Estonia), 122.12 (Iran), 122.11 (Burundi), 122.9 (Czechia), 122.8 (Mexico), 122.7 (Mexico). Supported recommendations: 122.5.7 (Mexico), 122.5.6 (France), 122.5.5 (Morocco), 122.5.4 /Portugal), 122.5.2 (Costa Rica), 122.5.1 (Ukraine), 122.4.3 (Cote d'Ivoire), 122.3.3 (New Zealand), 122.4.2 (Tunisia), 122.5.3 (New Zealand), 122.6.2 (Tunisia), 122.6.1 (Afghanistan), 122.148 (Czechia), 122.27 (Philippines), 122.26 (Indonesia), 122.24 (Ghana), 122.17 (Spain), 122.16 (Myanmar), 122.15 (Iraq), 122.10 (Afghanistan).



Riyadh, Saudi Arabia - 7 March 2022: Portrait of Mohammed bin Salman © murathakanart, licensed under Shutterstock.

ratification of the ICCPR and ICESCR,<sup>10</sup> Saudi Arabia has failed to do so.

## 2.2 General human rights situation in Saudi Arabia

### 2.2.1 Institutional framework

Following the ascension of Crown Prince Mohammed Bin Salman (MBS) to power, Saudi Arabia underwent a complete overhaul of its state security apparatus.<sup>11</sup> In June and July 2017, two institutions were newly created: the Public Prosecution Office (PPO)<sup>12</sup> and the State Security Presidency (SSP), both of which

report to the King. Notably, the creation of the SSP has allowed the government to centralise all activities related to state security and place it under the control of the King. In particular, the General Investigation Directorate (the secret police, also known as the *Mabahith*), previously under the control of the Ministry of Interior, was placed under the direct authority of the SSP.

Authors and contributors of this report have documented numerous cases of gross human rights violations committed by the SSP,<sup>13</sup> including in prisons and detention centres that are under its control.<sup>14</sup>

10 Recommendations 122.5.7 (Mexico), 122.5.6 (France), 122.5.5 (Morocco), 122.5.4. (Portugal), 122.3.10 (Mexico), 122.3.9 (France), 122.3.8 (Morocco), 122.3.7 (Latvia), 122.3.6 (Estonia), 122.3.5 (Portugal).

11 MENA Rights Group, *The Saudi Presidency of State Security: An Arm of Repression in the Crown Prince's Kingdom*, 21 June 2022, <https://menarights.org/en/documents/saudi-presidency-state-security-arm-repression-crown-princes-kingdom> (accessed 12 October 2023).

12 The Public Prosecution Office was formerly named as the Bureau of Investigation and Public Prosecution.

13 MENA Rights Group, *The Saudi Presidency of State Security: An Arm of Repression in the Crown Prince's Kingdom*, 21 June 2022, pp. 12-13, <https://menarights.org/en/documents/saudi-presidency-state-security-arm-repression-crown-princes-kingdom> (accessed 12 October 2023).

14 See for instance, the cases of Loujain al-Hathloul, Aziza al-Youssef, Nouf Abdulaziz and Samar Badawi, who were subjected to harrowing torture methods, including electric shocks, sexual assault, whipping, and waterboarding. Human Rights Watch, *Saudi Arabia: New Details of Alleged Torture Leaked*, 11 July 2021, <https://www.hrw.org/news/2021/07/11/saudi-arabia-new-details-alleged-torture-leaked> (accessed 12 October 2023).



Abdullah Al-Hamid, Waleed Abu Alkhair, and Mohammad al-Qahtani in ACPRA trial sixth hearing session, 24 November 2012 © Racconish/Wikimedia Commons, licensed under CC BY-SA 3.0 DEED.

The SSP works closely with the Public Prosecution Office, which is tasked mainly with investigating acts criminalised under the 2017 Law on Combatting Terrorism Crimes and its Financing (2017 Counter-Terrorism Law)<sup>15</sup> and arresting suspects.<sup>16</sup> Importantly, the 2017 Counter-Terrorism Law and Royal Decree No. 125/M, which expands the powers of the PPO, further enables it to violate international legal standards for due process

and detention.<sup>17</sup>

Finally, after the investigation, the PPO charges suspects and refers them to the Specialised Criminal Court (SCC), an exceptional jurisdiction set up in 2009<sup>18</sup> to prosecute those accused of terrorism.<sup>19</sup> The court has exclusive jurisdiction over all crimes defined under the 2017 Counter-

15 An English version of this law is available on MENA Rights Group's website: [https://menarights.org/sites/default/files/2022-12/Law%20on%20Combating%20Crimes%20of%20Terrorism%20and%20its%20Financing%20%282017%29%20\\_%20EN.pdf](https://menarights.org/sites/default/files/2022-12/Law%20on%20Combating%20Crimes%20of%20Terrorism%20and%20its%20Financing%20%282017%29%20_%20EN.pdf) (accessed 5 July 2023).

16 See articles 5, 7 and 18 of the 2017 Counter-Terrorism Law. The PPO is also responsible for issuing subpoena and arrest warrants against individuals suspected of committing any of the crimes falling under the scope of the law, search warrants for houses, offices and buildings, at any time, and may arrest individuals as part of the search. The head of the PPO may also order the monitoring of individuals who are deemed to have a connection to any of the crimes defined in the law. This includes, intercepting, holding and recording, "all means of communication and data stored in various electronic systems." For this purpose, see also articles 7 (1), 8, 19, 20 and 21 of the 2017 Counter-Terrorism Law.

17 Article 19 of the 2017 Counter-Terrorism Law allows the PPO to hold a person in custody for 30 days, which can be extended and renewed for a year. The law does not set a limit for the custody period, effectively allowing for individuals to be held in custody indefinitely, in violation of international human rights standards. Articles 20 and 21 of the same law gives power to the PPO to prohibit detainees from receiving calls or visits up to 90 days with the possibility of extension. Additionally, the PPO may restrict the right of the accused to seek the assistance of a lawyer "whenever the interest of the investigation so requires."

18 Saudi Arabia, *Decree No. 1422 of the Minister of Justice*. This law has never been made public: Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court*, 2019, <https://www.amnesty.org/download/Documents/MDE2316332020ENGLISH.PDF> (accessed 6 July 2023).

19 *Ibid.*, p. 25.

Terrorism Law.<sup>20</sup> However, since 2010, the SCC has been increasingly used for the prosecution of human rights and political activists.<sup>21</sup> It has also been complicit in perpetrating human rights violations and consistently refuses to act on claims made by defendants that they were subjected to acts of torture or ill-treatment during interrogations.<sup>22</sup>

## 2.2.2 Fundamental rights and freedoms, in law and practice

Over the past decade, civic space in Saudi Arabia has become virtually non-existent. This is especially the case since the banning of the Saudi Civil and Political Rights Association (ACPRA), one of the last operating human rights association advocating for constitutional reforms, on 9 April 2013.<sup>23</sup> All founding members of ACPRA were prosecuted and sentenced to lengthy prison sentences by the SCC based on vague charges.<sup>24</sup>

To this day, Saudi authorities continue to keep these human rights defenders in detention beyond the completion of their prison sentences. For instance, prominent human rights defender and ACPRA co-founder Mohammad al-Qahtani remains held *incommunicado*, in inhumane prison conditions, beyond the expiry of his 10-year prison sentence, and despite repeated calls

for his release from civil society, UN experts, and third states.<sup>25</sup>

Although Saudi Arabia has been considered by many to be on the path of improving its human rights record, our findings point to the contrary. Over the past few years, enforced disappearance has increasingly been used as a tool of repression, arbitrary detention has been practised systematically to silence peaceful dissenting voices, and the number of executions has risen considerably.

Recently, the UN Working Group on Arbitrary Detention (UNWGAD) found that Saudi Arabia had violated its international human rights obligations in over 60 cases of arbitrary detention and reiterated “its concern that this indicates a widespread or systematic problem of arbitrary detention in Saudi Arabia, which amounts to a serious violation of international law.”<sup>26</sup> It also affirmed that Saudi Arabia exhibited a “pattern of discrimination against those who are perceived as critical or opposed to the Government or to the State’s policies and have used their rights to freedom of opinion and expression to voice such discontent.”<sup>27</sup>

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20 *Ibid.*

21 *Ibid.*, p. 17.

22 UN Committee against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, 8 June 2016, UN Doc. CAT/C/SAU/CO/2, para. 17.

23 MENA Rights Group, *Joint Statement, On the 10th anniversary of the establishment of ACPRA, NGOs jointly call on Saudi authorities to release all detained members*, 11 October 2019, <https://menarights.org/en/articles/10th-anniversary-establishment-acpra-ngos-jointly-call-saudi-authorities-release-all> (accessed 6 July 2023).

24 *Ibid.*

25 MENA Rights Group, *Human rights defender Mohammad Al Qahtani remains in detention in Saudi Arabia despite repeated UN calls for his release*, 13 June 2019, <https://menarights.org/en/caseprofile/human-rights-defender-mohammad-al-qahtani-remains-detention-saudi-arabia-despite> (accessed 6 July 2023); Front Line Defenders, *Mohammad Fahd Al-Qahtani on hunger strike*, <https://www.frontlinedefenders.org/en/case/mohammad-fahd-al-qahtani-hunger-strike> (accessed 6 July 2023).

26 UN Working Group on Arbitrary Detention, *Opinion No. 36/2022 concerning Hussein Abo al-Kheir (Saudi Arabia)*, 20 October 2022, UN Doc. A/HRC/WGAD/2022/36, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session93/2022-11-21/A-HRC-WGAD-2022-36-SaudiArabia-AEV.pdf> (accessed 12 October 2023), para. 110.

27 UN Working Group on Arbitrary Detention, *Opinion No. 26/2023 concerning Safar bin Abdulrahman al-Hawali (Saudi Arabia)*, 8 June 2023, UN Doc. A/HRC/WGAD/2023/26, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-26-AEV.pdf> (accessed 12 October 2023), para. 110.

Although Saudi Arabia's Basic Law provides elements that outlaw arbitrary detention,<sup>28</sup> the authors of this report have documented numerous cases in which fundamental legal safeguards were violated. Individuals are routinely arrested without a warrant nor justification for the arrest.<sup>29</sup> Those arrested by the SSP are systematically denied the right to challenge the lawfulness of their detention before a court.<sup>30</sup>

They are then transferred to secret or unknown locations where they are typically held *incommunicado*, i.e., denied their right to contact their family or lawyer or receive visits, for periods ranging from several weeks to several years and are subsequently forcibly disappeared.<sup>31</sup>

Torture is systematically used both as a means of punishment and in order to extract self-incriminating statements, which are then relied on as the sole basis by the PPO and SCC for indicting and sentencing individuals to long prison sentences.<sup>32</sup>

In 2016, the UN Committee against Torture had already expressed deep concern over numerous reports that torture and ill-

treatment are "commonly practised [...] in *Mabahith*<sup>33</sup> detention centres."<sup>34</sup> More recently, several human rights organisations have reported that the SSP has employed brutal and horrific torture methods, including floggings, beatings with an electric rod, chaining and hanging individuals from the ceiling by the wrists, electrocution, food and sleep deprivation, prolonged solitary confinement, waterboarding, denial of medical care, sexual harassment and assault, and threats of rape and execution, among others.<sup>35</sup>

Such human rights violations are not committed in a vacuum. In fact, the broad and vague legal framework gives Saudi authorities discretion and power to repress fundamental freedoms. This is particularly the case of the Counter-Terrorism Law, which is the main legal basis used to crackdown on peaceful dissent.

The definition of terrorism, enshrined in article 1 of 2017 Counter-Terrorism Law, criminalises

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28 This includes article 36, according to which "no one may be confined, arrested or imprisoned without reference to the law."

29 UN Working Group on Enforced or Involuntary Disappearances, *General Allegation, Saudi Arabia*, 11-15 May 2020, para. 35, <https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (accessed 5 July 2023).

30 UN Committee against Torture, *Concluding Observations on the second periodic report of Saudi Arabia*, UN Doc. CAT/C/SAU/CO/2, 8 June 2016, para. 26.

31 *Ibid.*, paras. 37-38.

32 UN Working Group on Enforced or Involuntary Disappearances, *General Allegation, Saudi Arabia*, 11-15 May 2020, para. 34, <https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (accessed 5 July 2023).

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33 The *Mabahith*, or General Investigation Directorate, are equivalent to the security police or secret services. They fall under the control of the SSP.

34 Committee against Torture, *Concluding Observations on the second periodic report of Saudi Arabia*, UN Doc. CAT/C/SAU/CO/2, 8 June 2016, para. 7.

35 Human Rights Watch, *Saudi Arabia: New Details of Alleged Torture Leaked*, 11 July 2021, <https://www.hrw.org/news/2021/07/11/saudi-arabia-new-details-alleged-torture-leaked> (accessed 6 July 2023); ALQST for Human Rights, *Torture in Saudi Arabia – Impunity Reigns*, February 2021, <https://www.alqst.org/uploads/Torture-in-Saudi-Arabia-Impunity-Reigns-En.pdf> (accessed 5 July 2023); Amnesty International, *Saudi Arabia: Reports of torture and sexual harassment of detained activists*, 20 November 2018, <https://www.amnesty.org/en/latest/news/2018/11/saudi-arabia-reports-of-torture-and-sexual-harassment-of-detained-activists> (accessed 5 July 2023); ALQST for Human Rights, *Shrouded in Secrecy: Prisons and Detention Centres in Saudi Arabia*, July 2021, p. 29, <https://www.alqst.org/en/post/shrouded-in-secrecy-prisons-and-detention-centres-in-saudi-arabia> (accessed 5 July 2023).





NEW YORK CITY - 17 January 2016: Hundreds gathered in Times Square to protest the Saudi government's execution of dissident sheikh Nimr Baqir al-Nimr and demand the release of Sheikh Ibrahim Zakzaky © a katz, licensed under Shutterstock.

several acts that can fall under the protection of freedom of expression, peaceful assembly, and association.<sup>36</sup> In a letter sent to the Saudi government in December 2020, several UN Special Procedures mandate holders expressed concern over the law's overly broad definition of terrorism and its use of ambiguous terms such as "disturbing public order, destabilising national security or state stability, endangering national unity, [and] suspending the Basic Law of Governance."<sup>37</sup>

36 See for instance, the vague wording of article 1(3) of the 2017 Counter-Terrorism Law.

37 Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *OL SAU 12/2020*, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25726> (accessed 4 July 2023).

## 2.2.3 Death penalty

Saudi Arabia remains the third top country to carry out executions in the world, with figures tripling from 2021 to 2022.<sup>38</sup> It also continues to threaten to execute individuals who have allegedly committed crimes while they were minors.<sup>39</sup>

38 Amnesty International, *Recorded executions skyrocket to highest figure in five years*, 16 May 2023, <https://www.amnesty.org/en/latest/news/2023/05/death-penalty-2022-executions-skyrocket/> (accessed 12 October 2023).

39 Amnesty International, *Saudi Arabia: Young men face imminent execution despite assurances on re-sentencing juveniles to prison terms*, 10 October 2022, <https://www.amnesty.org/en/latest/news/2022/10/saudi-arabia-young-men-face-imminent-execution-despite-assurances-on-re-sentencing-juveniles-to-prison-terms/> (accessed 6 July 2023); OHCHR, *Saudi Arabia: Death penalty against juvenile offender amounts to arbitrary deprivation of life, say UN experts*, 31 May 2022, <https://www.ohchr.org/en/press-releases/2022/05/saudi-arabia-death-penalty-against-juvenile-offender-amounts-arbitrary> (accessed 6 July 2023).

Moreover, Saudi authorities continue to use the death penalty to punish acts that relate to the exercise of fundamental freedoms, such as protesting or participating in funerals of victims of torture.<sup>40</sup> In May 2022, UN Special Procedures expressed serious concerns regarding the imminent executions of members of the al-Howeitah tribe who protested against their forced eviction for the construction of the NEOM megacity.<sup>41</sup>

In addition, members of the Shiite community are at an increased risk of facing the death penalty in Saudi Arabia. They are often convicted in mass trials and sentenced to death on the basis of vague offences that frequently violate their right to freedom of expression and peaceful assembly.<sup>42</sup> In January 2016, Saudi Arabia executed 47 men for terrorism offences and in April 2019, it executed 37 men, at least 33 of whom were of the Shiite minority and had been convicted following unfair trials of protest-related

offences and terrorism.<sup>43</sup> In March 2022, 81 men were executed in Saudi Arabia's largest mass execution in years, with more than half of them belonging to religious minorities.<sup>44</sup>

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40 MENA Rights Group, *Brother of youngest political prisoner in Saudi Arabia, Murtaja Qureiris, sentenced to death*, 15 June 2023, <https://menarights.org/en/case/jawad-qureiris> (accessed 6 July 2023); *Young Saudi dissident subjected to brutal acts of torture and sentenced to death*, <https://menarights.org/en/case/jalal-al-labbad> (accessed 6 July 2023); *Young Saudi dissident sentenced to death for participating in funerals and protests as a minor*, 15 June 2023, <https://menarights.org/en/case/hassan-zaki-al-faraj> (accessed 6 July 2023); *Young Saudi dissident faces capital punishment for acts committed as a minor*, 15 June 2023, <https://menarights.org/en/case/abdullah-al-derazi> (accessed 6 July 2023).

41 OHCHR, *Saudi Arabia: UN experts alarmed by imminent executions linked to NEOM project*, 3 May 2023, <https://www.ohchr.org/en/press-releases/2023/05/saudi-arabia-un-experts-alarmed-imminent-executions-linked-neom-project> (accessed 6 July 2023).

42 UN Working Group on Arbitrary Detention, *Opinion No. 26/2019 concerning Abdelkarim Mohamed Al Hawaj and Mounir Abdullah Ahmad Aal Adam (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2019/26, para. 57. All the cases of executions documented by authors of this report concern members of the Shiite community.

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43 Human Rights Watch, *Saudi Arabia: Mass Execution of 81 Men*, 15 March 2022, <https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men> (accessed 12 June 2023).

