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**Human Rights Council**

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Agenda item 3

**Promotion and protection of all human rights, civil,**

**political, economic, social and cultural rights,**

**including the right to development**

Report of the Special Rapporteur on extreme poverty and human rights on his mission to Saudi Arabia: comments by the State (English version)[[1]](#footnote-2)\*

Response of the Kingdom of Saudi Arabia to the contents of the report of the Special Rapporteur on extreme poverty and human rights on his mission to Saudi Arabia from 8 to 19 January 2017

1. First of all, the Kingdom wishes to express its gratitude to Professor Philip Alston, the Special Rapporteur on extreme poverty and human rights, while emphasizing that its cooperation with him was consistent with its resolute desire to support all endeavours aimed at enabling individuals to enjoy their basic rights since the Kingdom is diligently and consistently seeking to ensure that human rights are respected and enjoyed by all citizens and foreign residents in its territory. It therefore appreciates the views that he presented in his report, on which there will be appropriate follow-up.

2. Further to the preliminary comments which the Kingdom submitted on 4 April 2017 with a view to correcting some of the information, data and views contained in his report pending the preparation of fuller and more detailed comments on the information, data, observations and recommendations presented therein, including some of the statistical figures which were based on undocumented or outdated sources, the Kingdom is submitting in this present report a more comprehensive response to the report of the Special Rapporteur on his mission to Saudi Arabia from 8 to 19 January 2017.

3. It should be noted that the Kingdom has cooperated actively with the Universal Periodic Review mechanism through the timely submission of its UPR reports and has accepted 80 per cent of the 295 recommendations presented to it during the 2009-2013 UPR cycles. It is also noteworthy that, during the latest 2013 review, the Kingdom received only one recommendation directly relating to poverty and development (138.215: Continue its priority and initiatives in the 9th National Development Plan, with more focus on equality, non-discrimination, rights to health, education, to just and favourable conditions of work for vulnerable groups of women, children, migrants, foreign workers, refugees and persons with difficulties), while other recommendations commended the Kingdom’s practices (such as 138.221: Share its good practice in ensuring dignified housing to the most vulnerable groups). The Kingdom is continuing to implement those and all the other recommendations that it accepted.

With regard to paragraphs 14, 17, 18, 19 and 20 of the Special Rapporteur’s report:

4. One of the main challenges posed by the collection of data in the Kingdom lies in the differing concepts and methodologies for their statistical classification, which vary from one government agency to another. Having already become aware of this difficulty, the Kingdom took measures to overcome it by transforming the Central Department of Statistics and Information into an independent General Authority for Statistics, the Statutes of which were approved in Council of Ministers Decision No. 11 of 13/1/1437 A.H. (27 October 2015). The Authority, which is vested with legal personality and financial and administrative autonomy, reports to the Minister of Economy and Planning and is the body responsible for the development and efficient conduct of statistical operations in the Kingdom through the establishment and monitoring of a comprehensive, accurate and uniform statistical system and the formulation of the plans and programmes required to meet statistical needs. Immediately after the approval of its Statutes, the Authority began the task of designing a new and sophisticated statistical system. The Kingdom wishes to point out that, notwithstanding the difficulties faced in the collection of statistics, it has made progress in the compilation and recording of data and information in all fields and currently has an abundance of statistics on all the State sectors. These statistics are easily accessible on the Authority’s website (<https://www.stats.gov.sa>).

5. The definition of poverty varies from country to country. In 1990, the World Bank defined it as an inability to achieve a minimum standard of living. It has also been defined as a condition in which an individual’s financial capacity is constrained or very limited in comparison with the average in the community as a whole. The European Council has proposed that poverty be defined as a condition in which an individual or his household’s financial, cultural and social resources are very limited and hamper their ability to participate actively in their community’s socioeconomic life. However, in spite of the widely varying definitions of poverty, their common denominator lies in the fact that some members of the community are, to a relative extent, deprived of their basic needs such as housing, food, health and education. After reviewing and studying the proposed concepts of poverty, the competent authorities in the Kingdom decided to define it as an economic condition in which an individual lacks sufficient income to attain minimum standards of nutrition, clothing, housing, health care and education and meet the requirements deemed essential to ensure a decent standard of living.

