

**Country session: Saudi Arabia**  
**Date of session: 1<sup>st</sup> October 2018**

**Background information**

[OHCHR press release](#)  
 Webcast [OPAC](#) and [OPSC](#)  
 Audio file

**Reporting**

**Reporting methodology**

- Regular reporting procedure     
  Simplified reporting procedure     
  Concluding Observations with urgent measures

**State report:**

Common core document	
<a href="#">Initial submission</a>	22 Oct 1992
Updated document	-
Annexes	-

<a href="#">OPAC</a>			<a href="#">OPSC</a>	
No. of report	1 <sup>st</sup>	-	No. of report	1 <sup>st</sup>
Due date	10 Jun 2013	-	Due date	18 Sept 2012
Submission	23 Aug 2016	-	Submission	01 Jun 2017

Written replies <a href="#">OPAC</a>	
Submission	<u>20 July 2018</u>
Due date	<u>15 June 2018</u>
Written replies <a href="#">OPSC</a>	
Submission	<u>25 July 2018</u>
Due date	<u>15 June 2018</u>

**Public reports from children's rights defenders**

<a href="#">Alternative reports</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• ADHRB</li> <li>• Arabian Rights Watch Association</li> <li>• Human Rights Watch</li> </ul>
<b>NHRIs</b>	None



### **State delegation**

The delegation was very large (32 members) and composed by high level staff. It was headed by Dr. Bandar Alaiban President of Saudi Arabia Human Rights accompanied by Ambassador and Permanent Representative of the Kingdom of Saudi Arabia to the UN, staff from the Ministry of Health, the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of Justice, the Ministry of Education, Member of the Human Rights Commission and of the Humanitarian Aid and Relief Centre.

### **Committee's Task Force members**

<b>Name &amp; Last Name</b>	<b>Country</b>
<b>Clarence Nelson (OPAC)</b>	<b>Samoa</b>
<b>José Angel Rodrigues Reyes (OPAC)</b>	<b>Venezuela</b>
<b>Jorge Cardona (OPSC)</b>	<b>Spain</b>
<b>Velina Todorova (OPSC)</b>	<b>Bulgaria</b>

## Dialogue description

### i. Character of the dialogue

The atmosphere was dynamic but with several moments of tension between the delegation and Committee members. The quality of the dialogue was more political rather than technical or focused.

### ii. General assessment made by the Committee

Regarding OPSC the Committee was aware of the general efforts, but according to them, it urges that the Saudi Arabia criminalize all the full spectrum of the sale of children any form, including through communication technology. Moreover, the Committee raised the issue of “temporary marriage”, which needed to be banned immediately. Referring to the DGD 2018, the Committee also stressed the need for security for human rights defenders, including children, which were often persecuted. With regard to OPAC, the conflict in Yemen and the coalition airstrikes on schools and hospitals were on the core of the dialogue. The Committee showed its hope in the implementation of two protocols and expressed again concern about the situation in Yemen; “children must not be considered a collateral damage” were the Chairperson’s closing words.

### iii. Main issues discussed:

#### OPSC:

- **General measures of implementation:** The Committee welcomed the general statistic including crimes as well. However, it was concern over the lack of numbers and data on sexual exploitation and sexual tourism. This lack seemed to show that these offences were not criminalized. The lack of data on victims of violence, especially migrant children, were also seen as alarming. The delegation replied that they have a dedicated organism to survey the data, affirming that they do not differentiate between migrant children and the others.
- **Temporary marriage:** The Committee was very concern over the temporary or seasonal marriages and the consequent abandoning of girls and the fact that the report was silent on this issue. The lack of data was also stressed. The Committee asked what kind of measures were taken to prevent temporary marriages in the country and by Saudi abroad. The delegation replied that temporary marriages were part of customs and culture, which would be eradicated through education; moreover, it stated that temporary marriages were banned by the law and all contracts were permanent and that Sharia prohibited coerced marriage, because marriage under Sharia was a consensual affair between a woman and a man.
- **Definitions under OPSC:** The Committee welcomed the Act on suppression of trafficking in persons and the definition of trafficking in person. However, it noted with concern that the State had criminalized the sale of children only in the case of trafficking in persons and not for any purpose and in any form as requested by the OPSC. In this context, temporary marriages and sex tourism abroad were a sale of a child, but these offences could not be prosecuted and criminalized under the Saudi law.
- **Child pornography:** The Committee highlighted that a large number of children exploited and involved in child pornography. It asked about the plans criminalize the exploitation including internet and online solicitation and the viewers. The delegation replied that some activities were undertaken to protect children from sexual exploitation in law and in practice, including through a 2016 conference on sexual exploitation of children online which had put forward several recommendations.
- **Protection of rights of victims:** The Committee asked whether victims of sexual exploitation were considered delinquent and which support they could receive. The delegation stressed that child victims of sexual exploitation and prostitution were not criminalized. The rights of victims of trafficking in persons were defined by the law, which prescribed that they had the right to communication in a language they understood, and the right to medical and psycho-social support.

#### OPAC:

- **Age of recruitment:** The Committee asked about the age of recruitment for military service was 17, in breach of the Optional Protocol, and acknowledging that the 17-year-olds were placed on temporary one-year probation, asked for guarantees that they would not be sent into active service. Moreover, it asked about the

age determination. The Committee were concerned over the fact that recruitment of children into armed groups by non-State actors and was prohibited in the law, but not criminalized.