44 *Ibid.*

# 3. The mandate of the Saudi Human Rights Commission in law and in practice

## 3.1 Legal framework: the Statute of the Saudi Human Rights Commission

The Saudi Human Rights Commission derives its legal basis from the Statute of the Human Rights Commission, which was established by the Council of Ministers through Resolution No. 207 of 12 September 2005.<sup>45</sup> This statute serves as the foundational document that outlines the mission, responsibilities, and powers of the Commission.

The primary objective of the SHRC is to protect and promote human rights within the Kingdom of Saudi Arabia while adhering to international human rights standards and considering the principles of Islamic Sharia.<sup>46</sup> This objective entails raising public awareness on human rights and ensuring their implementation.<sup>47</sup> The Commission's overarching goal encompasses various aspects of human rights, and its mandate is multifaceted.

The SHRC has a number of key responsibilities and powers outlined in its Statute. The Commission is mandated to ensure the implementation of existing human rights-related laws and regulations within the Kingdom of Saudi Arabia. It has the authority to uncover any violations of laws in Saudi Arabia that constitute infringements of human rights and take the necessary legal measures to address such violations.<sup>48</sup>

Furthermore, the SHRC is empowered to provide opinions on draft laws related to human rights, review existing laws, and propose amendments in accordance with the law.<sup>49</sup> It can issue opinions on international instruments related to human rights to which Saudi Arabia has acceded, monitor their implementation by government agencies, and ensure that necessary measures are taken for their implementation.<sup>50</sup> The Commission is also responsible for reviewing and approving the Kingdom's reports on human rights and presenting them to the King.<sup>51</sup>

Another essential function of the SHRC's mandate is to receive and verify complaints related to human rights violations and take appropriate legal measures to address

45 Saudi Arabia, *Statute of the Human Rights Commission*, 12 September 2005, <https://laws.boe.gov.sa/Files/Download/?attId=86943751-8f65-4a01-afee-adbb0103b5b7> (accessed 12 October 2023).

46 Statute of the Human Rights Commission, art. 1.

47 *Ibid.*, art. 1.

48 *Ibid.*, art. 5(1).

49 *Ibid.*, art. 5(2).

50 *Ibid.*, art. 5(3) and 5(4).

51 *Ibid.*, art. 5(5).

them.<sup>52</sup> Additionally, the Commission has the authority to approve the filing and rebuttal of lawsuits pertaining to human rights issues.<sup>53</sup>

In pursuit of its objectives, the SHRC aims to cooperate with national, regional, and international associations, organisations, and institutions in the field of human rights.<sup>54</sup> This cooperative approach is destined to help the Commission achieve its objectives and enhance its relations with other entities working in the same domain.<sup>55</sup>

Moreover, the SHRC adopts a public policy for raising awareness about human rights.<sup>56</sup> It is mandated to propose various methods to promote a culture of human rights through educational, training, and media channels.<sup>57</sup> The SHRC also plays a role in approving the publication of circulars, magazines, and other publications related to the Commission's objectives and powers.<sup>58</sup>

The SHRC also oversees its own budgetary matters, including approving its draft budget and final accounts and presenting them to the King.<sup>59</sup>

## 3.2 Portrayal of the state of human rights in Saudi Arabia

In order to effectively carry out its mandate of promoting and protecting human rights in Saudi Arabia, notably by raising public awareness on human rights, ensuring

their implementation and addressing their violations,<sup>60</sup> it is crucial that the SHRC provides an accurate portrayal of the human rights situation in the country. However, the inaccuracy of this depiction raises serious concerns about the SHRC's commitment and integrity to effectively fulfil its mandate.

### 3.2.1 Women's rights

The SHRC upholds a favourable and progressive image of women's rights advancement in Saudi Arabia. This positive portrayal emphasises different initiatives and accomplishments in the protection and promotion of women's rights, reflected in the SHRC's annual reports, composition, public statements, and official actions.

In the SHRC's annual reports, women's rights reforms are granted considerable attention. The reports extensively highlight some of the government's achievements in enhancing women's conditions, such as granting women the right to drive and the appointment of 100 female notaries.<sup>61</sup> Importantly, the 2021 Annual Report concludes its "women's rights" section with the assertion that the government had not only met but exceeded its commitment to increase women's participation in the workforce.<sup>62</sup> The 2022 Annual Report continued this narrative by underscoring one of the SHRC's pivotal accomplishments – the implementation of a "training program on women's rights and combating gender-based violence", without providing any information

52 *Ibid.*, art. 5(7).

53 *Ibid.*, art. 5(14).

54 *Ibid.*, art. 5(12).

55 *Ibid.*, art. 5(12).

56 *Ibid.*, art. 5(8).

57 *Ibid.*, art. 5(8).

58 *Ibid.*, art. 5(9).

59 *Ibid.*, art. 5(11).

60 *Ibid.*, art. 1 and 5(1).

61 Saudi Human Rights Commission, *HRC International Report*, 2021, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMJb7eDRmznzayj30A-1ZoOS0QC4K4oAzEUyu9.pdf> (accessed 19 September 2023), p. 9.

62 *Ibid.*, p. 13.

regarding the content of these programs.<sup>63</sup>

In the context of its 2018 Universal Periodic Review (UPR), the national report submitted by Saudi Arabia asserted that the SHRC conducts “human rights awareness and instruction programmes” designed to “correct the sort of false impressions that can lead to discrimination against women”.<sup>64</sup> The report also cited the appointment of six women to the Board of the SHRC as an example of the measures taken in the promotion and protection of women’s rights and the empowerment of women.<sup>65</sup> In 2022, upon her appointment as President of the SHRC, Hala

al-Tuwaijri stated that her career had been “crowned and honoured by this great country and [its] wise leadership”, affirming that Saudi Arabia “celebrated women, elevated their status, and paved the way for their advancement”.<sup>66</sup> The position of President of the SHRC was previously held by Awwad al-Awwad, who stated in 2022 that women occupied 35% of decision-making positions, showcasing Saudi Arabia’s commitment to advancing women’s rights.<sup>67</sup>

However, reports from civil society and international organisations recount a different reality. The 2023 World Economic Forum’s

63 Saudi Human Rights Commission, *HRC Annual Report, 2022*, <https://www.hrc.gov.sa/storage/reports-attachment/jYj3CLhgSJUIB2PSnDjiAGhrQzLd09H1rYySyT9c.pdf> (accessed 19 September 2023), p. 36.

64 UN Working Group on the Universal Periodic Review, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kingdom of Saudi Arabia*, 20 August 2018, UN Doc. A/HRC/WG.6/31/SAU/1, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/254/86/PDF/G1825486.pdf?OpenElement> (accessed 26 September 2023), para. 111.

65 *Ibid.*, para. 98.

66 Arab News, *Hala Al-Tuwaijri appointed as head of Saudi Human Rights Commission*, 22 September 2022, <https://www.arabnews.com/node/2167586/saudi-arabia> (accessed 15 September 2023).

67 European Saudi organisation for Human Rights, *Before the Human Rights Council: Al-Awwad continues to whitewash and falsify the facts*, 4 March 2022, <https://www.esohr.org/en/%d8%a3%d9%85%d8%a7%d9%85-%d9%85%d8%ac%d9%84%d8%b3-%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a5%d9%86%d8%b3%d8%a7%d9%86-%d8%a7%d9%84%d8%b9%d9%88%d8%a7%d8%af-%d9%8a%d8%b3%d8%aa%d9%85%d8%b1-%d8%a8%d8%a7/> (accessed 2 October 2023).



Global Gender Gap Index ranked Saudi Arabia 131<sup>st</sup> out of 146 countries, indicating significant gender disparities such as the absence of women in ministerial positions.<sup>68</sup> The Saudi government has yet to appoint any female ministers in the government, and the Royal Court, where the Saudi royal family decides most of the Kingdom's affairs, also remains devoid of any female representation.<sup>69</sup> Lastly, all judges in Saudi Arabia are men.<sup>70</sup>

While human rights NGOs have consistently called on Saudi Arabia to abolish its male guardianship system,<sup>71</sup> which notably requires women to obtain male guardian permission to get married and obtain some forms of sexual and reproductive healthcare,<sup>72</sup> the SHRC's seemingly women's rights-focused reports fail to acknowledge these concerns or provide any recommendations to improve women's rights in Saudi Arabia.

In fact, Saudi authorities particularly target women human rights defenders, which the SHRC completely casts aside. In August 2018, the Canadian authorities raised concerns

about the arrest of Saudi women's rights activists in a tweet.<sup>73</sup> In a response published on Twitter, the SHRC refused to accept criticism, dismissing it as "interference in the Kingdom's internal affairs", and asserted that the detainees were being treated "in accordance with the regulations in force in the Kingdom and the international agreements to which it has become a party."<sup>74</sup> This response highlights a troubling discrepancy between the Commission's rhetoric and the grim realities faced by women advocating for their rights in Saudi Arabia.

For example, Saudi authorities targeted Maryam al-Otaibi<sup>75</sup> for her peaceful activism on social media, particularly for taking part in a campaign against guardianship laws titled #IamMyOwnGuardian.<sup>76</sup> In 2016, she refused to obey her father who instructed her to retract a complaint of domestic violence she had filed against her brothers, after they verbally and physically abused her as retribution for her campaigning efforts. She was arrested on 18 April 2017 and later charged for "parental disobedience" following a complaint from her father.

The case of Maryam al-Otaibi was never mentioned in any of the SHRC's annual reports, nor submitted as part of their national reporting to human rights mechanisms. No

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68 World Economic Forum, *Global Gender Gap Report 2023*, June 2023, [https://www3.weforum.org/docs/WEF\\_GGGR\\_2023.pdf?\\_gl=1\\*1phc57c\\*\\_up\\*MQ..&gclid=CjwKCAjwjaWoBhAmEiwAXz8DBb\\_E0ZfOmEIEY82ZXPxHU2gTYvYmwb82K0eLs3NFIEKLLaM-r0wVvRoC8y0QAvD\\_BwE](https://www3.weforum.org/docs/WEF_GGGR_2023.pdf?_gl=1*1phc57c*_up*MQ..&gclid=CjwKCAjwjaWoBhAmEiwAXz8DBb_E0ZfOmEIEY82ZXPxHU2gTYvYmwb82K0eLs3NFIEKLLaM-r0wVvRoC8y0QAvD_BwE) (accessed 19 September 2023), p. 11.

69 VOA News, *Saudis, Taliban Follow Different Paths on Women's Work, Education*, 12 September 2023, <https://www.voanews.com/a/saudis-taliban-follow-different-paths-on-women-s-work-education-/7265548.html> (accessed 1 October 2023).

70 Samah al-Agha, *Female Judges in Saudi Arabia, Hope Versus Reality*, 18 May 2021, *Arab Law Quarterly*, [https://brill.com/view/journals/alq/37/3/article-p288\\_2.xml](https://brill.com/view/journals/alq/37/3/article-p288_2.xml) (accessed 10 October 2023).

71 Human Rights Watch, *Saudi Arabia: End Male Guardianship*, 8 March 2023, <https://www.hrw.org/news/2023/03/08/saudi-arabia-end-male-guardianship> (accessed 11 October 2023).

72 Human Rights Watch, *Saudi Arabia: Events of 2022*, <https://www.hrw.org/world-report/2023/country-chapters/saudi-arabia> (accessed 19 September 2023).

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73 Canada's Foreign Policy Twitter account (@CanadaFP), 3 August 2018, <https://twitter.com/CanadaFP/status/1025383326960549889?s=20> (accessed 1 October 2023).

74 Saudi Human Rights Commission's Twitter account (@HRCSaudi), 8 August 2018, <https://twitter.com/HRCSaudi/status/1027202769458028544?s=20> (accessed 1 October 2023).

75 UN Special Procedures, *AL SAU 4/2017*, 6 April 2017, <https://spcommreports.ohchr.org/TM-ResultsBase/DownloadPublicCommunication-File?gId=23057> (accessed 2 October 2023).

76 Twitter, *#IamMyOwnGuardian*, <https://twitter.com/search?q=%23IamMyOwnGuardian&src=typd> (accessed 2 October 2023).

statement has ever been published about her despite international calls from civil society to stop her travel ban.

Similarly, Loujain al-Hathloul,<sup>77</sup> a prominent Saudi women's rights activist, fearlessly protested against the male guardianship system and the driving ban imposed on women. In May 2018, Saudi authorities conducted a wave of arrest against several women human rights defenders, including al-Hathloul. She was arrested on 15 May 2018 and was immediately detained until her conditional release in February 2021.<sup>78</sup> During the first six weeks of her detention, al-Hathloul was held in an unofficial detention facility, known as "the hotel" or "the officers' guesthouse", where she was brutally tortured<sup>79</sup> by high-ranking state officials, including Saud al-Qahtani, then-advisor to the Royal Court. She was held in solitary confinement, beaten, electrocuted, sexually harassed and threatened with rape and murder.

During her detention, Loujain al-Hathloul was visited by SHRC members, including Abdulrahman al-Oteibi, Samha Saeed Alghamdi, Wafa Alsaleh and Amal al-Moallami.<sup>80</sup> Al-Moallami was made fully aware of the details of the brutal acts of torture



Screenshot from Loujain al-Hathloul's Twitter account following her release © Loujain al-Hathloul.

and ill-treatment al-Hathloul was subjected to, but failed to provide her with any help or assistance.<sup>81</sup> Instead, al-Moallami actively participated in covering up the abuses by serving as keynote speaker at a Women's Conference in Lebanon on 14 October 2019, where she praised Saudi reforms as "empowering women."<sup>82</sup> Furthermore, on 21 October 2020, al-Moallami was promoted to the position of ambassador to Norway.<sup>83</sup> On 8 March 2021, International Women's Day, al-Moallami sent flowers and chocolates to female Norwegian Members of Parliament, along with informational materials praising the Saudi government's supposed progress

77 Loujain al-Hathloul's website, *About Loujain*, <https://www.loujainalhathloul.org/about-loujain> (accessed 2 October 2023).

78 MENA Rights Group, *Women's rights activist Loujain Al Hathloul conditionally released and facing travel ban*, 23 July 2020, <https://menarights.org/en/caseprofile/womens-rights-activist-loujain-al-hathloul-detained-2018> (accessed 10 October 2023).

79 Human Rights Watch, *Saudi Arabia: Detained Women Reported Tortured*, 20 November 2018, <https://www.hrw.org/news/2018/11/20/saudi-arabia-detained-women-reported-tortured> (accessed 2 October 2023).

80 Testimony provided by her family; Democracy for the Arab World Now, *Saudi Arabia: Samha Alghamdi Failed to Investigate Torture*, 3 December 2020, <https://dawnmena.org/samha-saeed-alghamdi/> (accessed 8 November 2023).

81 More information on the SHRC's involvement in the case of Loujain Al Hathloul are detailed *infra*.

82 UNESCWA, *Women in Saudi Arabia's Vision 2030*, 14 October 2019, <https://archive.unescwa.org/node/267537> (accessed 1 October 2023); Democracy for the Arab World Now, *Saudi Arabia: Saudi Ambassador to Norway Amal al-Moallimi Suppressed Torture Complaint*, 25 August 2021, <https://dawnmena.org/saudi-arabia-saudi-ambassador-to-norway-amal-al-moallimi-suppressed-torture-complaint/> (accessed 8 November 2023).

83 Al Arabiya News, *Meet Amal al-Moallimi, Saudi Arabia's second female ambassador*, 21 October 2020, <https://english.alarabiya.net/features/2020/10/21/Meet-Amal-al-Moallimi-Saudi-Arabia-s-second-female-ambassador> (accessed 8 November 2023).



From left to right: Aziza al-Yousef, Nassima al-Sadah, Samar Badawi, Loujain al-Hathloul, Nouf Abdulaziz © Courtesy of ALQST for Human Rights.

in protecting women's rights.<sup>84</sup> Al-Moallami's brother, Abdallah al-Moallami, notably served as the Permanent Representative of Saudi Arabia to the UN from 2011 to 2022.<sup>85</sup>

Al-Moallami's deliberate silence and cover-up of Loujain al-Hathloul's torture contributed to the whitewashing of Saudi Arabia's human rights abuses. Her actions underscore the stark contrast between the SHRC's portrayal of women's rights and the harsh realities endured by women human rights defenders like Loujain al-Hathloul and Maryam al-Otaibi.

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84 Verdens Gang, *Reacting to the Women's Day greeting: Provocative*, 10 March 2021, <https://www.vg.no/nyheter/innenriks/i/OQW0QE/reagerer-paa-kvinnedagen-gratulasjon-provoserende> (accessed 1 October 2023).

85 Asharq Al-Awsat, *Mouallimi Concludes 11-Year Tenure as Saudi Ambassador to UN*, 4 August 2022, <https://english.aawsat.com/home/article/3797521/mouallimi-concludes-11-year-tenure-saudi-ambassador-un> (accessed 9 November 2023); Saudi Gazette, *Amal Al-Moallimi takes oath as 2nd Saudi woman ambassador*, 21 October 2020, <https://saudigazette.com.sa/article/599408> (accessed 9 November 2023).

### 3.2.2 Freedom of expression

Since the ascension to power of Mohammed Bin Salman in 2017, Saudi Arabia has witnessed its widest crackdown on peaceful dissent. Authorities have imposed severe restrictions on freedom of expression and whittled civic space down to inexistence. Despite this reality, the SHRC consistently denies allegations of violations of freedom of expression in its reports and statements, and has remained silent on a number of prominent cases.

Saudi domestic law still does not provide for nor protect freedom of expression.<sup>86</sup> To date, the SHRC has never issued any recommendation or comment to adopt a protective framework

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86 In particular, the Basic Law of Governance, which was enacted as an informal constitution in 1992, states that "[a]ll acts that foster sedition or division or harm the state's security and its public relations or detract from man's dignity and rights shall be prohibited." You may access a translated version of the Basic Law on MENA Rights Group's website: [https://menarights.org/sites/default/files/2016-12/KSA\\_Constitution\\_EN.pdf](https://menarights.org/sites/default/files/2016-12/KSA_Constitution_EN.pdf) (accessed 11 October 2023).



in line with international standards. In fact, the SHRC's most recent 2022 Annual Report does not mention freedom of expression at all.

