



**Contribution to the Universal Periodic Review Mechanism
17th session of the Working Group of the Universal Periodic Review (UPR)**

**A UPR Submission on the Kingdom of Saudi Arabia by the International
Publishers Association (IPA)**

4 March 2013

1. IPA welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on the human rights situation in the Kingdom of Saudi Arabia ("Saudi Arabia"). This submission provides:
 - an overview of IPA's two failed attempts at a fact-finding mission to Saudi Arabia since the time of the country's first UPR review on 6 February 2009;
 - a follow-up to the recommendations accepted by Saudi Arabia in the field of freedom of expression during the country's first UPR review;
 - a set of recommendations to the Saudi whose aim is to support the Saudi authorities in improving the overall conditions for freedom of expression in the Kingdom.
2. Saudi Arabia has no formal Constitution, but a Basic Law issued by King Fahd in March 1992. Freedom of expression is not guaranteed under this Basic Law. Article 26 provides that the State protects human rights "in accordance with the Sharia". Saudi Arabia is among 17 States which have neither signed nor ratified the International Covenant on Civil and Political Rights (ICCPR).
3. In addition, freedom of expression in Saudi Arabia is severely limited by the Press and Publications Law, which lists a list of banned topics since amendments to this Law adopted in April 2011 (see § 5-9 for more). Other freedom of expression (or related freedoms) restrictions include: De facto travel bans on human rights defenders (see § 12 & 13 for IPA's own account); severe restrictions on freedom of association; and arrests of human rights activists.
4. Of the 5 recommendations made to Saudi Arabia on 6 February 2009 in the field of freedom of opinion and expression (at large), Saudi Arabia accepted three. The following chart details the status of their implementation:

No.	Recommendation	Govt. Response	Current Status
1	End the practice of incarcerating, mistreating, and applying travel bans against individuals on the basis of their political or religious beliefs.	Rejected	
2	Reinforce its efforts in the area of the implementation of obligations under international human rights law, in particular those pertaining to freedom of opinion and expression.	Accepted	Freedom of expression is severely limited. In April 2011, the Press and Publications Law of November 2000 was amended to restrict expression against Sharia law as well as expression criticizing the government (see § 5-9 ¹).
3	Curtail the practices of incarceration, mistreatment towards and the application of travel bans against individuals on the basis of political or religious beliefs.	Rejected	
4	Remove obstacles to freedom of expression and movement against human rights defenders, including all travel bans.	Accepted	As of March 2012, travel bans on human rights activists were still in place. A prominent example of activists affected by this policy is Walid Abu al-Khair, who founded the website "Human Rights Monitor in Saudi Arabia". He was due to leave for the United States to participate in the Leaders for Democracy Fellowship, the US State Department's flagship international engagement project, when he was banned from foreign travel ² .
5	With a view to a rapid ratification of the ICCPR, to guarantee the rights of representatives of civil society and human rights defenders organizations to set themselves up and exercise their rights to freedom of expression.	Accepted	Political associations and human rights organizations are forbidden. In February 2011, security forces arrested six citizens that were planning to found the nation's first political party ³ .

5. Accepting three freedom of expression-related recommendations out of five was, in our view, a step in the right direction. However, the government has not met its commitments made during the country's first UPR review. Despite accepting to "reinforce its efforts in the area of the implementation of obligations under international human rights law, in particular those pertaining to freedom of opinion and expression", freedom of expression remains severely limited. In April 2011, Article 9 of the Press and Publications Law of November 2000 was amended to restrict freedom of expression further: Expressions contradicting Sharia Law, national security, public order, or damaging public affairs, or the reputation of the Grand Mufti, or any other government officials were prohibited.

6. A second amendment was made to Article 36 of the Press and Publications Law in April 2011. Article 36 now reads as follows: "The Ministry may – according to need – remove any publication without compensation, if it is found to contain anything barred from publication by Article 9 of the law."

¹ Saudi Gazette, 30 April 2011.

² 25 June 2012 Letter from Human Rights Watch to Baroness Catherine Ashton, High Representative of the EU for Foreign Affairs and Security Policy.

³ Human Rights Watch. "World Report 2012: Saudi Arabia," 2012.