- **Conflict in Yemen:** The Committee expressed again its concern about the conflict in Yemen and had asked Saudi Arabia to provide information on investigations into children killed in Yemen by the coalition airstrikes. Moreover, the Committee was concern about investigation on such cases, due to: the non-impartiality of the Team made by the coalition; the small number of cases investigated and persecuted. It also asked about measures taken by the coalition to protect the rights of children in Yemen. The delegation replied that the coalition's operations were fully compliant with the international humanitarian law. Furthermore, it said that a joint task force had been set up with the legitimate Yemeni Government to investigate all violations of international humanitarian law and customary law; it had investigated several accidents and had recommended the prosecution of offenders and restitution to victims.
- **Monitoring:** The Committee was very concern about the monitoring and follow-up of violations against children under OPAC made by the Saudi Human Rights Commission, due to lack of impartiality.
- **Enforcement of laws:** The Committee questioned the delegation about information on enforcement, in terms of numbers of prosecution and its results.
- **Reintegration of victims:** The Committee questioned the delegation whether the victims of trafficking and sexual exploitation received the necessary social and psychological support. The delegation has highlighted that they have advanced greatly on the topic, high lightening that all commissioners passes through trainings and their capabilities tested.

## Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need of **measures** concerning the following areas:

### OPSC

- **Civil society:** The urges the State party to release human rights defenders working on children's rights, who remain in detention, and ensure the free, active and meaningful participation of children, communities and civil society organizations in the implementation of the Optional Protocol.
- **Sexual exploitation of children in travel tourism:** The Committee recommends that the State party widely disseminate the World Tourism Organization's global code of ethics for tourism among travel agents and tourism agencies and encourage operators in the travel and tourism industry to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. It also urges the State party to impose appropriate penalties on the perpetrators of sexual exploitation of children in travel and tourism.
- **Measures adopted to prevent offences prohibited under the Protocol:** Committee recommends that the State party accelerate the adoption of a national response for preventing and addressing online child sexual exploitation and abuse, in close collaboration with relevant industries and organizations, consisting at a minimum of: a national policy to prevent and respond to online child sexual exploitation and abuse through an appropriate legal framework; and a dedicated coordination and oversight entity with specific analysis, research and monitoring capabilities; a strategy for preventing online child sexual exploitation and abuse, including a public education programme to raise awareness and mandatory school education on online behaviour and safety, and for increasing knowledge and reporting of online child sexual exploitation and abuse offences; the participation of children in the development of policies and practices; industry engagement to block and remove online child sexual exploitation and abuse content, report incidents to law enforcement authorities and develop innovative solutions; close cooperation with organizations working to end child sexual exploitation online; and ethical and informed media reporting; a dedicated, proactive, responsive and victim-focused criminal justice system with a trained police force, prosecution and judiciary; management of offenders to prevent reoffending, nationally and internationally; and a national database linked, through the National Central Bureau, to the International Criminal Police Organization (INTERPOL) International Child Sexual Exploitation image database.



**OPAC**

- Right to life survival and development – Conflict in Yemen:** The Committee reminds the State party that it is primarily responsible for the protection of civilians, particularly children. It also reminds the State party that in accordance with the Optional Protocol, conditions of peace and security are indispensable for the full protection of children. Consequently, the Committee urges the State party to put an end to the air strikes; prioritize the protection of children in all military operations in Yemen and take concrete and firm precautionary measures and prevent the indiscriminate use of force so that no more civilians, in particular children, are killed or maimed; remove without delay restrictions on humanitarian supplies to the civilian population, in particular children, and fulfil its obligation to facilitate rapid and unimpeded passage of humanitarian relief and unhindered access to medical facilities, in Yemen and abroad. Moreover, it also demands to ensure observance of the core international humanitarian law principles of distinction, proportionality and precaution, in military operations, including air strikes against or that affect children, including through a more effective child protection unit and conducting post-attack assessments in all cases; Ensure that all alleged rights violations against children committed by the coalition forces led by the State party in Yemen are investigated in a transparent, timely and independent manner, Ensure that child victims of attacks, incursions and air strikes, and their families are always provided with redress and compensation; Ensure special protection for pupils and teachers, schools, recreational areas for children, hospitals and medical staff in its military operations in Yemen. Finally, it also requests to prioritize the rehabilitation of school and hospital buildings and facilities and ensure that relevant infrastructure damaged as result of military operations is promptly and fully restored.
- Measures adopted to protect the rights of child victims:** The Committee recommends that the State party to: recovery and the social reintegration of all such children, and allocate the necessary human, technical and financial resources for the implementation of the policy; Take all necessary measures to assist child victims, including careful assessment of the situation of children who may have been recruited to serve in armed conflicts, reinforcement of the legal advisory services available to them and the provision of immediate, culturally responsive, child-sensitive and multidisciplinary assistance and Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and continue to avail itself of technical assistance by the United Nations Children’s Fund ( UNICEF) for implementation of these recommendations.

**Sustainable Development Goals**

No mention

**Next State report**

No. of report	
Due date	

***Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.*