In fact, several legislations in Saudi Arabia are framed in a way that considerably endangers freedom of expression. For instance, the 2017 Audiovisual Media Law<sup>87</sup> (Media Law), contains vague and undefined notions that allows authorities to conflate any act of public criticism with a criminal act.<sup>88</sup> It requires media content to consider "public morals of the Kingdom" and mandates political respect to the King and the Crown Prince. Furthermore, the law prohibits media content from inciting terrorism, threatening national security or international peace,<sup>89</sup> or disturbing public order.<sup>90</sup> Despite this problematic wording, the SHRC claimed in its 2021 Annual Report that the Media Law "asserted the freedom of opinion and expression in a manner consistent with relevant rules and regulations".<sup>91</sup>

These provisions are part of a broader framework of restrictive legislations in Saudi Arabia, which includes the 2017 Counter-Terrorism Law and the 2007 Anti-Cybercrime Law. This legal framework constitutes the main basis on which authorities rely to restrict any form of public criticism and has been increasingly used to prosecute peaceful

expression and dissent.<sup>92</sup> Yet, none of these laws have ever been addressed by the SHRC and no recommendations have been made to amend provisions that endanger freedom of expression.

Instead, Saudi courts have increasingly used this legal framework to give lengthy sentences to individuals for expressing dissent.<sup>93</sup> The cases of Salma al-Shehab and Abdulrahman al-Sadhan serve as distressing examples of the severe repression of freedom of expression in Saudi Arabia.



Salma al-Shehab © Courtesy of MENA Rights Group.

Salma al-Shehab was a PhD student in the United Kingdom and mother to two children. While on a visit to Saudi Arabia, she was arrested in January 2021

for her peaceful Twitter activity supporting women's rights. She was subsequently sentenced by the SCC to an initial six-year prison term, which was shockingly increased to 34 years followed by a 34-year travel ban.<sup>94</sup> Although the Supreme Court referred her case back to the SCC for retrial in January 2023, she was resented in February 2023 to 27 years in prison and a matching travel ban. The

87 Saudi Arabia, *Audiovisual Media Law*, 13 December 2017, accessible at: <https://www.gamr.gov.sa/pages/12> (accessed 2 October 2023).

88 Freedom House, *Freedom in the World 2022: Saudi Arabia*, para. D1, <https://freedomhouse.org/country/saudi-arabia/freedom-world/2022> (accessed 19 September 2023).

89 Saudi Arabia, *Audiovisual Media Law*, available at: <https://www.gcam.gov.sa/attachments/22>, art. 5(8).

90 *Ibid.*, art. 5(12).

91 Saudi Human Rights Commission, *HRC International Report, 2021*, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMJb7eDRmnzayj30A-1ZoOS0QC4K4oAzEUy9.pdf> (accessed 19 September 2023), p. 39.

92 U.S. Department of State, *2022 Country Reports on Human Rights Practices: Saudi Arabia*, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/saudi-arabia/#:~:text=On%20December%201%2C%20Amnesty%20International,the%20Saudi%20Shi'a%20minority> (accessed 5 September 2023), p. 28.

93 *Ibid.*

94 ALQST for Human Rights, *34 years jail for women's rights activist Salma al-Shehab, who used Twitter to call for reforms*, 15 August 2022, <https://alqst.org/en/post/34-years-jail-for-womens-rights-activist-salma-al-shehab> (accessed 2 October 2023).

UN Working Group on Arbitrary Detention has found her detention to be arbitrary.<sup>95</sup>



Abdulrahman al-Sadhan © Courtesy of MENA Rights Group.

Abdulrahman al-Sadhan, a Saudi humanitarian worker, was arrested in March 2018 by State Security forces due to his anonymous involvement in two satirical

Twitter accounts critical of the Saudi government.<sup>96</sup> Following his arrest, he was forcibly disappeared for nearly two years. While in secret detention, al-Sadhan was subjected to severe torture during his first year in detention. This included electric shocks, beatings leading to unconsciousness and hospitalisation, flogging, suspension in stress positions, and threats of violence. The UN Working Group on Arbitrary detention found his detention to be arbitrary.<sup>97</sup> Despite the authorities' assurances that he would be released without charges in February 2021, al Sadhan was brought to a secret trial in March 2021. On 5 April 2021, the SCC sentenced him

on the basis of confessions extracted under torture 20 years in prison, followed by a 20-year travel ban.<sup>98</sup> The ruling was appealed on 5 October 2021, and al-Sadhan has been denied any family contact ever since.

The SHRC has never commented on or investigated these two cases nor has it included them in any of its reporting activities. Overall, the Saudi Human Rights Commission's depiction of freedom of expression is far from the reality of Saudi Arabia's restrictive laws and repression of dissenting voices like Salma al-Shehab and Abdulrahman al-Sadhan.

### 3.2.3 Fair trial and due process

According to the SHRC, Saudi Arabia is committed to upholding the principles of fair trial and due process. In its 2021 Annual Report, the Commission notably asserts the existence of safeguards ensuring that criminal courts impose punishments only after all appeals have been exhausted.<sup>99</sup>

The SHRC however fails to mention several violations of the principle of fair trial which have been documented by civil society organisations. Such findings point to violations of the principle of equality of arms, the imposition of lengthy sentences on defendants exercising their fundamental freedoms,<sup>100</sup> and

95 UN Working Group on Arbitrary Detention, *Opinion No. 27/2023 concerning Salma bint Sami bin Abdulmohsen al-Shehab and Nourah bin Saeed al-Qahtani (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2023/27, 19 June 2023, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-27-Saudi-Arabia-AEV.pdf> (accessed 2 October 2023).

96 MENA Rights Group, *Employee of Saudi Red Crescent sentenced to 20 years in prison after three years of disappearance*, 14 April 2021, <https://www.menarights.org/en/caseprofile/employee-saudired-crescent-disappeared-al-mabahith-security-forces-march-2018> (accessed 5 September 2023).

97 UN Working Group on Arbitrary Detention, *Opinion No. 30/2022 concerning Abdulrahman Al Sadhan (Saudi Arabia)*, 19 September 2022, UN Doc. A/HRC/WGAD/2022/30, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session93/2022-10-20/A-HRC-WGAD-2022-30-AEV.pdf> (accessed 19 September 2023).

98 ALQST for Human Rights, *Humanitarian worker Abdulrahman al-Sadhan sentenced to 20 years in prison*, 8 April 2021, <https://www.alqst.org/en/post/abdulrahman-al-sadhan-sentenced-to-20-years-in-prison> (accessed 3 October 2023).

99 Saudi Human Rights Commission, *HRC International Report*, 2021, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMjb7eDRmnzayj30A-1ZoOS0QC4K4oAzEUyu9.pdf> (accessed 19 September 2023), p. 25.

100 UN Working Group on Enforced or Involuntary Disappearances, *General Allegation: Saudi Arabia*, 11-15 May 2020, <https://www.ohchr.org/sites/default/files/Documents/Issues/Disappearances/Allegations/121-SaudiArabia.pdf> (accessed 9 September 2023).



Gavel trial image and black background © beeboys, licensed under Shutterstock.

the systematic infringement on defendants' fair trial rights before the SCC.<sup>101</sup>

While the SHRC highlights the supposed independence of the Public Prosecution,<sup>102</sup> it overlooks the Public Prosecution's systematic practice of relying on confessions obtained under torture as "evidence" against defendants during trials, often in the absence of any material

evidence.<sup>103</sup> It has also never commented on findings that the SCC consistently refuses to act on claims made by defendants who assert they were subjected to torture.<sup>104</sup>

Further, according to its founding decree, the Public Prosecution's Office is "directly linked to the King",<sup>105</sup> inherently compromising its independence. In fact, the entire judicial system in Saudi Arabia raises similar concerns. In particular, 7 out of 11 of the Supreme Judicial Council's members are directly appointed by

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101 This is mainly because defendants are prevented from contacting their lawyers before the start of the trial, they are convicted without any material evidence, they are denied the right to adequate time and facilities to prepare their defence, they are not provided access to all the case documentation and making copies, and they are later sentenced to disproportionate and heavy sentences for acts related to the exercise of their fundamental rights. See: Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court*, 2019, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/> (accessed 19 September 2023), p. 9.

102 Saudi Human Rights Commission, *HRC International Report*, 2021, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMJb7eDRmnzayj30A-1ZoOS0QC4K4oAzEUyu9.pdf> (accessed 19 September 2023), p. 25-26.

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103 Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court*, 2019, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/> (accessed 9 September 2023), p. 7.

104 UN Committee against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, 8 June 2016, UN Doc. CAT/C/SAU/CO/2, para. 17.

105 Saudi Arabia, *Royal Decree No. 293*, available at: <https://ncar.gov.sa/?Id=hcUrz%2B2apRlm-q02r4EVp0w%3D%3D> (accessed 19 September 2023), art. 2.

the King.<sup>106</sup> This is all the more problematic as the Supreme Judicial Council appoints SSC judges.<sup>107</sup> Because of the undue influence of the King and the Public Prosecutor over the Supreme Judicial Council, the SCC is neither an impartial nor an independent body. Despite this evident disregard of the principle of separation of powers, the SHRC has never commented on the PPO's founding royal decree, nor has it issued recommendations to revise the appointment process of the judges of the SCC.

The SHRC's favourable portrayal of Saudi Arabia's compliance with the rights to a fair trial and due process appears highly questionable when examining the case of Jamal Khashoggi. A US-based Saudi journalist and well-known critic of the Saudi government, Khashoggi was murdered in the Saudi consulate in Istanbul on 2 October 2018. Following his murder, conflicting narratives emerged, with Turkish officials accusing the Saudi government of involvement. A few days after Khashoggi's murder, then President of the SHRC, Awwad al-Awwad, publicly sided with the government with the following tweet:

*Throughout its history, the Kingdom has not targeted anyone. Rather, it refers the accused, including terrorists who took arms and threatened security, to the judiciary so that justice can take its course. Any allegations that the Kingdom targeted its citizen Jamal Khashoggi, may God have mercy on him, are baseless lies.*<sup>108</sup>

Hence, al-Awwad prematurely dismissed allegations of government involvement before any thorough investigation, domestic or international, could take place. Subsequently, when the case was brought to Saudi courts in December 2019, al-Awwad saluted the trial's outcome in a tweet, portraying it as evidence of the impartiality of the judicial system.<sup>109</sup> Additionally, Bandar bin Mohammed al-Aiban, former head of the SHRC, called Khashoggi's death an "unfortunate incident", and stated on 14 March 2019 before the UN Human Rights Council that Saudi Arabia had taken the measures required for them "to resolve this heinous crime", adding that Saudi Arabia would not accept calls to "internationalise" the ongoing legal proceedings, which would be perceived as foreign interference with domestic affairs.<sup>110</sup>

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106 Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court*, 2019, <https://www.amnesty.org/download/Documents/MDE2316332020ENGLISH.PDF> (accessed 10 October 2023), p. 17; Abdullah F. Ansary, "A Brief Overview of the Saudi Arabian Legal System", *Hauser Global Law School Program, New York University*, August 2015, [www.nyulawglobal.org/globalex/Saudi\\_Arabia1.html](http://www.nyulawglobal.org/globalex/Saudi_Arabia1.html) (accessed 10 October 2023).

107 Amnesty International, *Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Criminal Court*, 2019, <https://www.amnesty.org/download/Documents/MDE2316332020ENGLISH.PDF> (accessed 10 October 2023), p. 17; Abdullah F. Ansary, "A Brief Overview of the Saudi Arabian Legal System", *Hauser Global Law School Program, New York University*, August 2015, [www.nyulawglobal.org/globalex/Saudi\\_Arabia1.html](http://www.nyulawglobal.org/globalex/Saudi_Arabia1.html) (accessed 10 October 2023).

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108 Awwad al-Awwad's Twitter account (@AwwadSAlawwad), 22 October 2018, <https://twitter.com/AwwadSAlawwad/status/1054337816153518080> - translation by ALQST (accessed 2 October 2023)

109 Saudi Human Rights Commission's Twitter account (@HRCSaudi), 23 December 2019, <https://twitter.com/HRCSaudi/status/1209157681656848385> (accessed 2 October 2023).

110 NPR News, *Saudi Arabia Rejects Calls For Independent Investigation Into Khashoggi Killing*, 14 March 2019, <https://www.npr.org/2019/03/14/703590542/saudi-arabia-rejects-calls-for-independent-investigation-into-khashoggi-killing> (accessed 10 October 2023); Human Rights Council, *Annex to the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Investigation into the unlawful death of Mr. Jamal Khashoggi*, UN Doc. A/HRC/41/CRP.1, para. 189.



"Torture in the Kingdom," a bipartisan event hosted by The Freedom Initiative and Human Rights Watch © April Brady/Project on Middle East Democracy, licensed under CC BY 2.0 DEED.

The SHRC's stance contradicts the conclusions of human rights organisations, which condemned the trial as an effort to white-wash the implication of Saudi government officials. The proceedings were held behind closed doors, and the names of those condemned were never disclosed.<sup>111</sup> The former Special Rapporteur on extrajudicial, summary or arbitrary executions held that Saudi Arabia's steps towards addressing its State responsibilities in terms of prosecution and reparation "stop[ped] short of what is required under international law",<sup>112</sup> and that Saudi Arabia's trial of the 11 suspects in the killing of Mr Khashoggi fail[ed] to meet procedural and substantive standards".<sup>113</sup>

111 Amnesty International UK, *Saudi Arabia: Khashoggi trial verdict a 'whitewash'*, 23 December 2019, <https://www.amnesty.org.uk/press-releases/saudi-arabia-khashoggi-trial-verdict-whitewash> (accessed 2 October 2023).

112 UN Human Rights Council, *Annex to the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Investigation into the unlawful death of Mr. Jamal Khashoggi*, UN Doc. A/HRC/41/CRP.1, para. 15.

113 *Ibid.*, para. 16.

The significant gap between the SHRC's portrayal of fair trial and due process guarantees being upheld and the realities of the Saudi justice system raise questions about the Commission's commitment to promoting human rights in the country.

### 3.2.4 Death penalty

The Saudi Human Rights Commission has presented conflicting information when it comes to the death penalty in Saudi Arabia, particularly concerning minors and drug-related offenses.

Regarding child defendants, the SHRC has claimed on multiple occasions that child defendants would not face the death penalty, including in their annual reports, on Twitter, and before the UN Human Rights

Council.<sup>114</sup> The SHRC asserted that the 2018 Juvenile Law abolished the death penalty for crimes committed by minors and replaced it by a maximum sentence of 10 years' imprisonment, emphasising the retroactive application of the law to cases decided before 2018.<sup>115</sup> In March 2020, the SHRC published an order stipulating the implementation of the 2018 Juvenile Law prohibiting the execution of death sentences against minors in *ta'zir* cases.<sup>116</sup> In April 2020, the SHRC announced a new Royal Decree purporting to abolish the death penalty for child defendants, bringing Saudi domestic law in line with international standards in this regard.<sup>117</sup> The SHRC also asserted that those convicted of terrorism offences would be covered by the decree.<sup>118</sup> In October 2020, the SHRC stated that it found no basis to substantiate claims that Saudi prosecutors were still pursuing death

sentences for juvenile offenders, asserting its confidence that "Saudi prosecutors will fully uphold Saudi law".<sup>119</sup> Meanwhile, the Royal Decree, which allegedly abolished the death penalty for child defendants, was neither publicly released nor published in the Official Law Gazette, as required by Saudi law for enacting new legislation.

Despite the SHRC's repeated claims on the abolition of the death penalty for child defendants, Saudi Arabia's practices present a contrasting reality. A prime example is the case of Mustafa Hashem al-Darwish, who was executed on 15 June 2021 for his alleged participation in protests when he was under the age of 18.<sup>120</sup> Upon his arrest in May 2015, he was placed in solitary confinement and endured severe torture that caused him to lose consciousness several times. Under these conditions, he was coerced into making a confession. Al-Darwish was detained without charge for a period of two years. He only had his first hearing in August 2017, during which he raised the issue of his torture to the judge, explaining that he was coerced into confessing. Moreover, the judge was aware that Mustafa was underage when he allegedly participated in the protests. The judgement itself explicitly stated that al-Darwish had allegedly engaged in demonstrations between 2011 and 2012,<sup>121</sup> underscoring the fact that many, if not all, of these protests occurred when al-Darwish was under 18.

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114 Saudi Human Rights Commission, *HRC International Report*, 2021, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMJb7eDRmnzayj30A-1ZoOS0QC4K4oAzEUyu9.pdf> (accessed 19 September 2023); Saudi Human Rights Commission twitter account (@HRCSaudi), 21 October 2020, available at: [https://reprise.org/wp-content/uploads/sites/2/2021/04/2020\\_10\\_21\\_PUB\\_KSA\\_Tweet\\_DeathPenaltyJuveniles.jpg](https://reprise.org/wp-content/uploads/sites/2/2021/04/2020_10_21_PUB_KSA_Tweet_DeathPenaltyJuveniles.jpg) (although the tweet has been deleted, Reprise saved a screenshot on their servers); UN Web TV, *6<sup>th</sup> Meeting, 46<sup>th</sup> Regular Session Human Rights Council*, 23 February 2021, <https://media.un.org/en/asset/k1p/k1ptgc87e9> (accessed 2 October 2023).

115 Saudi Human Rights Commission, *HRC International Report*, 2021, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMJb7eDRmnzayj30A-1ZoOS0QC4K4oAzEUyu9.pdf> (accessed 19 September 2023) p. 16.

116 AP News, *Saudi Commission insists no minors to face death penalty*, 22 October 2020, <https://apnews.com/article/dubai-saudi-arabia-united-arab-emirates-middle-east-crime-2e15625df30160e8fff9272dbda4e9c3> (accessed 7 September 2023).

117 Deutsche Welle, *Saudi Arabia abolishes death sentence for minors*, 27 April 2020, <https://www.dw.com/en/saudi-arabia-abolishes-death-sentence-for-minors/a-53253967> (accessed 19 September 2023).

118 Saudi Human Rights Commission's Twitter account (@HRCSaudi), 28 April 2020, <https://twitter.com/HRCSaudi/status/1255236606124068866> (accessed 2 October 2023).

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119 AP News, *Saudi Commission insists no minors to face death penalty*, 22 October 2020, <https://apnews.com/article/dubai-saudi-arabia-united-arab-emirates-middle-east-crime> (accessed 7 September 2023).