6. The extreme poverty line is the level of income or expenditure required to enable a household or an individual to meet their basic food needs and provide them with sufficient calories to carry out their normal daily activities, while the absolute poverty line is the level of income or expenditure required to enable a household or an individual to meet their basic food and non-food needs. Basic non-food needs include housing, clothing, education, health and transport. Relative poverty is a condition in which an individual’s income falls below a certain average (50-60 per cent) or a certain value. Although there are differences of opinion concerning the yardsticks that should be applied to measure poverty, it is generally agreed that the figure obtained represents the relative poverty line.

7. In order to calculate the poverty line, the General Authority for Statistics conducts a periodic (quinquennial) household income and expenditure survey. This basic survey helps to study the socioeconomic status of households and identify the community’s level of prosperity and patterns of household income and expenditure, in addition to giving an accurate portrayal of the community’s living standards. It constitutes the principal source of data for the measurement of poverty insofar as it provides details of expenditure on commodities, services and housing characteristics such as type of construction material, type of housing unit and telephone, water, electricity and air conditioning services, as well as demographic characteristics such as age, gender and educational level. The main objectives of the survey include measurement of the internal flexibility of consumption expenditure for the purpose of identifying any percentile changes in expenditure on commodities and services that might accompany a percentile change in income so that the findings can be used to plan a response to any forecasted change in demand for such commodities and services.

8. The Kingdom is currently making preparations for the household income and expenditure survey to be conducted by the General Authority for Statistics in 2017, as well as the population and housing census of 2020, in coordination with the competent bodies, and particularly the Ministry of Labour and Social Development, and the data collected in the survey should help to ensure a more precise calculation of the poverty line. To this end, the General Authority for Statistics is developing new administrative and technical mechanisms to ensure the high quality, accuracy and reliability of the survey’s data through the application of quality control methods modelled on international and regional experiences in this field. These methods consist in:

(a) Development and evaluation of the training and performance of the data collectors in the field, and the establishment of mechanisms to ensure that they follow the instructions given for the conduct of the survey;

(b) Ascertainment of the logical and sound nature of the household data;

(c) Verification of the proper application of the survey procedures;

(d) Quality control in the course of the field operations and during the input and processing of data;

(e) Central oversight and codification to ensure that the data collected are reliable, sound and consistent and cover all the items in the questionnaire.

9. After reviewing various methodologies for the measurement of poverty lines, and particularly those relating to relative and absolute poverty, and having taken into consideration the recommendations of a number of relevant international institutions such as the World Bank, the Islamic Development Bank and specialized consultancy offices, the Kingdom decided that the absolute poverty line would be the most appropriate methodology to use in view of the availability of suitable and easily calculable data on household income and expenditure and given the fact that it was the methodology most frequently applied for the measurement and analysis of poverty in most countries in the world. Moreover, calculation of the absolute poverty line on the basis of the cost of basic needs was recommended by a number of experts, including experts from the World Bank, and 88 per cent of all countries use this method.

10. In the light of the results of the studies conducted in regard to the poverty line, H.H. the Prime Minister issued Order No. 24535 of 25/5/1438 A.H. (22 February 2017) which stipulated as follows:

(a) The method of calculating the absolute poverty line by means of household consumption expenditure data relating to the cost of basic food and non-food needs shall be used to assess the problem of poverty in the Kingdom and the Ministry of Economy and Planning shall periodically update the method in accordance with global practices;

(b) The General Authority for Statistics, in coordination with the Ministry of Labour and Social Development and the Ministry of Economy and Planning, shall specify the data and information needed to calculate the poverty line and its indices in the light of regional and international experiences;

(c) The General Authority for Statistics and the Ministry of Economy and Planning shall collect and analyse the data on household income and expenditure in order to calculate the poverty line and its indices and identify, by region and governorate, the characteristics, numbers, categories and demographic composition of persons living in poverty and shall conduct any statistical surveys that might be needed to that end;

(d) Government agencies are instructed to support and assist the General Authority for Statistics by providing all the facilities and information needed to calculate the poverty line and its indices and conduct the relevant statistical surveys.

11. The General Authority for Statistics maintains close links with international bodies and organizations and provides them with the statistics that they need. This is most clearly illustrated by the notable improvement in the ranking accorded to the Kingdom in the Human Development Report for 2015 in which, according to the human development index, the Kingdom was classified among the countries with a very high level of human development and ranked 34th among 195 countries. This improvement in the Kingdom’s ranking is attributable to the endeavours made to provide accurate and comprehensive statistics reflecting the Kingdom’s real achievements in the field of human development.

