

KSA Pre-session Statement – UPR December 2023

Gulf Centre for Human Rights

On behalf of the Gulf Centre for Human Rights, please accept our thanks for this opportunity to raise issues of concern at this stage of the Kingdom of Saudi Arabia's (KSA) UPR process. This presentation is based on [a joint submission](#) by CIVICUS and GCHR.

The Gulf Centre for Human Rights (GCHR) is an independent NGO that works to provide support and protection to human rights defenders (HRDs) in the Gulf region and neighbouring countries by promoting freedom of expression, association, and peaceful assembly.

This presentation will cover four topics: Freedoms of Association, Expression, and Peaceful Assembly along with the silencing of civil society including Human Rights Defenders. On each associated slide, you will see a general recommendation along with specific ones that support the general recommendation. The full recommendations are in our submission.

Regarding the Legal Framework **(Slide)**

Saudi Arabia's laws do not protect Freedoms of Association, Expression, or Peaceful Assembly. Notably, Saudi Arabia's Basic Law of 1992, widely considered the Constitution, includes no such protections. Saudi Arabia has not adhered to the ICCPR. Rather, Saudi Arabia has two principal pieces of legislation, the Counter Terrorism Law of 2017 and the Cyber Crimes Law of 2007, which are used to silence all dissent. The Law on Associations of 2016 is essentially used to prevent the creation of any association that might question the government.

Freedom of Association **(Slide)**

The associations' law has significant requirements such as needing ten Saudi citizens with no criminal records and 1.3 million USD to found a CSO. In practice the law has been used to deny registration to independent CSO. Those who set up independent CSOs prior to the Law have had no opportunity to regularize their associations, rather they have been tried and convicted with extensive sentences.

Our submission includes a general recommendation on enabling freedom of association and specific ones: (1) to amend the associations law to remove undue restrictions (2) to abolish criminal responsibility for organizing and participating in events by non-registered organizations and lifting the ban on non-registered organizations, (3) to reinstate CSOs arbitrarily sanctioned or disbanded, and (4) to cease the disruption and/or closure of CSOs carrying out legitimate activities, which can include dissenting views.

Regarding harassment, intimidation and attacks against human rights defenders, civil society activists and journalists **(Slide)**

Despite accepting or noting recommendations to narrowly define terrorism laws to exclude peaceful association, expression, or assembly, the laws have not been reformed and remain overly broad and vague. The Specialised Criminal Court (SCC), used to try terror cases, has been used against those resisting forced evictions for the Neom City project, those calling for civil and political rights, as well as those calling for women's rights.

Our general recommendation is to provide Civil Society a safe and secure environment, specifically, (1) to allow for legitimate activities without fear, obstruction or legal barriers, (2) to amend the 2017 counter-terrorism law to exclude prosecutions for merely exercising rights, and (3) to release all HRDS, journalists and bloggers imprisoned for exercising their rights. We further make other recommendations on creating an enabling environment.

Regarding Freedom of Expression **(Slide)**

Despite recommendation to, and commitments by, Saudi Arabia to guarantee freedom of expression, none of the recommendations, whether noted or accepted, were implemented. With vague and overly broad laws Saudi Arabia has regularly handed out sentences of 20 years in prison, plus all the way to 45 years, to be followed by travel bans to those criticizing the Saudi Arabia's rulers or policies, and in some cases for as little as retweeting.

Our general recommendation is to amend the 2003 Press and Publication Law, the 2007 Cybercrime Law and 2017 Counter-Terrorism Law to enshrine protections for free and peaceful expression and dissent. Specifically, (1) to reform defamation, blasphemy and apostasy legislation so as not to criminalise free expression, (2) to ensure journalists and

writers can work freely without fear of retribution for addressing sensitive subjects, (3) to lift restrictions on freedoms of expression, (4) to allow unfettered access to all people in Saudi Arabia to domestic and foreign media, and (5) to align Internet laws with commitments to allow freedom of expression.

Regarding Freedom of Association/Peaceful Assembly **(Slide)**

Again, despite recommendations to, and commitments by Saudi Arabia, the government has not created a legal framework to allow for peaceful assembly, and protests and demonstrations are effectively banned. The Counter terrorism and Cybercrime laws have been used to penalize any gatherings with long sentences and in some cases the death penalty.

Our general recommendation is to promulgate a law granting residents the right to peaceful assembly. Specifically: (1) to adopt best practices as put forward in 2012 by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, (2) to unconditionally and immediately release all those detained for exercising their right to freedom of peaceful assembly, (3) to review and if necessary, update existing human rights training for police and security forces, and (4) to provide recourse to judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

In conclusion we would also recommend that Saudi Arabia extends a standing invitation to UN special mandate holders, and that it engages with civil society as it prepares laws and policy. The full recommendations are available in our joint submission with CIVICUS.