120 BBC News, *Mustafa al-Darwish: Saudi man executed for crimes committed as a minor*, 15 June 2021, <https://www.bbc.co.uk/news/world-middle-east-57492219> (accessed 2 October 2023).

121 The date included in the judgement pointed to the year 1433 Hijri, correspond to 2011/2012 in the Gregorian calendar.

Nevertheless, the court failed to conduct any investigation into al-Darwish's age at the time of the alleged offences or question the veracity of the confession. Instead, the court relied on his coerced confession to sentence him to death for a non-lethal offence related to the protests. In fact, his charges fall under the category of *ta'zir* (discretionary) offences. According to Saudi Arabia's own statements, the Royal Decree announced earlier should have unquestionably applied to his case, safeguarding him from the death penalty.<sup>122</sup>

Al-Darwish was executed on 15 June 2021, without any prior warning given to his family, who learned of his death on the news.<sup>123</sup> Following his execution, the SHRC falsely claimed that Mustafa was over 19 at the time of each of the crimes for which he was executed,<sup>124</sup> directly contradicting the evidence that demonstrated Mustafa's age at the time of the protests.<sup>125</sup>

Furthermore, in 2022, Abdullah al-Howaiti, was sentenced to death for a crime allegedly committed when he was 14 years old.<sup>126</sup> In

2023, seven young men, including Abdullah al-Derazi and Youssef al-Manasif, were sentenced to death for crimes they allegedly committed when they were under the age of 18.<sup>127</sup>

Regarding drug-related offences, the SHRC announced on Twitter a moratorium on the death penalty for such crimes in January 2021, emphasising a shift in Saudi Arabia towards rehabilitation and prevention.<sup>128</sup> The SHRC's tweet stated that the sharp decrease of executions in 2020 was brought about in part by the moratorium, that the moratorium indicated that the Kingdom was giving more non-violent criminals a second chance as "the Kingdom and its justice system are focusing more on rehabilitation and prevention than solely on punishment."<sup>129</sup> However, the moratorium was never legalised, and in November 2022, Saudi Arabia executed 20 individuals convicted of drug-related charges in just 12 days.<sup>130</sup>

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122 Saudi Arabia, *Royal Decree no. M/113 of 2018 on the Juvenile Law*, available at: <https://www.moj.gov.sa/Documents/Regulations/pdf/77.pdf>; Saudi Arabia, *Juvenile Law*, available at: [https://menarights.org/sites/default/files/2020-01/KSA\\_JuvenileSystem\\_2018\\_AR.pdf](https://menarights.org/sites/default/files/2020-01/KSA_JuvenileSystem_2018_AR.pdf).

123 The Times, *Mustafa Hashem al-Darwish: Saudi Arabia executes man who took part in protests when under 18*, 16 June 2021, <https://www.thetimes.co.uk/article/mustafa-hashem-al-darwish-saudi-arabia-executes-man-who-took-part-in-protests-when-under-18-bz0zlpjgc> (accessed 2 October 2023).

124 Saudi Human Rights Commission's Twitter account (@HRCSaudi), 15 June 2021, [https://twitter.com/HRCSaudi\\_EN/status/1404931888725250049](https://twitter.com/HRCSaudi_EN/status/1404931888725250049) (accessed 2 October 2023).

125 Documents on file at Reprieve.

126 BBC News, *Abdullah al-Howaiti: Saudi child 'offender' sentenced to death at retrial*, 3 March 2022, <https://www.bbc.co.uk/news/world-middle-east-60603447> (accessed 2 October 2023); Working Group on Arbitrary Detention, *Opinion No. 72/2021 concerning Abdullah al-Howaiti (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2021/72, 28 January 2022, available at: [https://www.ohchr.org/sites/default/files/2022-01/A\\_HRC\\_WGAD\\_2021\\_72\\_SA\\_AEV.pdf](https://www.ohchr.org/sites/default/files/2022-01/A_HRC_WGAD_2021_72_SA_AEV.pdf) (accessed 2 October 2023).

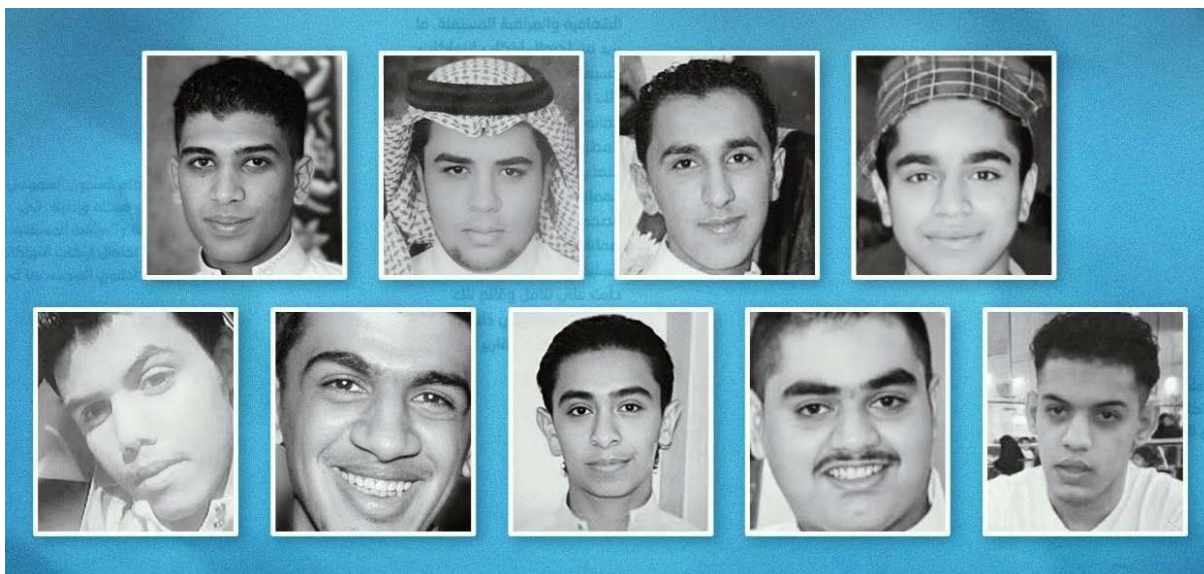
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127 Amnesty International, *Saudi Arabia: Imminent execution of seven young men would violate kingdom's promise to abolish death penalty for juveniles*, 15 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/saudi-arabia-imminent-execution-of-youths-would-violate-kingdoms-promise-to-abolish-death-penalty-for-juveniles/> (accessed 20 September 2023); The Guardian, *Saudi family urges US to intervene in teens' possible death sentence*, 8 May 2023, <https://www.theguardian.com/world/2023/may/08/saudi-family-urges-us-to-intervene-in-teens-possible-death-sentence> (accessed 2 October 2023).

128 Saudi Human Rights Commission's Twitter account (@HRCSaudi\_EN), 18 January 2021, [https://twitter.com/hrcsaudi\\_en/status/1351087958565281793?lang=en-GB](https://twitter.com/hrcsaudi_en/status/1351087958565281793?lang=en-GB) (accessed 2 October 2023).

129 Saudi Human Rights Commission's Twitter account (@HRCSaudi\_EN), 18 January 2021, [https://twitter.com/hrcsaudi\\_en/status/1351087958565281793?lang=en-GB](https://twitter.com/hrcsaudi_en/status/1351087958565281793?lang=en-GB) (accessed 2 October 2023).

130 OHCHR, *Saudi Arabia: UN experts call for immediate moratorium on executions for drug offences*, 1 December 2022, <https://www.ohchr.org/en/press-releases/2022/12/saudi-arabia-un-experts-call-immediate-moratorium-executions-drug-offences> (accessed 2 October 2023).



From top left to bottom right: Abdullah al-Derazi, Hassan al-Faraj, Yusuf al-Manasif, Ali al-Mabiyouq, Abdullah al-Huwaiti, Jawad Qureiris, Ali Hassan al-Subaiti, Mahdi al-Mohsen, Jalal al-Labbad © Courtesy of ALQST for Human Rights.

On 12 March 2023, Hussein Abo al-Kheir was executed for drug-related offences.<sup>131</sup> The Jordanian national of Palestinian origin was arrested on 18 May 2014 by the Saudi Border Force while crossing the border from Jordan into Saudi Arabia. He was charged with the possession of narcotic pills allegedly found in his car, a claim he vigorously denied.<sup>132</sup> Throughout his case, Saudi authorities failed to inform Abo al-Kheir of his rights and denied him the possibility to appoint legal representation. Following his arrest, he was subjected to 12 days of *incommunicado* detention and endured severe torture at the hands of Saudi Drug Control authorities. He was suspended from his feet with his head facing downwards, and was subjected to beatings on his stomach, head, feet, hands and face along with verbal insults. After 12 days,

he signed a confession.<sup>133</sup> For several years after the torture and ill-treatment he endured, he continued to experience pain in his legs, substantial weight loss, stomach pains, and a deteriorating physical and mental state.<sup>134</sup>

Despite Abo al-Kheir's recantation and his assertion to the judge that his confession was coerced through torture, the Criminal Court in Tabouk found him guilty of drug trafficking charges on 27 January 2015, and sentenced him to death. His torture-tainted confession served as the basis for the verdict.<sup>135</sup> In September 2019, the Jordanian Ministry of Foreign Affairs informed his family that the Supreme Judicial Council had refused his appeal, and that he had no further

131 Middle East Eye, *Saudi Arabia executes Jordanian man despite UK and UN intervention*, 13 March 2023, <https://www.middleeasteye.net/news/jordan-saudi-arabia-executes-despite-uk-intervention> (accessed 2 October 2023).

132 Daily Mail, *Sister of taxi driver on death row in Saudi Arabia begs England legend Alan Shearer and Lewis Hamilton to help save her brother's life*, 11 December 2021, <https://www.dailymail.co.uk/news/article-10277639/Sister-man-death-row-Saudi-Arabia-begs-Alan-Shearer-Lewis-Hamilton-help-save-brother.html> (accessed 2 October 2023).

133 ESOHR, *Four years after the UN confirmed heinous violations in his case: Saudi Arabia is close to beheading Jordanian prisoner, Hussein Abu al-Khair*, 30 October 2019, <https://www.esohr.org/en/%D8%A8%D8%B9%D8%AF-4-%D8%B3%D9%86%D9%88%D8%A7%D8%AA-%D8%B9%D9%84%D9%89-%D8%AA%D8%A3%D9%83%D9%8A%D8%AF-%D8%A7%D9%84%D8%A3%D9%85%D9%85-%D8%A7%D9%84%D8%AA%D8%AD%D8%AF%D8%A9-%D8%A7%D9%86%D8%B7%D9%88/> (accessed 2 October 2023).

134 *Ibid.*

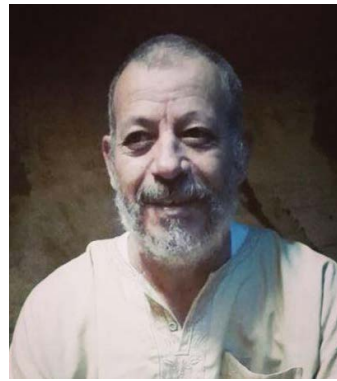
135 Documents on file at Reprieve and ESOHR.



right to challenge his death sentence.<sup>136</sup> Over the entirety of the legal proceedings, he was consistently denied access to legal representation, and his torture allegations were never investigated.

In 2022, the UN Working Group on Arbitrary Detention (UN WGAD) found that Abo al-Kheir's detention was arbitrary and lacked a legal basis. The UN WGAD recommended that Saudi Arabia "quash his death sentence" and "immediately and unconditionally release him".<sup>137</sup> Throughout his detention and in the weeks leading up to his execution, Saudi authorities had claimed that his sentence would be commuted and that he was safe from execution. However, on 12 March 2023, without any prior warning or notification, he was executed.<sup>138</sup> Abo al-Kheir's family was not formally notified of his impending execution on 12 March 2023, nor were they given the opportunity to say goodbye. Furthermore, the Saudi authorities have not returned his body to his family, denying them the right to properly mourn.

In April 2022, the SHRC issued its responses to the inquiries posed by the UN Special Rapporteur on extrajudicial, summary or arbitrary



Hussein Abo al-Kheir © Courtesy of ESOHR.

executions.<sup>139</sup> The inquiries were aimed at elucidating the circumstances surrounding the imposition and execution of the death penalty, as well as its repercussions

on individuals sentenced to death and their families. However, the responses provided by the SHRC fell short of delivering clarity or any substantive information, merely repeating previous official responses, and reiterated existing laws without providing any insight into the actual practices and realities of their implementation.

## 3.3 Individual complaints

### 3.3.1 Complaint procedure

The Saudi Human Rights Commission offers the possibility for individuals, institutions, organisations and others to submit a complaint or report on human rights issues. These issues include equality and non-discrimination, opinion and expression, protection from violence and abuse and access to justice.

136 Documents on file at Reprieve and ESOHR.

137 UN Working Group on Arbitrary Detention, *Opinion 36/2022 concerning Hussein Abo al-Kheir (Saudi Arabia)*, 20 October 2022, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session93/2022-11-21/A-HRC-WGAD-2022-36-SaudiArabia-AEV.pdf> (accessed 2 October 2023).

138 Middle East Eye, *Saudi Arabia executes Jordanian man despite UK and UN intervention*, 13 March 2023, <https://www.middleeasteye.net/news/jordan-saudi-arabia-executes-despite-uk-intervention> (accessed 2 October 2023).

139 ESOHR, *The Saudi Human Rights Commission evades in answering the questions of the Special Rapporteur on the death penalty*, 1 September 2022, <https://www.esohr.org/en/%d9%87%d9%8a%d8%a6%d8%a9-%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a5%d9%86%d8%b3%d8%a7%d9%86-%d8%a7%d9%84%d8%b3%d8%b9%d9%88%d8%af%d9%8a%d8%a9-%d8%aa%d8%b1%d8%a7%d9%88%d8%ba-%d9%81%d9%8a-%d8%a7%d9%84/> (accessed 2 October 2023).

The SHRC has a Department of Complaints, responsible for receiving and verifying the validity of complaints before referring them to the relevant department within the Commission.<sup>140</sup> Additionally, the Department of Follow-up and Investigation is tasked with monitoring complaints until they are resolved, investigating human rights violations and reporting its findings to the SHRC's Board.<sup>141</sup> The Department of International Relations and Organisations is responsible for following up the cases of Saudi nationals whose rights are violated abroad.<sup>142</sup>

To file a complaint, certain requirements must be met: the submission must be made through one of the approved access channels, relate to a human rights violation, be ongoing or have occurred within the past 12 months, not have already have been filed, and the complainant must not have a judicial ruling issued against them, "etc.". All requested personal data and details must be filled out completely and accurately, and submission will not be processed if the data is incomplete. Documents supporting the submission must be attached. Once submitted, the complainant should receive the complaint number by text message to follow up on the status of its processing.

Four access channels are available to submit a complaint to the SHRC: by telephone (Unified Call Centre – 19922), by e-mail (info@hrc.gov.sa), on Twitter (@HRCSaudi), or through the Commission's Website.

To file a complaint through the Commission's website, individuals must start by creating an account. If the individual is a Saudi national

or resident, they must provide their ID or residence card number. Non-Saudi individuals must complete a questionnaire of their personal information. They must enter their first name, their last name, their father's name and their gender. They are required to select their nationality from a list of 60 options.<sup>143</sup> Additional information required includes specifying their location within Saudi Arabia (area and city), date of birth, the number of family members, type, number and expiry date of their ID, job, phone number, contact person's name and phone number, and email address. Finally, the individual must enter the verification code sent to their mobile number to complete the process.

In response to complaints, the SHRC can take three types of actions. If the Commission considers that the complaint falls outside its jurisdiction, such as complaints objecting to judicial rulings or cases better suited for other procedures, the SHRC offers advice to the complainant. In cases where a field visit is deemed necessary due to the nature of the complaint or if it requires on-site investigation, the SHRC is empowered to conduct such visits. During these visits, the Commission may prepare inspection reports, document relevant information, and actively work toward resolving the complaint directly whenever possible. Additionally, the SHRC can coordinate with competent authorities through official correspondence or telephone communication.

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143 Emirati, Egyptian, Afghan, Palestinian, Albanian, Algerian, Indian, Kuwaiti, Bahraini, Omani, Qatari, Yemeni, Syrian, Jordanian, Lebanese, Iraqi, Sudanese, Libyan, Somali, Ethiopian, Moroccan, Tunisian, Filipino, Sri Lankan, Nepali, Bangladeshi, Indonesian, British, French, Austrian, Italian, Brazilian, Argentinian, Chadian, Chinese, Canadian, Kenyan, Mauritanian, Comorian, Kazakh, Malian, Mozambican, Iranian, Malaysian, Senegalese, Guinean, Turkish, Ugandan, South Korean, North Korean, Singaporean, Eritrean, Ghanaian, Congolese, Djiboutian, Liberian, Madagascar, Cameroonian, Zambian, Ivorian, Seychellois, or Pakistani.

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140 Statute of the Human Rights Commission, art. 11 (c).

141 *Ibid.*, art. 11 (d).

142 *Ibid.*, art. 11 (b).

The procedure for a complaint to be processed by the SHRC entails several steps.<sup>144</sup> Once a complaint is received, the SHRC verifies its validity, conditions and data, following which the submission is transferred to a specialised researcher for examination and evaluation. Following this assessment, “appropriate action” is taken. The complainant can expect to receive a response within a timeframe of seven working days, and should be informed of the complaint’s outcome via a text message as well as through the online portal, under their “list of requests”.

On the surface, the Saudi Human Rights Commission’s complaint mechanism appears to be a platform for individuals to voice their concerns regarding human rights violations. However, a closer examination reveals several limitations to this mechanism. One significant issue is the extensive and restrictive list of requirements for submitting a complaint. The limited selection of 60 nationalities, with notable omissions like the United States, excludes individuals from countries not included in the list as well as stateless persons from seeking assistance through the mechanism. The demand for detailed personal data eliminates the option of anonymity, which can deter individuals from seeking recourse through this mechanism. It is noteworthy that the Commission’s website, which is one of the platforms offered to file a complaint, is a government website.