With regard to paragraph 15 of the Special Rapporteur’s report:

12. The strategy on poverty has been studied in collaboration with many of the bodies concerned in the Kingdom and a team was formed to review and revise its provisions in order to ensure the achievement of the objective for which it was formulated. These studies, which were recently completed, recommended that the strategy be redesignated as a strategy for social development which would focus on the development of individuals and households and, instead of being confined solely to the provision of welfare, would also seek to endow needy persons with the knowledge and education needed to enable them to earn a living and raise and support a family.

13. It is noteworthy that Prime Ministerial Order No. 15301 of 25/3/1437 A.H. (6 January 2016) instructed the team working on the national social development strategy to update the data and information therein in coordination with the bodies concerned and present the strategy in its final form so that the procedures for its approval could be completed. Government agencies were also requested to incorporate some of the draft strategy’s objectives in their programmes and projects in the following manner:

(a) Government agencies should adopt, include in their budgetary estimates and adequately prioritize the general-purpose programmes and projects for which provision is made in the national social development strategy and the Ministry of Economy and Planning and the Ministry of Finance should ensure that these programmes and projects are included among those being implemented by the agencies concerned;

(b) A special programme should be set up at a total cost of 2 billion riyals to help needy families to establish small enterprises;

(c) A programme should be set up, at a total cost of 1.5 billion riyals, to help productive family enterprises to procure the capital goods and raw and other materials needed to begin their activities.

14. The principal measures taken by the Social Development Bank to further the implementation of the above-mentioned programmes include:

(a) Allocation of a capital investment portfolio of 2 billion riyals to help needy families to establish small enterprises;

(b) Allocation of a capital investment portfolio of 1.5 billion riyals to help productive family enterprises to procure the capital goods and raw and other materials needed to begin their activities.

15. With a view to developing and fostering the micro-enterprise sector, the Social Development Bank was recently assigned the task of providing microloans for persons wishing to engage in free enterprise on their own account. Council of Ministers Decision No. 75 of 30/1/1438 A.H. (1 November 2016) made several amendments to the Bank’s statutes. Under the amendment to article 4 (a), the Bank is authorized to provide interest-free loans and non-financial services for micro-enterprises in order to encourage their entrepreneurs to engage in occupations and professions on their own account, with the proviso that the classification of such micro-enterprises, their capitalization ceilings and the maximum size of their workforce must be determined by the Bank, and, under the amendment to article 4 (c), the micro-enterprise sector must be developed and fostered in such a way as to strengthen its role in socioeconomic development.

16. The Social Development Bank has begun to elaborate a strategy to develop and foster the micro-enterprise sector with a view to providing financial and other forms of support for social security recipients and their families as well as charitable associations, unemployed persons and other targeted social categories applying for the Bank’s services, and also as a means to transform them into producers through programmes and projects designed to enhance their individual capacities, increase their income and raise their standard of living to a decent level by helping them to set up their own income-generating commercial enterprises. The main initiatives and programmes on which the Bank has embarked include:

(a) Productive family and free enterprise programmes designed to support, nurture and finance productive family and micro-enterprises, artisanal trades and handicrafts in the Kingdom through a variety of tranche funding agreements. Applications for funding are received and processed in joint collaboration with a number of sponsoring bodies and charitable and development associations and the Bank is continuing to fund numerous enterprises every year throughout the Kingdom;

(b) The *Bait al-Muhtarif* [artisan’s workshop] programme, the implementing regulations for which were approved by the Bank’s Board of Directors. The aim of the programme is to provide a number of non-financial services to develop and organize the economic activities of individuals and families running productive family, home-based and micro-enterprises, particularly by:

* Providing training, development and product marketing services based on models designed to meet local and international market requirements;
* Offering specialized training in project management;
* Strengthening the role of the bodies concerned and promoting greater coordination between them.

17. The Bank is developing and nurturing the micro-enterprise sector for the benefit of the targeted categories and is developing and empowering the non-profit sector which is supporting and sponsoring productive family and micro-enterprises. The Bank is also promoting the transformation of charitable associations from the traditional model of bodies providing lump-sum assistance for beneficiaries into professional bodies providing interest-free development loans (microfinance) with a view to turning the beneficiaries into producers and providing them with a sustainable source of income. The Bank is playing an important role in supporting and empowering charitable associations and enhancing their financial sustainability in furtherance of the Bank’s vision of their transformation from welfare-based to development-oriented bodies. It is also subsidizing the charitable associations’ microfinance portfolios in order to promote economic activities, increase the income of individuals and families and reduce their reliance on welfare schemes such as social security and grants in cash and in kind from charitable associations.