7. A third amendment regarding Article 37 of the Press and Publications Law created a “primary committee composed of persons with the relevant experience to look into violations of the Press and Publications Law and enforce penalties. The committee will only look into complaints brought to it by persons with direct involvement or interest, or by the minister, and its decisions will be made on unanimity or majority after hearing the statements of violators or representatives of them. The committee is permitted to summon anyone it deems necessary to hear their statements.”
8. A fourth amendment concerning Article 38 of the Press and Publications Law lists the penalties to which violators of the law are subject as follows:
 - A maximum fine of SR500,000⁴ which is doubled should the violation be repeated.
 - Violators are barred from writing in all newspapers and publications, or participating in media channels, or both.
 - Temporary or permanent closure or blocking of the source entity where the violation is committed. If the source is a newspaper then closure is brought into effect upon approval from the Prime Minister. If it is an electronic news site, then closure or blocking is under the minister’s jurisdiction.
 - If the violation involves publishing erroneous information or accusations against those stated in Section 3 of Article 9, then violators are required to publish apologies in the newspaper or news site where the violation was committed at their own expense and in the form designated by the committee.

This fourth amendment concludes by saying that any violations that constitute an “affront to Islam, to the country’s higher interests, or are related to cases that are heard by courts”, are referred by the committee to the minister prior to submission to the King for him to “take measures for the public interest or refer the case to the courts”.

9. A fifth amendment to Article 40 of the Press and Publications Law created an appeals’ committee. The fifth amendment further declares that the primary committee created in Article 37 is to look into Saudi nationals abroad committing any violations stated in Article 9 and enforce penalties as stated in Article 38.
10. Despite accepting “to guarantee the rights of representatives of civil society and human rights defenders organizations to set themselves up and exercise their rights to freedom of expression (with a view to a rapid ratification of the ICCPR)”, political associations and human rights organizations remain forbidden. In February 2011, security forces arrested six citizens that were planning to found the nation’s first political party.
11. Saudi Arabia also accepted to “remove obstacles to freedom of expression and movement against human rights defenders, including all travel bans”. However, travel bans on human rights defenders are still in place (see § 12 &13 for IPA’s own account). In addition, since 2011, government officials have arrested hundreds of political activists and peaceful protestors. Prominent examples of activists affected by this policy are Walid Abu al-Khair, who founded the website “Human Rights Monitor in Saudi Arabia” when he was rejected a license to establish a Human Rights NGO, and writer Nadhir al-Majid, who wrote critical articles about the government and participated in demonstrations. Walid Abu al-

⁴ Approx. USD 133,000 (as of February 2013).

Khair was threatened with arrest for disseminating false information if he did not close the website. Later, when the site was blocked, he moved it to Facebook and now, uses it to publish news and updates about victims of abuse⁵. Writer Nadhir al-Majid was arrested on 17 April 2011 for his critical writings, and was not released until July 2012⁶.

12. IPA tried to send a fact-finding mission to Saudi Arabia at first during the 2009 Riyadh Book Fair, then during the 2010 Riyadh Book Fair. The goals of this fact-finding mission were to:

A. Meet the Saudi Publishers' Association, IPA's affiliate member in Saudi Arabia, and publishing community;
B. Visit the Riyadh book fair;
C. Assess the relationship between the Saudi Publishers' Association and the authorities;
D. Explore the freedom to publish conditions, the functioning of copyright-legislation, and national book policies, and report back⁷.

13. Both attempts failed as delegation members, including a female publisher, were not delivered visas by the Saudi authorities, some on both occasions. The female publisher in question was not even sent the visa application form by the authorities. The authorization from her husband would have in any case been a prerequisite for her being able to travel to Saudi Arabia as the Kingdom does not allow foreign "solitary women" to travel to the country where the guardianship system continues to treat women as minors⁸. As a consequence, IPA finds the freedom to conduct business freely in Saudi Arabia to be severely limited.

14. IPA Recommendations to the Saudi authorities: enshrine

- a. With a view to rapid ratification, sign the International Covenant on Civil and Political Rights (ICCPR) as soon as possible; Guarantee the right to freedom of expression in the Basic Law immediately thereafter; in particular, amend Article 26 of the Basic Law and repeal the amendments made to the Press and Publications Law in April 2011; in general, implement the ICCPR's provisions into domestic legislation; in particular guarantee the right to freedom of association;
- b. Amend the Press and Publications Law in order to lift the prohibition on expression contradicting Sharia Law, national security, public order, or damaging public affairs, or the reputation of the Chief Mufti or any other government officials;
- c. Remove political obstacles to the freedom of movement against human rights defenders, including representatives of international trade associations; allow "solitary women" to travel to Saudi Arabia, including to reinforce the freedom to conduct business freely in Saudi Arabia; Dismantle the guardianship system;
- d. Release those human rights activists who have been arrested solely for exercising their right to freedom of expression.

⁵ www.cyberdissidents.org

⁶ Human Rights Watch, Saudi Arabia, January 2013.

⁷ 26 April 2010 IPA letter to Prince Saud Al-Faisal Minister of Foreign Affairs.

⁸ Women are forbidden from traveling, studying or working without permission from their male guardians.