The requirement that complaints must not have a judicial ruling against them is particularly concerning, given Saudi Arabia’s

history of issuing arbitrary rulings against individuals, including peaceful dissidents and human rights defenders. This condition *de facto* excludes those who wish to report human rights concerns related to their judicial proceedings, or arbitrary detention following an unfair ruling. While the SHRC offers alternative access channels for submitting complaints, including Twitter, past examples of Twitter users being blocked by the Commission’s Twitter account for raising human rights concerns raise questions about the accessibility of these channels.<sup>145</sup>

The SHRC’s ability to take action appears to be limited in cases where it does not have jurisdiction over the issues raised in the complaint, raising questions about its effectiveness in addressing a wide range of human rights violations, especially those involving judicial rulings or other authorities. There also seems to be a contradiction in the information provided on the Commission’s website, as the requirements prohibit individuals with a judicial ruling issued against them from filing a complaint, yet explanations are given regarding the types of action the SHRC can take in complaints objecting to judicial rulings.

Further, the description of the complaint process does not provide clear information about how complaints are assessed, evaluated, and resolved. While the SHRC’s annual reports provide statistics on the number of complaints processed throughout the year<sup>146</sup> and data about complainants’ gender and nationality,<sup>147</sup>

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144 Saudi Human Rights Commission Website, *Submit a complaint or report*, [https://e-services.hrc.gov.sa/ar/service/details/3?\\_gl=1\\*1h4bpob\\*\\_ga\\*MTU4ODIwMTk5Ni4xNjkyMjcwMzY4\\*\\_ga\\_QWV2NP6GHB\\*MTY5NDYwMDU1NS44LjEuMTY5NDYwMDg2NS4wLjAuMA](https://e-services.hrc.gov.sa/ar/service/details/3?_gl=1*1h4bpob*_ga*MTU4ODIwMTk5Ni4xNjkyMjcwMzY4*_ga_QWV2NP6GHB*MTY5NDYwMDU1NS44LjEuMTY5NDYwMDg2NS4wLjAuMA) (accessed 13 September 2023).

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145 Maha Albi’s Twitter account (@maha\_albi), 3 March 2021, [https://twitter.com/maha\\_albi/status/1367049902690336769](https://twitter.com/maha_albi/status/1367049902690336769) (accessed 12 September 2023).

146 *Ibid.*

147 Saudi Human Rights Commission, *HRC Annual Report, 2022*, <https://www.hrc.gov.sa/storage/reports-attachment/jYj3CLhgSJUIB2PSnDjIAGhrQ-zLd09H1rYySyT9c.pdf> (accessed 19 September 2023), p. 42-43.

they fail to provide substantial information about the actions taken in response to these complaints. This lack of transparency extends to the absence of any mention of mechanisms for holding individuals or entities accountable for human rights violations or providing effective remedies to victims of human rights abuses, further raising concerns about the SHRC's capacity to effectively address human rights violations.

### 3.3.2 Complaint procedure in practice

The concerns raised by the SHRC's complaint procedure transpire through various individual cases shedding light on different issues. These issues encompass the need for persistent complaints and follow-ups to receive any response from the SHRC, as well as the inadequacy and ineffectiveness of the responses when they are eventually provided.

The case of Loujain al-Hathloul serves as a comprehensive example that highlights the number of issues stemming from the SHRC's handling of human rights complaints. Despite numerous complaints submitted to the SHRC regarding the violations of al-Hathloul's human rights, particularly the torture she was subjected to, no response was ever received.<sup>148</sup> Furthermore, in 2019, al-Hathloul's relatives reached out to the SHRC regarding the medical restrictions she faced in detention. Officials supervising her medical visits only allowed her to speak with the doctor in Arabic, whereas the doctor did not speak Arabic. These senseless linguistic restrictions effectively impeded the doctor's ability to comprehensively evaluate Loujain's health and provide her with appropriate medical assistance and treatment. However, the SHRC never responded to these

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<sup>148</sup> Complaints on file at ALQST.

complaints. Similarly, in 2020, when she went on a hunger strike to protest the restrictions imposed on her communication with her family, the SHRC again failed to respond to her family's complaints.

The SHRC's inoperative complaint mechanism is further exemplified by its inadequate response to complaints regarding Loujain al-Hathloul's unofficial travel ban.<sup>149</sup> Her family first became aware of the travel ban in 2018, when they were denied travel to Europe upon arriving at the Saudi border. They were only informed by national guards that a travel ban was imposed on them, without being provided with any further information. The discovery left them bewildered, prompting inquiries regarding the origin and rationale behind the travel bans with various governmental bodies, including the Royal Court and the State Security. However, they received no answers. Al-Hathloul's family therefore turned to the SHRC in May 2019, detailing the issue and inquiring about the reasons behind it in a letter. Initially, the SHRC did not respond. The family persisted and sent multiple follow-ups, eventually leading to the SHRC agreeing to meet with them on two occasions. During the first meeting, the SHRC informed the

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<sup>149</sup> Amnesty International distinguishes official travel bans from unofficial travel bans. Official travel bans are usually issued by a court or police order and prevent a particular citizen or group of citizens from entering or leaving the country, the official purpose being that they are used when necessary, in cases that involve financial crimes, custody, or criminal investigations. Unofficial travel bans, such as the one imposed on Loujain al-Hathloul, are not issued by a court or police order and impact individuals who were not aware of the bans until they were attempting to travel. A part of Saudi Arabia's pattern of repression, unofficial travel bans constitute a tactic used by authorities to suppress independent, critical voices inside and outside the country; see: Amnesty International, *You Can't Leave And We Won't Tell You Why: Travel Bans In Saudi Arabia*, <https://www.amnesty.org/en/latest/campaigns/2022/05/you-cant-leave-and-we-wont-tell-you-why-travel-bans-in-saudi-arabia/> (accessed 2 October 2023).

family that the travel bans were related to an ongoing case, yet failed to provide any further information or concrete assistance. The second meeting proved equally unhelpful, as the SHRC could not pinpoint the root cause of the issue or offer substantial assistance.

On 26 July 2023, the family received a phone call from the SHRC, who suggested two potential solutions: filing a complaint with the Administrative Court against the State Security regarding the travel ban, or submitting a request with the Specialised Criminal Court to cancel a judicial ruling, *i.e.*, the travel ban ruling. However, these solutions were inapplicable in this context, as unofficial travel bans inherently lack a formal ruling. Indeed, as demonstrated by their criminal records, no rulings exist against al-Hathloul's family. The SHRC's proposed solutions appeared to shift the responsibility for resolving the issue onto the family, avoiding its mandate to provide appropriate advice and assistance. In response, al-Hathloul's family sent a letter to the SHRC on 8 August 2023, highlighting their *de facto* inability to challenge a non-existent ruling before a court. To date, they have not received a response from the SHRC.

Another instance exemplifying the SHRC's practice of transferring responsibility to other entities is the case of Maytham Tamar.<sup>150</sup> Tamar is a Pakistani citizen who was arrested, detained and subjected to enforced disappearance for nearly two years. Following his arrest in October 2020, Tamar remained

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150 ESOHR, *Examining Torture and Ill-Treatment from The Inside: Double Torture*, 5 February 2023, <https://www.esohr.org/en/%d9%85%d8%b9%d8%a7%d9%8a%d9%86%d8%a9-%d8%a7%d9%84%d8%aa%d8%b9%d8%b0%d9%8a%d8%a8-%d9%88%d8%b3%d9%88%d8%a1-%d8%a7%d9%84%d9%85%d8%b9%d8%a7%d9%85%d9%84%d8%a9-%d9%85%d9%86-%d8%a7%d9%84%d8%af%d8%a7%d8%ae/> (accessed 1 November 2023).

detained for 19 months without charges and without being brought before a court. He was subjected to severe torture and ill-treatment, including beatings, insults, and sleep deprivation. Upon his eventual release, Tamar attempted to sue those responsible for his arbitrary detention. He also directly complained to King Salman and Crown Prince Mohammed Bin Salman, but received no response. In August 2023, in an effort to seek accountability and compensation for the moral and material losses he endured, Tamar filed a complaint with the SHRC. As a response, instead of addressing his human rights violations effectively, the SHRC referred him to the Labour Office and Labour Courts, citing a lack of jurisdiction.<sup>151</sup>

The case of Abdulrahman al-Sadhan serves as another example of the significant flaws in the SHRC's handling of human rights complaints. Al-Sadhan's family contacted the SHRC on 1 November 2018, eight months after his initial arrest and disappearance.<sup>152</sup> They sent the Commission a letter detailing their concerns about his situation. Initially, the SHRC did not respond, forcing the family to persist and send multiple follow-ups. Eventually, the SHRC responded that their letter had been sent to the Ministry of Interior (Mol) with a reference number provided by the Commission. However, when the family inquired to the Mol, they denied ever receiving such a letter from the SHRC. These events showcase that despite al-Sadhan's case garnering significant international attention and his family tirelessly advocating for him publicly through a number

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151 Documents on file at ESOHR.  
152 UN Working Group on Arbitrary Detention, *Opinion No. 30/2022 concerning Abdulrahman Al Sadhan (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2022/30, 19 September 2022, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session93/2022-10-20/A-HRC-WGAD-2022-30-AEV.pdf> (accessed 3 October 2023), para. 7.



From left to right: Khalid al-Jabri (brother of Omar and Sarah al-Jabri), Abdullah al-Odah (son of Salman al-Odah), Foz al-Otaibi (sister of Maryam al-Otaibi), Nasser al-Qarni (son of Aoud al-Qarni), Lina al-Hathloul (sister of Loujain al-Hathloul) © Courtesy of ALQST for Human Rights.

of different venues, he remains forcibly disappeared, with no concrete information provided by the SHRC.

Not only are the answers offered by the Commission inadequate, but in many cases, the victims and their families never receive a response, according to a number of testimonies collected by the authors of this report. For instance, the SHRC never responded to a complaint filed by the family of Ali Mazyad, a Lebanese citizen who was arrested and forcibly disappeared in Saudi Arabia in 2022.<sup>153</sup> The complaint filed by Saud al-Faraj, a Saudi citizen who was detained, tortured and sentenced to death over participating in anti-government protests, was equally ignored by the SHRC.<sup>154</sup> Similarly, the SHRC never responded to the complaint by Abbas al-Hassan, who was detained, tortured and executed over his belonging to the long-

persecuted Shi'a minority in Saudi Arabia.<sup>155</sup> Recently, in 2023, the SHRC's silence prevailed when relatives of victims of illegal travel bans, including Loujain al-Hathloul, Maryam al-Otaibi, Salman al-Odah, Omar and Sarah al-Jabri and Aoud al-Qarni submitted a joint letter to the SHRC seeking answers and redress.<sup>156</sup>

## 3.4 Legislative work

### 3.4.1 Mandate

According to its mandate, the SHRC is entrusted with providing opinions on draft laws pertaining to human rights, and review existing laws and propose amendments thereto, in accordance with the law.<sup>157</sup> Additionally, the SHRC is responsible for monitoring the implementation of international human rights instruments to which Saudi Arabia is

153 ESHOR, *For 11 months Saudi Arabia has Forcibly Disappeared the Lebanese Engineer Ali Mazyad*, 12 July 2022, <https://www.esohr.org/en/%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%AA%D8%AE%D9%81%D9%8A-%D9%85%D9%87%D9%86%D8%AF%D8%B3%D8%A7-%D9%84%D8%A8%D9%86%D8%A7%D9%86-D9%8A%D8%A7-%D9%82%D8%B3%D8%B1%D9%8A%D8%A7-%D9%85%D9%86/> (accessed 2 October 2023).

154 Documents on file at Reprieve.

155 UN Working Group on Arbitrary Detention, *Opinion No. 56/2019 concerning Abbas Hajji Al-Hassan (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2019/56, 10 October 2019, [https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session85/A\\_HRC\\_WGAD\\_2019\\_56\\_AdvanceEditedVersion.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session85/A_HRC_WGAD_2019_56_AdvanceEditedVersion.pdf) (accessed 2 October 2023); Human Rights Watch, *Denied Dignity: Systematic Discrimination and Hostility toward Saudi Shia Citizens*, 3 September 2009, <https://www.hrw.org/report/2009/09/03/denied-dignity/systematic-discrimination-and-hostility-toward-saudi-shia-citizens> (accessed 2 October 2023).

156 ALQST for Human Rights, *Diaspora activists call on Saudi Arabia's Human Rights Commission to help end illegal travel bans on their families*, 6 November 2023, <https://alqst.org/ar/posts/907> (accessed 6 November 2023).

157 Statute of the Human Rights Commission, art. 5(1).

a party, ensuring that government agencies take the necessary measures for their implementation.<sup>158</sup> The SHRC is expected to offer opinions on international human rights instruments that Saudi Arabia has acceded to and ensure that necessary measures are taken for their implementation.<sup>159</sup> It also holds the responsibility of reviewing and approving the Kingdom's reports on human rights, which are then presented to the King.<sup>160</sup>

### 3.4.2 Annual reporting and public statements

The SHRC primarily conveys its stance on legislation through its public statements and annual reports. However, the lack of impartial and critical analysis, expected from an independent human rights body, raises concerns as to the effectiveness of the SHRC's fulfilment of this part of its mandate.

In response to the enactment of the new Civil Transactions Law, Evidence Law, Personal Status Law, and the Penal Code for Discretionary Sanctions, the SHRC issued statements applauding these legislative changes as "historic reforms" aimed at "strengthening the judiciary" and "advancing human rights" in Saudi Arabia.<sup>161</sup> These statements lack any evidence or specific examples to substantiate their claims. In February 2022, then-head of the SHRC Awwad al-Awwad also spoke of "historic reforms" during discussions at the 46<sup>th</sup> session of the Human Rights Council, attributing them to Vision 2030 and legislation by Crown Prince

Mohammed Bin Salman.<sup>162</sup> Similarly, in February 2023, Hala al-Tuwajiri, current head of the SHRC, asserted that Saudi Arabia was witnessing "historic transformations" and reforms in various areas of human rights during the 52<sup>nd</sup> session of the Human Rights Council.<sup>163</sup> Overall, the SHRC tends to make broad claims about historic reforms and transformations occurring in Saudi Arabia due to its legislative changes, yet it fails to provide concrete evidence or specific cases to substantiate these claims, raising doubts over the depth of its analysis.

While the SHRC's "legislative work" seemingly involves praising legislative changes in the country, it is even more concerning when such claims contribute to creating a false narrative about the reality of human rights in Saudi Arabia. As previously outlined, the SHRC consistently asserted that child defendants would no longer face the death penalty, citing the 2018 Juvenile Law as the instrument abolishing this practice, and asserting that a Royal Decree provided for the retroactive application of the law, covering cases dating from before 2018 and those related to terrorism

158 *Ibid.*, art. 5(2).

159 *Ibid.*, art. 5(3) and 5(4).

160 *Ibid.*, art. 5(5).

161 Saudi Human Rights Commission Website, *The Human Rights Commission Council praises the issuance of the Civil Transactions System*, <https://www.hrc.gov.sa/website/news/82> (accessed 19 September 2023).

162 ESHOR, *Before the Human Rights Council: Al-Awwad completes the Commission's role in whitewashing the image of Saudi Arabia and the Crown Prince*, 24 February 2021, <https://www.esohr.org/en/%d8%a3%d9%85%d8%a7%d9%85-%d9%85%d8%ac%d9%84%d8%b3-%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a5%d9%86%d8%b3%d8%a7%d9%86-%d8%a7%d9%84%d8%b9%d9%88%d8%a7%d8%af-%d9%8a%d8%b3%d8%aa%d9%83%d9%85%d9%84-%d8%af/> (accessed 2 October 2023)

163 ESOHR, *In a speech before the Human Rights Council: Hala Al-Tuwajiri is lying*, 26 February 2023, <https://www.esohr.org/en/%d9%81%d9%8a-%d9%83%d9%84%d9%85%d8%a9-%d8%a3%d9%85%d8%a7%d9%85-%d9%85%d8%ac%d9%84%d8%b3-%d8%ad%d9%82%d9%88%d9%82-%d8%a7%d9%84%d8%a5%d9%86%d8%b3%d8%a7%d9%86-%d8%a7%d9%84%d8%b3%d9%8a%d8%af%d8%a9-%d8%a7/> (accessed 2 October 2023).



Prison Jail Cell © AlexVan.

offences.<sup>164</sup> However, the Royal Decree has not been made publicly available to date, and it does not appear to have been published in the Official Law Gazette, as required by Saudi law for any new legislation. Further, as detailed *supra*, these statements have proven to be patently false as documented cases demonstrate that individuals continue to face the death penalty for crimes allegedly committed when they were minors.

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164 Saudi Human Rights Commission, *HRC International Report*, 2021, <https://www.hrc.gov.sa/storage/reports-attachment/RmC6nMJb7eDRmzayj30A1ZoOS0QC4K4oAzEUyu9.pdf> (accessed 19 September 2023) p. 16; Saudi Human Rights Commission Twitter account (@HRCSaudi), 28 April 2020, <https://twitter.com/HRCSaudi/status/1255236606124068866>; Deutsche Welle, *Saudi Arabia abolishes death sentence for minors*, 27 April 2020, <https://www.dw.com/en/saudi-arabia-abolishes-death-sentence-for-minors/a-53253967> (accessed 2 October 2023); Saudi Human Rights Commission Twitter account (@HRCSaudi), 21 October 2020, [https://reprieve.org/wp-content/uploads/sites/2/2021/04/2020\\_10\\_21\\_PUB\\_KSA\\_Tweet\\_DeathPenaltyJuveniles.jpg](https://reprieve.org/wp-content/uploads/sites/2/2021/04/2020_10_21_PUB_KSA_Tweet_DeathPenaltyJuveniles.jpg) (although the tweet has been deleted, Reprieve saved a screenshot on their servers); UN Web TV, *6<sup>th</sup> Meeting, 46<sup>th</sup> Regular Session Human Rights Council*, 23 February 2021, <https://media.un.org/en/asset/k1p/k1ptgc87e9> (accessed 2 October 2023).