The following table lists the charitable associations to which the Bank has allocated microfinance portfolios so that they can fund productive family and micro-enterprises in all the Kingdom’s administrative regions:

|  |  |  |  |
| --- | --- | --- | --- |
| *Association* | *Number of projects* | *Value of loans (in riyals)* | |
| Jana (nine branches) | 5 341 | 88 237 000 | |
| Aja | 197 | 2 588 500 | |
| Majid | 138 | 2 632 500 | |
| Awn | 129 | 1 493 000 | |
| Hirfa | 143 | 1 529 000 | |
| Bunyan | 63 | 1 027 500 | |
| Marakiz al-Ahya | 234 | 2 843 100 | |
| Fatat al-Ahsa | 54 | | 573 000 | |
| Bab Rizq Jameel | 768 | | 53 391 394 | |
| **Total** | **7 067** | | **154 314 994** | |

18. Implementing regulations are currently being drafted for the productive family programme with a view to:

* Regulating the status and modus operandi of productive families and turning them into self-reliant entities;
* Providing material and moral support for productive families;
* Training productive families and helping them to make their products competitive and sell them in local and international markets;
* Creating appropriate working environments and sales outlets so that productive families can pursue the activities in which they are engaged, or for which they can be trained, in order to raise their standard of living and encourage them to continue their productive entrepreneurship;
* Increasing the scope of participation by women, persons with special needs and unemployed persons in economic development;
* Helping to transform families from consumers into producers.

With regard to paragraph 23 of the Special Rapporteur’s report:

19. For the purposes of the establishment of entitlement to social security, the Ministry of Labour and Social Development has adopted a system that takes family size and the number of children into consideration and, consequently, encourages women without a provider (divorcees and widows) to register their children. When children are living with their mother, she is entitled not only to a larger financial benefit but also to increased food assistance and help in the payment of electricity bills and the costs of school satchels and uniforms, in addition to a larger amount of annual lump-sum assistance. The following table contains disaggregated data concerning the number of women benefiting from social security:

|  |  |  |
| --- | --- | --- |
| *Beneficiaries* | *With dependants* | *Without dependants* |
| Widows | 78 183 | 149 075 |
| Divorcees | 21 939 | 148 090 |
| Abandoned undivorced wives | 11 181 | 8 227 |
| Wives of drug addicts | 144 | 18 |
| Women without a provider | - | 2 347 |
| Unmarried daughters of social security recipients | - | 31 987 |
| Women with special needs | - | 31 000 |
| **Total** | **111 447** | **370 810** |

20. The following table shows the number of divorced beneficiaries without dependants by age group:

|  |  |
| --- | --- |
| *Age group* | *Number of divorced beneficiaries* |
| Over 80 years | 5 687 |
| 51-80 | 43 426 |
| 30-50 | 61 096 |
| 18-29 | 37 881 |

21. The following table shows the amount of monthly and annual assistance granted to families benefiting from social security, regardless of whether their provider is a man or a woman, and the extent to which this assistance increases in direct correlation to the size of the family:

|  |  |  |
| --- | --- | --- |
| *Number of family members* | *Monthly benefit (in riyals)* | *Annual assistance (in riyals)* |
| 1 | 1 000 | 10 400 |
| 2 | 1 285 | 11 800 |
| 3 | 1 570 | 13 200 |
| 4 | 1 855 | 14 600 |
| 5 | 2 140 | 16 000 |
| 6 | 2 420 | 17 400 |
| 7 | 2 710 | 18 800 |
| 8 | 3 000 | 20 200 |
| 9 | 3 280 | 21 600 |
| 10 | 3 560 | 23 000 |
| 11 | 3 840 | 24 400 |
| 12 | 4 130 | 25 800 |
| 13 | 4 410 | 27 200 |
| 14 | 4 700 | 28 600 |
| 15 | 5 000 | 30 000 |

With regard to paragraphs 24, 32, 34 and 35 of the Special Rapporteur’s report:

22. The Ministry of Labour and Social Development, through its Social Security Administration and in collaboration with other governmental bodies and the non-profit sector, is promoting the development and empowerment of families benefiting from social security and, to that end, is taking measures in the following fields:

(a) Provision of appropriate employment opportunities for persons receiving social security benefits. These endeavours, which are being made in ongoing coordination with the Human Resources Development Fund (www.hrdf.org.sa) and through electronic interfacing between the social security beneficiary databases and the private sector’s job vacancy databases, found employment for more than 22,000 male and female recipients of social security benefits in 2016.