A noteworthy omission of the SHRC's legislative work is its selective silence or absence of criticism regarding laws that have garnered widespread criticism for posing threats to human rights. For instance, the 2017 Law on Combating Crimes of Terrorism and its Financing has been the subject of serious concern for numerous human rights organisations as well as United Nations experts.<sup>165</sup> Meanwhile, the SHRC has refrained from ever criticising this law, the former-head of the SHRC going as far as claiming that the 2017 amendments to the counter terrorism framework allowed Saudi Arabia to "meet its commitments under international law".<sup>166</sup> This is not surprising as the SHRC were in

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165 UN Special Procedures, *OL SAU 12/2020*, 17 December 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25726> (accessed 19 September 2020).

166 United Nations Website, *Human Rights Council adopts Universal Periodic Review outcomes of Saudi Arabia, Senegal, the Congo and Nigeria* <https://www.ohchr.org/en/news/2019/03/human-rights-council-adopts-universal-periodic-review-outcomes-saudi-arabia-senegal>, 14 March 2019 (accessed 12 October 2023).



charge of reviewing the law before it was enacted.<sup>167</sup> The SHRC's selective approach to legislation, along with its tendency to make unsubstantiated claims and its failure to provide impartial evaluations of legislation concerning human rights implications, as expected from an independent human rights body, creates a distinct impression that the SHRC's role, in essence, is to whitewash the Kingdom's poor human rights record.

## 3.5 Visits and monitoring of places of detention

### 3.5.1 Mandate and annual reporting

According to its Statute, the SHRC has the authority to conduct visits to prisons and detention centres at any time, without requiring permission from a competent authority.<sup>168</sup> The Statute also empowers the SHRC to compile reports on these visits and present them to the President of the Council of Ministers, Crown Prince Mohammed Bin Salman.<sup>169</sup> Additionally, the SHRC is mandated to receive and verify complaints related to human rights and take appropriate legal measures in response.<sup>170</sup> The Saudi government has asserted that "all prisons and detention facilities in Saudi Arabia are subject to oversight and inspection by the Human Rights Commission of Saudi Arabia", and that "necessary measures are taken in the

event of a violation of national law."<sup>171</sup>

The SHRC's annual reporting provides numbers of visits and categories of detention centres visited, along with broad claims about what should be done. In its Annual Report for the year 2022, the SHRC states that it conducted a total of 3'001 visits to various facilities, including prisons, detention centres, social observation homes, girls' welfare institutions, as well as governmental and private bodies. It emphasises the necessity of "implementing the applicable rules and regulations related to human rights".<sup>172</sup> The SHRC's annual reporting lacks in substance and transparency, generally failing to explain what transpires during these visits or offer information on any subsequent actions taken as a result of these visits.

### 3.5.2 Visiting practice and failure to act on allegations of torture

The mandate authorising the Commission to carry out visits is severely limited in practice, as illustrated by several recent cases. In June 2023, Salma al-Shehab received a visit in detention from Hala al-Tuwaijri, the President of the SHRC.<sup>173</sup> However, al-Tuwaijri arrived with a pre-determined list of questions which failed to address al-Shehab's pressing needs and concerns. When al-Shehab raised

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167 Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Saudi Arabia*, UN Doc. A/HRC/40/4, 26 December 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/446/49/PDF/G1844649.pdf?OpenElement> (accessed 12 October 2023), para. 46.

168 Statute of the Human Rights Commission, art. 5(6).

169 *Ibid.*, art. 5(6).

170 *Ibid.*, art. 5(7).

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171 UN Working Group on Arbitrary Detention, *Opinion No. 27/2023 concerning Salma bint Sami bin Abdulmohsen al-Shehab and Nourah bin Saeed al-Qahtani (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2023/27, 19 June 2023, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-27-Saudi-Arabia-AEV.pdf> (accessed 2 October 2023), para. 62.

172 Saudi Human Rights Commission, *HRC Annual Report, 2022*, <https://www.hrc.gov.sa/storage/reports-attachment/jYj3CLhgSJUIB2PSnDjIAGhrQzLd09H1rYySyT9c.pdf> (accessed 19 September 2023), p. 18.

173 Information on file at co-authoring organisations.

various issues, al-Tuwaijri provided vague and unhelpful responses. Among her inquiries, al-Shehab sought clarification on the reasons behind her imprisonment in the first place, asserting that her actions were not criminal. She also questioned the seemingly arbitrary reduction of her sentence from 34 to 27 years. In response, the President of the Commission attributed her imprisonment and sentence reduction to “new laws”, but was unable to provide any details about these laws, claiming it was not within her mandate to do so.

During the visit, al-Shehab also raised the logistical challenges faced regarding family visits, emphasising that she had not seen her children since her arrest. She highlighted the unique circumstances of her child with autism, who could not visit her in the current conditions, and requested for an opportunity to meet her children in an open environment. Additionally, al-Shehab raised concerns about her education, expressing her distress over her unfinished PhD and the potential loss of her research. She also raised concerns about a number of female inmates who had been transferred from al-Amal Mental Health Hospital, stating that they were not receiving adequate medical care. None of al-Shehab’s questions, concerns or requests were addressed or remedied by the SHRC.

Another example shedding light on the SHRC’s failure to take action during their visits is the case of Loujain al-Hathloul.<sup>174</sup> The SHRC visited al-Hathloul in detention for the first time in November 2018. Her family was not informed of this visit. During their meeting, al-Hathloul disclosed the torture she had endured and the ill-treatment she had been subjected to while in detention. As she was still detained and remained vulnerable to further ill-treatment,

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174 Testimony provided by her family.

especially after having spoken out on torture inflicted by government officials, al-Hathloul asked the SHRC for assurances of protection. However, the SHRC responded that they were incapable of offering any protection to her.<sup>175</sup>

During the period of al-Hathloul’s detention, her family was only allowed to visit her on a monthly basis. As they became increasingly aware of her deteriorating health condition, her family was deeply concerned. Given that they had not been informed of the SHRC’s visit to al-Hathloul in November, her family made a formal request to the SHRC to visit her in December 2018. On 2 January 2019, al-Hathloul’s family met with then-Vice-President of the SHRC, Nasser al-Shahrani, to discuss the torture endured by al-Hathloul. The SHRC subsequently visited her in detention for a second time on 10 January 2019. Despite having repeatedly been made aware of the torture endured by al-Hathloul, no action was ever taken by the SHRC.

The SHRC’s visit to Abdullah al-Derazi, who was detained as a child defendant facing the risk of execution for non-lethal protest offences, followed a similar pattern.<sup>176</sup> During their visit, al-Derazi reported to the SHRC the severe torture he had endured, which was so severe that it left him in a coma for two weeks, and which was used to coerce him to confess. Yet, the SHRC took no action to investigate or address his torture allegations.

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175 Democracy for the Arab World Now, *Saudi Arabia: Wafa Alsaleh Failed to Act on Torture Complaint or Provide Protection*, 3 December 2020, <https://dawnmena.org/wafa-alsaleh/> (accessed 8 November 2023); Democracy for the Arab World Now, *Saudi Arabia: Samha Alghamdi Failed to Act on Torture Complaint or Provide Protection*, 3 December 2020, <https://dawnmena.org/samha-saeed-alghamdi/> (accessed 8 November 2023).

176 Testimony provided by his family.

Despite a multitude of individual complaints of torture or ill-treatment within the detention facilities visited by the SHRC, coupled with numerous reports and allegations of torture in Saudi prisons,<sup>177</sup> the SHRC has consistently failed to effectively address this issue. Even more concerning, in March 2019, then-head of the SHRC, Bandar al-Aiban, went so far as to deny the practice of torture in his speech to the UN Human Rights Council during the discussion of the responses of the Saudi Government to the recommendations made during the previous Universal Periodic Review.<sup>178</sup> This blatant denial, along with the omission of any expressed concern or action regarding these torture allegations, raises questions about the effectiveness and transparency of the SHRC's monitoring and advocacy efforts.

On 27 January 2019, a prominent Saudi newspaper, which had previously called a women's rights defender known for writing about Saudi politics and human rights defenders a "traitor",<sup>179</sup> published an article accusing human rights

organisations of "lying" about torture.<sup>180</sup> The article pointed out that the SHRC cites the number of visits and complaints made to the SHRC as indicators of their work's success. The Saudi newspaper's use of the SHRC's reports as supposed evidence of the absence of human rights violations against detainees demonstrates that not only does the SHRC fail to take action on the issue of torture, but it also contributes to covering up the systematic pattern of torture employed against detainees in Saudi prisons.

### 3.5.3 Government instrumentalisation

The Saudi government has shown a pattern of using the SHRC to defend itself against accusations of human rights abuses, effectively instrumentalising the SHRC for its own whitewashing purposes.

In the case of Abdulrahman al-Sadhan, false information about an alleged visit by the SHRC while he was in detention was disseminated and used against him. During one of al-Sadhan's trial hearings, the Public Prosecutor<sup>181</sup> claimed that the SHRC had visited him while in detention and considered that he was "doing fine". This alleged visit was presented as evidence that al-Sadhan's rights had been respected and that he had not been subjected to torture. However, this visit never actually took place. The Public Prosecution claimed that the SHRC's visit took place in Ulaysha prison, while al-Sadhan's family and lawyer confirmed that he had never been

177 UN Committee Against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, UN Doc. CAT/C/SAU/CO/2, 8 June 2016, <https://digitallibrary.un.org/record/857901> (accessed 2 October 2023), para. 7.

178 ESHOR, *A day after the start of the trial of female activists, Saudi Arabia is not ashamed to sing its praises of "reforms" before the Human Rights Council*, 14 March 2019, <https://www.esohr.org/en/%d8%a8%d8%b9%d8%af-%d9%8a%d9%88%d9%85-%d8%b9%d9%84%d9%89-%d8%a8%d8%af%d8%a1-%d9%85%d8%ad%d8%a7%d9%83%d9%85%d8%a9-%d9%85%d8%b9%d8%aa%d9%82%d9%84-%d8%a7-%d8%aa-%d8%a8%d8%b3%d8%a8%d8%a8-%d9%86%d8%b4%d8%a7/> (accessed 2 October 2023).

179 Reporters Without Borders, *Saudi woman held for blogging about women's rights*, 24 May 2018, <https://rsf.org/en/saudi-woman-held-blogging-about-women-s-rights> (accessed 11 October 2023).

180 Okaz, *Organizations spread lies... and the Commission responds efficiently to "periodic reports" Human rights in Saudi Arabia...the sun of truth is not covered by the sieve of "politicians"*, 27 January 2019, <https://www.okaz.com.sa/investigation/na/1701889> (accessed 2 October 2023).

181 According to its founding decree, the Public Prosecution's Office is directly linked to the King.

held there. Al-Sadhan's lawyer refuted the false claim to the judge, raising the factual inaccuracy of the alleged visit's location as inherently disproving its occurrence. Nevertheless, al-Sadhan's sentence of 20 years in prison followed by a 20-year travel ban was upheld by the Court of Appeal.<sup>182</sup> Moreover, the Saudi government claimed that the SHRC was present during the entirety of al-Sadhan's trial,<sup>183</sup> contradicting the accounts of his family who confirmed that none of the SHRC's members attended the trial.

Similarly, in the case of Loujain al-Hathloul, despite her repeated disclosures of torture to the SHRC during their visits, the Saudi government asserted that she never made any complaints to the SHRC during their visits to her.<sup>184</sup> It is noteworthy that the authorities mentioned the wrong date in that statement, indicating that the SHRC's visit to al-Hathloul took place on 14 October 2018 when it, in fact, occurred in November. This discrepancy in the dates of the visits raises concerns about the accuracy and transparency of the SHRC's reports.

In another instance, in February 2023, the Saudi government claimed that Salma al-

Shehab had been "treated in a manner that preserves [her] dignity and protects [her] rights", supporting this claim by highlighting the SHRC's oversight and inspection of all detention centres in the country.<sup>185</sup> However, this claim was made in February 2023, several months before the SHRC's visit to al-Shehab.

These cases underscore how the Saudi government employs the SHRC as a means to conceal its human rights abuses against detainees, raising serious doubts about the SHRC's credibility. The SHRC has never officially commented on the government's misleading and inaccurate statements.

Finally, we are extremely concerned that SHRC staff members participated in the drafting and review the Kingdom's reports on the implementation of international human rights treaties.<sup>186</sup> On LinkedIn, the former General Director of Conventions and Reports, from 2018 to 2023, stated among his achievements that he "[drafted] & [reviewed] the kingdom's reports regarding the International Human rights conventions and treaties". He further states that he was a "[m]ember of Saudi Delegation to discuss the kingdoms' report on international human rights conventions and treaties at United Nations in Geneva", and that he was a "[m]ember of Saudi Delegation in United Nations Human Rights Council".

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182 ALQST for Human Rights, *Appeal court upholds 20-year sentence for peaceful activist Abdulrahman al-Sadhan*, 6 October 2021, <https://www.alqst.org/en/post/appeal-court-upholds-20-year-sentence-for-peaceful-activist-abdulrahman-al-sadhan> (accessed 3 October 2023).

183 UN Working Group on Arbitrary Detention, *Opinion No. 30/2022 concerning Abdulrahman Al Sadhan (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2022/30, 19 September 2022, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session93/2022-10-20/A-HRC-WGAD-2022-30-AEV.pdf> (accessed 3 October 2023), para. 53.

184 UN Working Group on Arbitrary Detention, *Opinion No. 33/2020 concerning Loujain Alhathloul (United Arab Emirates and Saudi Arabia)*, UN Doc. A/HRC/WGAD/2020, 12 June 2020, <https://www.freedom-now.org/wp-content/uploads/Opinion-of-the-UN-Working-Group-on-Arbitrary-Detention-6-12-20.pdf> (accessed 3 October 2023), para. 37.

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185 UN Working Group on Arbitrary Detention, *Opinion No. 27/2023 concerning Salma bint Sami bin Abdulmohsen al-Shehab and Nourah bin Saeed al-Qahtani (Saudi Arabia)*, UN Doc. A/HRC/WGAD/2023/27, 19 June 2023, <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session96/A-HRC-WGAD-2023-27-Saudi-Arabia-AEV.pdf> (accessed 2 October 2023), para. 62.

186 Profile of Fahd Alsofyani available on LinkedIn at: <https://sa.linkedin.com/in/fahd-alsofyani-575917113> (accessed 11 October 2023).

We thus fear that the reports submitted by the Saudi Arabia to the UN Treaty Bodies are partially or fully drafted by the SHRC.

In this regard, we wish to recall the General Observation No. 1.4 of the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions, which states that “while it is appropriate for governments to consult with NHRIs in the preparation of a state’s reports to human rights mechanisms, NHRIs should neither prepare the country report nor should they report on behalf of the government. NHRIs must maintain their independence and, where they have the capacity to provide information to human rights mechanisms, do so in their own right.”<sup>187</sup>

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187 GANHRI, *General Observations of the Sub-Committee on Accreditation*, 21 February 2018, [https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN\\_GeneralObservations\\_Revisions\\_adopted\\_21.02.2018\\_vf.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN_GeneralObservations_Revisions_adopted_21.02.2018_vf.pdf) (accessed 12 October 2023), G.O. 1.4.

# 4. The SHRC's adherence to international standards

## 4.1 Legal framework: the Paris Principles

The Principles Relating to the Status of National Human Rights Institutions (Paris Principles) set out the minimum standards that National Human Rights Institutions must meet in order to be considered credible and to operate effectively.<sup>188</sup> The key pillars of the Paris Principles are pluralism, independence and effectiveness. The Paris Principles notably require NHRIs to be independent in law, membership, operations, policy and control of resources.<sup>189</sup> They also require that NHRIs have a broad mandate,<sup>190</sup> pluralism in membership,<sup>191</sup> broad functions,<sup>192</sup> adequate

powers,<sup>193</sup> adequate resources<sup>194</sup> and cooperative methods.<sup>195</sup>

Compliance with the Paris Principles is assessed by the Global Alliance of National Human Rights Institutions (GANHRI), through its Sub-Committee on Accreditation (SCA). Following the SCA's peer-review-based assessments of NHRIs' compliance with the Paris principles, NHRIs that are assessed as compliant with the Paris Principles receive 'A status', granting them independent participation rights at various international human rights forums and eligibility for full GANHRI membership, including voting and governance positions. NHRIs that are assessed as only partially compliant with the Paris Principles are accredited with 'B status', enabling their participation in GANHRI meetings but without voting or holding governance roles.

However, the SHRC has never applied for accreditation to the SCA, which means it does

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188 GANHRI Website, *Paris Principles*, <https://ganhri.org/paris-principles/> (accessed 10 September 2023).

189 GANHRI Website, *Accreditation*, <https://ganhri.org/accreditation/> (accessed 10 September 2023).

190 The requirement of a broad mandate aims to ensure that NHRIs are able to promote and protect all human rights.

191 The requirement of pluralism in membership aims to ensure that the composition of NHRIs reflects the "social forces (of civilian society) involved in the promotion and protection of human rights".

192 The requirement of broad functions aims to ensure that NHRIs are able to deliver on their mandate by providing advice, reporting and monitoring, handling complaints and human rights education, among other "responsibilities".

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193 The requirement of adequate powers aims to ensure that NHRIs can initiate inquiries and investigations, gather the evidence and documents they need, consult with NGOs and State institutions and publicise their reports, findings and recommendations.

194 The requirement of adequate resources aims to ensure that NHRIs can initiate inquiries and investigations, gather the evidence and documents they need, consult with NGOs and State institutions and publicise their reports, findings and recommendations.

195 The requirement of cooperative methods pertains to the recognition that effective human rights work requires NHRIs to collaborate with other State institutions, NGOs and civil society groups.



Bandar bin Mohammed Al-Aiban, Minister and President of the Human Rights Commission of Saudi Arabia at the 31st regular session of the Human Rights Council. 1 March 2016 © UN Photo / Jean-Marc Ferré.

not hold any accreditation status, and its compliance with international standards has never been formally assessed.

## 4.2 Appointment process and Commission members

According to the Paris Principles, the independence of an NHRI is notably ensured through its composition and the appointment process of its members. This process should afford all necessary guarantees to ensure a pluralist representation of social forces. The Principles specify that if the institution is to be composed of representatives of the government, their participation in deliberations should be limited to advisory capacity.<sup>196</sup> Further, the membership of an NHRI should be selected and appointed through a clear, transparent and participatory process, and its pluralism can be promoted by the advertisement of vacancies.<sup>197</sup>

196 UN General Assembly, *Principles relating to the Status of National Institutions (The Paris Principles)*, 20 December 1993, UN Doc. A/RES/48/134, <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris> (accessed 13 November 2023).

197 GANHRI, *General Observations of the Sub-Committee on Accreditation*, 21 February 2018, [https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN\\_GeneralObservations\\_Revisions\\_adopted\\_21.02.2018\\_vf.pdf](https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN_GeneralObservations_Revisions_adopted_21.02.2018_vf.pdf) (accessed 11 October 2023), G.O. 1.8.

The SHRC's Statute provides that "[t]he Commission shall be an independent corporate entity with full autonomy to perform its tasks",<sup>198</sup> seemingly aligning with the independence criteria enshrined in the Paris Principles. However, all members of the SHRC are appointed by the King,<sup>199</sup> and the Statute does not provide for broad consultation or participation in the appointment process. Before the 2016 amendment to the Commission's Statute,<sup>200</sup> it was directly linked to the Prime Minister, Crown Prince Mohammed Bin Salman.<sup>201</sup> Since 2016, the SHRC reports to King Salman bin Abdulaziz al-Saud.<sup>202</sup> It is noteworthy that the Commission's annual reports commence with pictures of King Salman and Prince Mohammed bin Salman.

The SHRC's Board is composed of 26 members, including a President, a Vice-President, 18 full-time members and 6 part-time members.<sup>203</sup> Hala bint Mazyad al-Tuwajri, who was previously Secretary-General of the Family Affairs Council, was appointed as President of the Human Rights Commission in September 2022, with the rank of minister.<sup>204</sup> She replaced Awwad al-Awwad,

198 Statute of the Human Rights Commission, art. 2.

199 Saudi Human Rights Commission Website, *Authority Council*, <https://www.hrc.gov.sa/website/council-structure> (accessed 12 September 2023).

200 The Statute was amended by Cabinet Resolution No. 237 dated 6/5/1437 AH (corresponding to 15/02/2016).

201 Saudi Arabia, *Cabinet Resolution No. 207 dated 8/8/1426*, accessible at: <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/836460dd-2750-40a8-b8b1-a9a700f26ede/1> (accessed 11 September 2023).

202 Statute of the Human Rights Commission, art. 1.

203 Saudi Human Rights Commission Website, *Authority Council*, <https://www.hrc.gov.sa/website/council-structure> (accessed 12 September 2023).

204 Bahrain News Agency, *Saudi King appoints Human Rights Commission President*, 22 September 2022, <https://www.bna.bh/En/SaudiKingappointsHumanRightsCommissionPresident.aspx?cms=q8F-mFJgiscL2fwlZON1%2BDoHvqY1RNbZMKeww9c-mvMwl%3D> (accessed 13 September 2023).

who became an adviser to the Royal Court.<sup>205</sup>

A large number of the SHRC members seem to have close ties to government bodies and appear to lack a background in human rights, although the SHRC's Statute requires for its members to have expertise in the field of human rights<sup>206</sup> or to be known for their interest in human rights.<sup>207</sup>

Abdulaziz bin Hamad Qa'ed al-Qa'ed, current board member of the SHRC, was a part-time consultant at the Ministry of Economy and Planning of the Kingdom of Saudi Arabia for five years and was a member of the Supreme Economic Council of Saudi Arabia for two years.<sup>208</sup>

Noura bint Mizyad bin Suleiman al-Amr was a policy and legislation fellow at the Consultative Council of Saudi Arabia from 2013 to 2014, an advisor to the Ministry of Health from 2014 to 2016, and an advisor to the Ministry of Economy and Planning from 2017 to 2018.<sup>209</sup>

Naqaa' bin Khaled bin Naqaa' al-Otaibi was an expert at the Council of Ministers of Saudi Arabia in 1996, and was a legal supervisor of the Office of His Excellency the Chairman of the Council of Ministers in 2017.<sup>210</sup>

Mishari bin Abdulrahman bin Mohamed al-Na'im was a political advisor to the Secretary-General of the Gulf Cooperation Council

from 2015 to 2017 and was an evaluation consultant at the Saudi National Security Centre from 2017 to 2018.<sup>211</sup>

Mohamed bin Hassan bin Mohamed al-Nujaidi works as a consultant to the Royal Commission in Jubail, position that he has held since 2018.<sup>212</sup>

Maya bint Khaled bin Mohamed al-Maiman works as a member of the Official Translation Division of the Body of Experts at the Council of Ministers of Saudi Arabia, where she has worked since 2020.<sup>213</sup>

Abdulmohsin bin Majed bin Abdulmohsin bin Khutaila also holds the position of President of the G20 Unit of the Ministry of Foreign Affairs of Saudi Arabia since 2019. He also held several positions at the Ministry of Foreign Affairs since 2010 and worked at the Ministry of Interior from 2002 to 2006.<sup>214</sup> More recently, he held the position of Permanent Representative of Saudi Arabia to the United Nations in 2022,<sup>215</sup> and delivered a speech in that capacity at the 54<sup>th</sup> Human Rights Council session in 2023.<sup>216</sup>

Duha bint Alawi bin Mohamed Al Ibrahim was a member of the Board of Directors of the

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205 Arab News, *Hala Al-Tuwajiri appointed as head of Saudi Human Rights Commission*, 22 September 2022, <https://www.arabnews.com/node/2167586/saudi-arabia> (accessed 13 September 2023).

206 Statute of the Human Rights Commission, art. 4(c).

207 *Ibid.*, art. 4(d).

208 Saudi Human Rights Commission Website, *Council Structure*, <https://www.hrc.gov.sa/storage/CouncilStructure/H12WjxQeemeXb9SZYLvCAuhjdRc-JtLcCmjxGSrOs.pdf> (accessed 20 September 2023).

209 *Ibid.*

210 *Ibid.*

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211 *Ibid.*

212 *Ibid.*

213 *Ibid.*

214 *Ibid.*

215 United Nations Website, *New Permanent Representative of Saudi Arabia Presents Credentials to the Director-General of the United Nations Office at Geneva*, 18 July 2022, <https://www.ungeneva.org/en/news-media/presentation-of-credentials/2022/07/new-permanent-representative-saudi-arabia-presents> (accessed 20 September 2023).

216 Permanent Mission of the Kingdom of Saudi Arabia Twitter account (@KSAPermanentGVA), 13 September 2023, <https://twitter.com/KSAPermanentGVA/status/1701989007469474016> (accessed 15 September 2023).



International Chamber of Commerce of Saudi Arabia from 2018 to 2020<sup>217</sup>.

Munira bint Hamdan bin Thawab al-Osaimi was an associate at the Ministry of Health from 1991 to 2018.<sup>218</sup>

Walid bin Saleh bin Ahmed al-Yahya, current board member of the HRC, was a senior advisor at the Ministry of Municipal and Rural Affairs, acting as Director of the Kingdom's Vision 2030 project, from 2017 to 2018.<sup>219</sup>

We note the absence of representatives of human rights non-governmental organisations within the SHRC. This is largely due to the fact that freedom of association in Saudi Arabia is tightly constrained. The Law of Civil Society Associations and Organisations<sup>220</sup> grants the Ministry of Social Affairs the discretionary power to deny licences to new organisations if they are deemed to be "harming national unity",<sup>221</sup> or to suspend the activities of an existing organisation on the same grounds.<sup>222</sup> However, the broad and vague notion of "harming national unity" has consistently been used to criminalise human rights activism. For example, the Saudi Association for Civil and Political Rights was officially banned in 2013,<sup>223</sup> and as of May 2016, all of its members

had been prosecuted and subjected to harsh treatment by Saudi authorities for their human rights activism and cooperation with the United Nations human rights mechanisms.<sup>224</sup> Almost all their members were brought to trial before the SCC and sentenced.

In light of such restrictions on civil society organisations, existing organisations are governmental entities, or entities either directly supervised by the government, or sharing governmental views. Civil society organisations in the country are overtly designated as "essential partners of government agencies".<sup>225</sup> Paradoxically, Saudi authorities continue to refer to these existing organisations, including the SHRC and the National Society for Human Rights,<sup>226</sup> as NHRIs.<sup>227</sup>

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217 Saudi Human Rights Commission Website, *Council Structure*, <https://www.hrc.gov.sa/storage/Council-Structure/oTb4cwXTTX8X9uX4X2sccxK22x6nP-ZYmT1TAFapl.pdf> (accessed 20 September 2023).

218 *Ibid.*

219 *Ibid.*

220 Saudi Arabia, *Law of Civil Society Associations and Organisations*, accessible at: <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/37e0768f-8e3c-493a-b951-a9a700f2bbb1/1> (accessed 13 November 2023).

221 *Ibid.*, art. 8.

222 *Ibid.*, art. 23.

223 The Saudi Association for Civil and Political Rights advocated peacefully for a constitutional monarchy, a universally elected parliament, an independent judiciary, and for the protection of fair trial rights in Saudi Arabia.

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224 Freedom House, *Freedom in the World 2022: Saudi Arabia*, <https://freedomhouse.org/country/saudi-arabia/freedom-world/2022> (accessed 11 October 2023).

225 Committee on the Elimination of Racial Discrimination, *Combined tenth and eleventh periodic reports submitted by Saudi Arabia under article 9 of the Convention, due in 2020*, 27 February 2023, UN Doc. CERD/C/SAU/10-11, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG-1d%2FPPrICAqhKb7yhsgjzfJyW7OeNzc6qHt5C-2quUFN1W%2BxkGDHeFKyBxFc9971tdgoC%2FCbTVg%2FL%2FvYzeFIRuS04KFvwiwGM04hJD-QtTKrr0JzeUGG6lFOPIYRNcRC> (accessed 6 November 2023), para. 99.

226 Human Rights Library, *National Human Rights Institutions – Saudi Arabia*, <http://hrlibrary.umn.edu/research/saudi-arabia/HRI.html> (accessed 11 October 2023).

227 Committee on the Elimination of Racial Discrimination, *Combined tenth and eleventh periodic reports submitted by Saudi Arabia under article 9 of the Convention, due in 2020*, 27 February 2023, UN Doc. CERD/C/SAU/10-11, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG-1d%2FPPrICAqhKb7yhsgjzfJyW7OeNzc6qHt5C-2quUFN1W%2BxkGDHeFKyBxFc9971tdgoC%2FCbTVg%2FL%2FvYzeFIRuS04KFvwiwGM04hJD-QtTKrr0JzeUGG6lFOPIYRNcRC> (accessed 6 November 2023), paras. 46, 78.

# 5. Regional and international engagement and recognition

While it is widely recognised that NHRIs should adhere to the international standards comprised in the Paris Principles to gain effectiveness and international recognition,<sup>228</sup> the SHRC's lack of assessment and accreditation has seemingly not hindered its operations and activities.

## 5.1 Islamic Military Counter-Terrorism Coalition

In August 2023, the President of the SHRC, Hala al-Tuwaijri, visited the headquarters of

the Islamic Military Counter-Terrorism Coalition (IMCTC).<sup>229</sup> During her visit, she received a detailed briefing on the IMCTC's efforts in countering terrorism, and was also told about the Coalition's role in coordinating and consolidating the efforts of its Member States. While the relevance of showing support to a military alliance to fight terrorism raises questions as to its alignment with her role as head of a Commission dedicated to human rights, Hala al-Tuwaijri commended the IMCTC's noble mission and expressed her admiration for the initiative taken by Saudi Arabia in establish-

<sup>228</sup> United Nations Website, *UN Human Rights and NHRIs*, <https://www.ohchr.org/en/countries/nhri> (accessed 10 September 2023).

<sup>229</sup> Islamic Military Counter-Terrorism Coalition Website, *IMCTC Receives the President of the Saudi Human Rights Commission*, 29 August 2023, <https://imctc.org/en/MediaCenter/News/Pages/news29082023.aspx> (accessed 12 September 2023).



ing the Coalition. She praised the IMCTC for its multi-faceted counter-terrorism strategy, and expressed her pride in Saudi Arabia's commitment to global peace and stability.<sup>230</sup>

## 5.2 UK Government and EU Member States

In September 2023, the President of the SHRC, Hala al-Tuwaijri, went on an official visit to the United Kingdom where she delivered a lecture at the headquarters of the British Ministry of Foreign Affairs, attended by a number of governments officials.<sup>231</sup> She spoke on the human rights developments in the country, and explained the SHRC's mechanisms to deal with human rights issues and cases.<sup>232</sup>

In May 2023, the President of the SHRC conducted an official visit to the Netherlands where she met with government officials, including the Dutch Human Rights Ambassador Bahia Tahzib-Lie at the Ministry of Foreign Affairs in The Hague, and organisations, including the Hague Humanity Hub, to discuss cooperation and opportunities for partnerships in advancing human rights.<sup>233</sup>

The European Union has held two Human Rights Dialogues with the Kingdom of Saudi

Arabia in 2021 and 2022, where the Saudi delegation was led by the current Presidents of the SHRC. In the first dialogue, held in Brussels, the EU praised Saudi Arabia's socio-economic reforms and advancements in women's rights while urging further improvements in women's human rights.<sup>234</sup> They discussed judicial reforms and noted changes in the sponsorship system and labour laws. The EU expressed concerns about restrictions on civil and political rights, a recent increase in executions, and called for a death penalty moratorium. Detention conditions and human rights defender cases were addressed, with a call for ratifying international rights treaties and cooperation with UN Special Procedures.

In the second dialogue, held in Riyadh, Saudi Arabia highlighted planned judicial reforms and new laws for legal transparency. The EU raised concerns about the death penalty, increased executions, freedom of assembly and association, and individual human rights cases. The EU notably raised the long prison sentences recently imposed for activity on social media, to which Saudi Arabia responded that the sentenced persons have the right to challenge the ruling through a cassation request to the Supreme Court in accordance with the Criminal Procedure Law. The EU reiterated its calls for Saudi Arabia to ratify international rights treaties and cooperation with UN Special Procedures.<sup>235</sup> The third EU-Saudi Human rights Dialogue will be held in late 2023 in Brussels.<sup>236</sup>

230 Islamic Military Counter-Terrorism Coalition Website, *IMCTC Receives the President of the Saudi Human Rights Commission*, 29 August 2023, <https://imctc.org/en/MediaCenter/News/Pages/news29082023.aspx> (accessed 12 September 2023).

231 Saudi Human Rights Commission's Twitter account (@HRCSaudi\_EN), 29 September 2023, [https://twitter.com/hrcsaudi\\_en/status/1707872063354974555?s=21&t=LH-9kHn1kJBX0Xgh-4In8A](https://twitter.com/hrcsaudi_en/status/1707872063354974555?s=21&t=LH-9kHn1kJBX0Xgh-4In8A) (accessed 3 October 2023).

232 Saudi Human Rights Commission's Twitter account (@HRCSaudi\_EN), 29 September 2023, [https://twitter.com/HRCSaudi\\_EN/status/1707872098490659136](https://twitter.com/HRCSaudi_EN/status/1707872098490659136) (accessed 3 October 2023).

233 Saudi Human Rights Commission's Twitter account (@HRCSaudi\_EN), 10 May 2023, [https://twitter.com/HRCSaudi\\_EN/status/1656203298330796032](https://twitter.com/HRCSaudi_EN/status/1656203298330796032) (accessed 11 October 2023).

234 EEAS Press Team, *Saudi Arabia: First Human Rights Dialogue with the EU*, 28 September 2021, [https://www.eeas.europa.eu/eeas/saudi-arabia-first-human-rights-dialogue-eu\\_en](https://www.eeas.europa.eu/eeas/saudi-arabia-first-human-rights-dialogue-eu_en) (accessed 11 October 2023).

235 EEAS Press Team, *Saudi Arabia: Second Human Rights Dialogue with the EU held in Riyadh*, 2 December 2022, [https://www.eeas.europa.eu/eeas/saudi-arabia-second-human-rights-dialogue-eu-held-riyadh\\_en](https://www.eeas.europa.eu/eeas/saudi-arabia-second-human-rights-dialogue-eu-held-riyadh_en) (accessed 11 October 2023).

236 *Ibid.*

## 5.3 United Nations

The SHRC has several ties with the United Nations. The SHRC has signed a Memorandum of Understanding (MoU) with the International Organisation for Migration (IOM) since 2017.<sup>237</sup> Their partnership is focused on combatting human trafficking. It is designed to promote cooperation in preventing and combating human trafficking, provide victims with care, protection and shelter and develop programmes and activities to build national capacities.<sup>238</sup> The IOM and the SHRC renewed their anti-trafficking partnership agreement in March 2021.<sup>239</sup>

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237 Working Group on the Universal Periodic Review, *National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1: Kingdom of Saudi Arabia*, 20 August 2018, UN Doc. A/HRC/WG.6/31/SAU/1, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/254/86/PDF/G1825486.pdf?OpenElement> (accessed 26 September 2023), para. 72.

238 *Ibid.*

239 IOM Website, *The International Organization for Migration and Saudi Human Rights Commission Renew Agreement to Fight Trafficking in Persons*, 1 April 2021, <https://mena.iom.int/news/international-organization-migration-and-saudi-human-rights-commission-renew-agreement-fight-trafficking-persons> (accessed 26 September 2023).

In 2012, the SHRC initiated a partnership with the Office of the High Commissioner for Human Rights (OHCHR), through which they launched a Technical Cooperation Program for Human Rights Development in 2014.<sup>240</sup> This program is based on a MoU between the OHCHR and Saudi Arabia through the Saudi Human Rights Commission and is supported by a team based in Riyadh under the OHCHR Regional Office for the Middle East and North Africa, based in Beirut, Lebanon. Its primary objectives are to build and strengthen national capacities in the protection and promotion of human rights in Saudi Arabia, as well as to strengthen the engagement of the Kingdom with international human rights mechanisms.

According to the Report on the Implemented Activities of the Memorandum of Understanding for Technical Cooperation during the period between 2014 and 2019, the program held a range of activities, including providing and preparing guides for professionals in different sectors, supporting activities aimed at developing the role of the judiciary in the protection of human rights,

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240 United Nations Website, *Technical cooperation in Saudi Arabia*, <https://www.ohchr.org/en/countries/middle-east-north-africa/technical-cooperation-saudi-arabia> (accessed 12 September 2023).

H.E. Mr. Faisal bin Hassan Trad, the Kingdom of Saudi Arabia (left), presents his credentials to Mr. Michael Mølle (right), the Acting Director-General of the United Nations Office at Geneva. 7 January 2014 © Pierre Albouy/UN Geneva, licensed under CC BY-NC-ND 2.0 DEED.



developing mechanisms for drafting the periodic reports required by international human rights mechanisms, and circulating human rights publications issued by the OHCHR.<sup>241</sup> The program also conducted trainings, workshops and seminars on various topics, with a focus on strengthening Saudi Arabia's cooperation with UN human rights mechanisms, including the preparation of periodic reports and monitoring the implementation of the recommendations made by such mechanisms, aligning national legislations with international standards in accordance with the Saudi Arabia's international obligations, and disseminating the culture of human rights in Saudi Arabia.

The program aimed to protect and promote human rights by developing the SHRC's capacities and roles in coordination with external and internal stakeholders, as well as assisting civil society organisations in developing their capabilities for human rights protection and cultural dissemination. Saudi authorities claimed that over 36 activities and programs were implemented as part of this program, targeting judges, members of the Public Prosecution Service, lawyers, health practitioners and law enforcement officers, designed to raise awareness about the human rights conventions ratified by Saudi Arabia and explore effective ways to implement their provisions.<sup>242</sup>

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241 OHCHR, SHRC, *Report on the Implemented Activities of the Memorandum of Understanding of the Memorandum of Understanding for Technical Cooperation for Technical Cooperation*, February 2014 – February 2019, <https://www.ohchr.org/sites/default/files/Documents/Countries/TechnicalCooperationInSaudiArabiaActivityreport.pdf> (accessed 12 October 2023).

242 Working Group on the Universal Periodic Review, *National report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1: Kingdom of Saudi Arabia*, 20 August 2018, UN Doc. A/HRC/WG.6/31/SAU/1, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/254/86/PDF/G1825486.pdf?OpenElement> (accessed 26 September 2023), para. 127.

UN agencies have advertised several job opportunities to work for the SHRC under the framework of the OHCHR's Technical Cooperation Project in Saudi Arabia. In August 2020, the OHCHR advertised on its platform a P3 Human Rights Officer position: the listed job responsibilities included "carrying out training activities to enhance the capacities of the [SHRC]'s staff members in the field of planning, organisation, communication and team-work."<sup>243</sup>

In February 2020, the United Nations Development Program (UNDP) advertised on its platform a job opportunity for a "National Human Rights Officer" dedicated to performing various duties for the SHRC, with a focus on enhancing and strengthening national capacities of human rights in Saudi Arabia.<sup>244</sup> The staff would fall under the "overall oversight of the regional Representative of the Office of the High Commissioner and works in Saudi Arabia", while "perform[ing] duties for the Saudi Human Rights Commission".

In June 2023, UNDP also advertised a position of "International Consultant to Establishing a Saudi Centre for Human Rights Studies and Research", aiming "to support the [SHRC] in establishing a human rights research and studies centre dedicated to the human rights field aiming at promoting and strengthening research capacities in the field of international human rights".<sup>245</sup> The three positions fall under the framework of the OHCHR's Technical Cooperation Programme in Saudi Arabia.

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243 United Nations Careers Website, 18 August 2020, <https://careers.un.org/lbw/jobdetail.aspx?id=135836> (accessed 10 October 2023).

244 UNDP Jobs Foundation Website, *National Human Rights Officer*, 26 February 2020, <https://undpjobs.net/vacancy/national-human-rights-officer-285307> (accessed 10 October 2023).

245 UNDP Website, 23 June 2023, [https://jobs.undp.org/cj\\_view\\_job.cfm?cur\\_job\\_id=112787](https://jobs.undp.org/cj_view_job.cfm?cur_job_id=112787) (accessed 10 October 2023).

## 5.4 Evaluation by human rights bodies

While the OHCHR and the SHRC's collaborative Technical Cooperation Program was reported as successful in implementing many capacity-building activities and contributing to the qualitative leap in the SHRC operations and performance,<sup>246</sup> a number of UN experts expressed concern on the SHRC's failure to adhere to international standards.

Following the examination of the second periodic report of Saudi Arabia in 2016, the UN Committee against Torture stated the following about the SHRC:

While taking note of measures aimed at reinforcing the independence of the Human Rights Commission, the Committee remains concerned about the following: (a) The Human Rights Commission is subject to the authority of officials of the executive branch and does not have independent funding; (b) The reported lack of unhindered access to all places of detention; (c) The Commission's finding that only one complaint was considered serious, despite frequent reports of misconduct on the part of Al-Mabahith officers; (d) The absence of a confidential complaint mechanism for detainees to lodge complaints, owing to the involvement of prison wardens and directors in the complaints process.<sup>247</sup>

<sup>246</sup> OHCHR, SHRC, *Report on the Implemented Activities of the Memorandum of Understanding of the Memorandum of Understanding for Technical Cooperation for Technical Cooperation*, February 2014 – February 2019, <https://www.ohchr.org/sites/default/files/Documents/Countries/TechnicalCooperationInSaudiArabiaActivityreport.pdf> (accessible 26 September 2023), p. 21.

<sup>247</sup> UN Committee against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, adopted on 10 May 2016, UN Doc. CAT/C/SAU/CO/2, para. 34.

The Committee called on the Saudi authorities to:

Ensure that the Human Rights Commission is in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) by guaranteeing its independence, that it has full access to all places of detention and that it is able to impartially and effectively handle cases of torture and ill-treatment; (b) Establish a complaints mechanism that guarantees confidentiality and the absence of reprisals against detainees, ensure that it is made accessible and widely publicized in all detention facilities and that complaints are received and reviewed directly by an independent human rights commission, in conformity with international standards; (c) Encourage the Human Rights Commission to consider seeking accreditation by the Global Alliance of National Human Rights Institutions.<sup>248</sup>

The Committee on the Elimination of Racial Discrimination acknowledged the amendments made in 2016 to grant the SHRC more independence, but expressed regret that it was not yet in compliance with the Paris Principles.<sup>249</sup>

<sup>248</sup> *Ibid.*

<sup>249</sup> See: UN Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined fourth to ninth periodic reports of Saudi Arabia*, UN Doc. CERD/C/SAU/CO/4-9, 8 June 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/173/05/PDF/G1817305.pdf?OpenElement> (accessed 26 September 2023), para. 9; Committee Against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, UN Doc. CAT/C/SAU/CO/2, 8 June 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/113/98/PDF/G1611398.pdf?OpenElement> (accessed 26 September 2023), para. 34 (a)–(b).

It is worth noting that the President of the SHRC headed the State delegation during the third cycle of the Universal Periodic Review of Saudi Arabia. In fact, the State delegation included several other members of the “Council of the Human Rights Commission” as well as members of the staff.<sup>250</sup> We would like to recall the SCA’s General Observation No. 1.4 which states that NHRIs should not participate as part of a government delegation during the Universal Periodic Review. It is the same delegation explained during the UPR that the Statute of the SHRC had been recently amended to ensure its compatibility with the Paris Principles, and that highlighted the jurisdiction and independence of the Commission, emphasising that it reported directly to the King.<sup>251</sup>

During the 2018 UPR, the Republic of Korea recommended that Saudi Arabia “increase[s] the independence of and allocate more resources to its Human Rights Commission in order to bring it into line with the Paris Principles.” Although this

250 UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 26 December 2018, UN Doc. A/HRC/40/4, Annex.  
251 *Ibid.*

recommendation was “endorsed” by the Saudi government, the present report suggests that the recommendation made by the Republic of Korea has yet to be implemented.<sup>252</sup>

Several UN Treaty Bodies recommended that Saudi Arabia bring the SHRC into line with the Paris Principles and provide it with sufficient human and financial resources to effectively and independently discharge its mandate.<sup>253</sup> In addition, the UN Committee against Torture

252 UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review (Addendum)*, 26 December 2018, UN Doc. A/HRC/40/4/Add.1, para. 9.

253 See: Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined fourth to ninth periodic reports of Saudi Arabia*, UN Doc. CERD/C/SAU/CO/4-9, 8 June 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/173/05/PDF/G1817305.pdf?OpenElement> (accessed 26 September 2023), para. 10; Committee on the Elimination of Discrimination against Women, *Concluding observations on the combined third and fourth periodic reports of Saudi Arabia*, UN Doc. CEDAW/C/SAU/CO/3-4, 14 March 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/070/62/PDF/N1807062.pdf?OpenElement> (accessed 26 September 2023), para. 24; Committee Against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, UN Doc. CAT/C/SAU/CO/2, 8 June 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/113/98/PDF/G1611398.pdf?OpenElement> (accessed 26 September 2023), para. 35 (a).

Abdulaziz M.O Alwasil, Permanent Representative of Saudi Arabia to the United Nations Office at Geneva addresses during the 20th session of the Human Rights Council, 6 July 2012 © Jean-Marc Ferré.



raised concerns over the SHRC being subject to the authority of the executive branch, the fact that it did not have independent funding and that it lacked unhindered access to all places of detention.<sup>254</sup> In 2019, the Committee on the Rights of Persons with Disabilities expressed concern over the SHRC's non-compliance with the Paris Principles,<sup>255</sup> recommending that Saudi Arabia review the charter regulating the functioning of the SHRC to bring it into line with the Paris Principles.<sup>256</sup>

The concerns raised on the SHRC's independence are further illustrated by the nature of the SHRC's partnerships with international entities. For instance, in the framework of the MoU between the SHRC and the IOM, the MoU is technically between the IOM and the Kingdom of Saudi Arabia, "represented by the Human Rights Commission".<sup>257</sup> Furthermore, the MoU was approved by Royal Decree.<sup>258</sup> Similarly, in its partnership with the OHCHR, the Technical Cooperation Program operates under an

MoU between OHCHR and the Government of Saudi Arabia.<sup>259</sup> The OHCHR expressly mentions "the SHRC and other government entities", effectively categorising the SHRC as a government entity.<sup>260</sup>

## 5.5 Public relations firm

One of the notable collaborations that the SHRC has entered into is with Qorvis, a prominent Washington-based public relations firm. In 2020, the SHRC initiated a year-long contract with Qorvis, amounting to an annual sum of \$684'000.<sup>261</sup> This contract encompasses a wide range of services, including strategic communications, media training, editorial services, and polling in the United States, with additional fees for research and supplementary services. In 2022, Qorvis extended its collaboration with the SHRC by signing a new three-month contract. This contract was specifically designed to provide a consultancy and PR services to a Saudi university, with a focus on matters related to the SHRC and human trafficking.<sup>262</sup>

The SHRC's decision to enlist the services of Qorvis raises critical questions about the motives behind such a partnership, and raises concerns about the SHRC's underlying objectives and its role in shaping the narrative surrounding human rights in Saudi Arabia.

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254 See: UN Committee Against Torture, *Concluding observations on the second periodic report of Saudi Arabia*, UN Doc. CAT/C/SAU/CO/2, 8 June 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/113/98/PDF/G1611398.pdf?OpenElement> (accessed 26 September 2023), paras. 4 (c) and 34 (a)–(b).

255 UN Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Saudi Arabia*, UN Doc. CRPD/C/SAU/CO/1, 13 May 2019, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsiDeEZiR%2FQ5f4Ddh5wN%2FLMIC5mgv%2FaUck67DH0I3R4k0sVoivaLBtKodD4Uwy1pd3zT%2FFPNbSQQV29WVCCScJn-pcd%2Fjxvzz0IlgCrz2iBDXhdJI> (accessed 27 September 2023), para. 57.

256 *Ibid.*, para. 58.

257 UN Working Group on the Universal Periodic Review, *National report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council resolution 5/1: Kingdom of Saudi Arabia*, 20 August 2018, UN Doc. A/HRC/WG.6/31/SAU/1, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/254/86/PDF/G1825486.pdf?OpenElement> (accessed 26 September 2023), para. 72.

258 *Ibid.*

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259 United Nations Website, *Technical cooperation in Saudi Arabia*, <https://www.ohchr.org/en/countries/middle-east-north-africa/technical-cooperation-saudi-arabia> (accessed 2 October 2023).

260 *Ibid.*

261 ALQST for Human Rights, *ALQST's (free) advice to the Saudi Human Rights Commission: defend human rights, not the Saudi authorities*, 2 July 2020, <https://www.alqst.org/en/posts/438> (accessed 2 October 2023).

262 ALQST for Human Rights, *Latest deal with PR firm shows Riyadh again putting image ahead of substance over human rights*, 8 July 2022, <https://alqst.org/en/post/latest-deal-with-pr-firm-shows-riyadh-again-putting-image-ahead-of-substance-over-human-rights> (accessed 2 October 2023).



Instead of serving as an independent and impartial body dedicated to the advancement of human rights, the SHRC's affiliation with Qorvis positions the Commission as an instrument of government-sponsored public relations, its primary purpose appearing to be the propagation of the Saudi government's rhetoric and hollow commitments concerning human rights. Qorvis having been accused in the past of whitewashing human rights violations,<sup>263</sup> their association with the SHRC perpetuates a long-standing trend of whitewashing the Saudi government's human rights abuses rather than genuinely addressing the pressing human rights issues within the country.

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263 Independent, *PR firm accused of helping Saudi Arabia 'whitewash' its human rights record*, 17 March 2016, <https://www.independent.co.uk/news/world/middle-east/pr-firm-accused-of-helping-saudi-arabia-whitewash-its-human-rights-record-a6937271.html> (accessed 11 October 2023).

# 6. Conclusion and recommendations

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This comprehensive report casts a revealing light on the Saudi Human Rights Commission and its role in the broader landscape of human rights in Saudi Arabia. The analysis of the SHRC's role and operations has uncovered a disconcerting truth – that it functions as a tool of the government to whitewash Saudi Arabia's poor human rights record.

The SHRC's current state of operation and its role in the broader context of Saudi Arabia's human rights challenges are a matter of grave concern. The SHRC's *modus operandi* and its close ties with the government show that its primary function is not to safeguard and advance human rights but to serve as a vehicle for government-sponsored public relations. This report highlights the pressing need for transparency, accountability, and independence in the SHRC's functioning. It calls upon the international community, including UN bodies, to end their collaboration with this entity and instead closely monitor the SHRC's adherence to international standards and to hold it accountable for its ineffective commitment to human rights.

In the face of Saudi Arabia's grave and systematic violations of human rights, an independent and effective NHRI should play a pivotal role in advocating for human rights and holding the government accountable. As Saudi Arabia continues to grossly violate human rights, it is imperative that the SHRC re-evaluate its role and priorities. The SHRC must strive to fulfil its mission with integrity and autonomy to drive positive change in the Kingdom's human rights landscape.

In order to comply with the Paris Principles, the Commission should demonstrate real independence in the exercise of its mandate and ensure that it remains neutral and impartial in all circumstances in order to benefit from the confidence of citizens and civil society as a whole.

As a result, we address the following recommendations to the Saudi Government, the SHRC, the EU and UN Member States, and the UN bodies that collaborate with the SHRC.

## To the Saudi Government:

Amend the Statute of the Human Rights Commission in order to ensure total independence from the executive branch, particularly with regard to the appointment process of the members;

- Ensure that the nomination process includes requirements for broad consultation and / or participation of civil society representatives in the screening and selection process;

- Establish an independent and credible body overseeing the selection and appointment of the decision-making body as part of an open and fair consultation with NGOs and civil society;
- Ensure that the SHRC is in compliance with the Paris Principles by guaranteeing its independence;
- Ensure that SHRC has full access to all places of detention, including places under the control of the Presidency of State Security; and that it is able to impartially and effectively handle cases of torture and ill-treatment;
- Establish a complaints mechanism that guarantees confidentiality and the absence of reprisals against detainees, ensure that it is made accessible and widely publicised in all detention facilities and that complaints are received and reviewed directly by the SHRC, in conformity with international standards;
- Encourage the Human Rights Commission to consider seeking accreditation by the Global Alliance of National Human Rights Institutions.

## **To the SHRC:**

- Seek accreditation by the Global Alliance of National Human Rights Institutions;
- Refrain from introducing undue restrictions, such as the requirements prohibiting individuals with a judicial ruling issued against them from filing a complaint, which might hinder the public's trust in the SHRC's complaint mechanism;
- Respond promptly and effectively to all individual complaints submitted by alleged victims of human rights violations and their family members;
- Systematically inform the victims of human rights violations who have used the SHRC's complaint mechanism of the outcome of their complaint;
- Propose amendments to all laws that are contrary to the Kingdom's international commitments, such as the 2017 Counter-Terrorism Law.
- Adopt a position on the general human rights situation in Saudi Arabia that is impartial and independent from that of the executive branch;
- Demonstrate your independence in your engagement with UN human rights bodies.

## **To UN agencies:**

- Suspend all technical cooperation as long as the SHRC has not demonstrated its independence from the executive branch.

## **To the European Union and UN Member States:**

- Suspend all multilateral dialogue with the SHRC as long as the Commission has not demonstrated its independence from the executive branch.

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Group

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European Saudi organisation for Human Rights

القسط  
ALQST  
For Human Rights لحقوق الإنسان

**ALQST for Human Rights** is an independent NGO established in 2014 by Saudi Arabian human rights defender Yahya Assiri for the purpose of defending and promoting human rights in Saudi Arabia. 'Al-qist' means 'justice' in Arabic, and a passion for justice lies at the heart of all our work. We take a consistent human rights-based approach based on international human rights law and international standards, and defend fundamental rights for all without any distinction of race, colour, sex, language, religion or national or social origin. We conduct on-the-ground research, engage in international legal and public advocacy, and campaign on behalf of victims of human rights abuses.

The **European Saudi Organization for Human Rights** is a non-profit organisation, created by a group of activists aiming to promote commitment to human rights principles in the Kingdom of Saudi Arabia.

**MENA Rights Group** is a Geneva-based legal advocacy NGO defending and promoting fundamental rights and freedoms in the Middle East and North Africa (MENA) region. Adopting a holistic approach, we work at both the individual and structural level. We represent victims of human rights violations before international law mechanisms. In order to ensure the non-repetition of these violations, we identify patterns and root causes of violations on the ground and bring key issues to the attention of relevant stakeholders to call for legal and policy reform.