(b) Safe investment opportunities in production projects (with a high likelihood of success and supported by recoverable loans and non-recoverable grants) are offered to recipients of social security benefits under the terms of an agreement concluded with a donor organization in early 2017 which made 1.15 billion riyals available for this purpose. During the period 2012-2016, the Ministry of Labour and Social Development provided more than 27,000 grants for production projects, the supervision, support and monitoring of which have been transferred to the Social Development Bank (www.scsb.gov.sa) in order to ensure the availability of a broader range of non-financial professional services for eligible beneficiaries seeking training and assistance in the conduct of studies to confirm the economic viability and promising potential of such projects.

(c) Training and education. In this field, the Ministry of Labour and Social Development is implementing several academic education and vocational training projects within the framework of the National Transformation Programme 2020 and the social security beneficiary databases have been interfaced with the databases of the Ministry of Education’s *Noor* education management system so that the academic achievements of students in the public education system can be monitored. The Ministry pays the costs of all university evaluation tests and admission examinations for secondary-level students in order to encourage them to enrol for university studies. The Ministry also acts in direct collaboration and complementarity not only with the Takaful Charitable Educational Foundation (www.takaful.org.sa) to monitor the education of male and female students and offer incentives for outstanding achievers but also with the Tatweer Company for Educational Services (www.t4edu.com) to provide education coupons which enable children of families receiving social security benefits to enrol at pre-school kindergartens. This illustrates the concern that the Ministry of Labour and Social Development and the Ministry of Education are showing to provide first-rate education services at an early stage for children of families receiving social security benefits.

(d) The Ministry of Labour and Social Development and the Ministry of Housing are working in association with the private sector through PPP (public/private partnership) and BOT (build, operate and transfer) projects and also with the non-profit sector to ensure the availability of appropriate low-cost housing, which is among the initiatives being implemented under the National Transformation Programme 2020, and a Coordinating Council consisting of the Minister of Trade and Investment, the Minister of Housing and the Minister of Labour and Social Development has been formed to promote these low-cost housing projects. One of the principal national transformation projects on which the Ministry of Labour and Social Development and the Ministry of Housing are working is the establishment of a housing development fund with a capital of 4.2 billion riyals to cover the shortfall in support for housing projects and provide financial guarantees for families receiving social security benefits within the framework of a clearly defined operational model.

23. With regard to the extent to which the amounts allocated for military expenditure in the Kingdom are affecting allocations for social and other services, it should be noted that the State’s general budget is drawn up on the basis of studies and criteria in which all aspects of development are taken into account in such a way as to meet the needs of its citizens and foreign residents in its territory. The various budget lines and their purposes are determined after all the bodies concerned have been fully consulted in order to ensure that no budgetary allocations are detrimental to others. In this connection, the Kingdom wishes to point out that, in the financial year 1438/39 A.H. (2016/17), a total of 190.854 billion riyals was allocated for military expenditure while the allocations for education, health and social development services amounted to more than 320.749 billion riyals. It is also noteworthy that military expenditure covers a number of development programmes such as the construction of military cities with all the infrastructure that they require, including military hospitals the services of which are available to civilians as well as military personnel, housing programmes for persons working in the military sector, education programmes at specialized military academies, and scholarships to study abroad.

With regard to paragraphs 25 and 47 of the Special Rapporteur’s report:

24. Social security benefits are paid on the basis of supporting legal documentation submitted by each recipient. If a divorced woman has children whose father is obliged to support them, she is treated as a divorced woman without children. However, if the children’s father has no established obligation to support them, the divorced or abandoned woman is not required to present a court attestation certifying the fact that she has been abandoned or is supporting her children. This facilitates her application for benefits insofar as the social security offices merely require a declaration establishing her entitlement thereto so that she can be registered as a divorced woman with children or an abandoned woman with children. In cases in which the father is required to support his children and their divorced mother in accordance with a court order, the children and their mother lose their entitlement to benefits only after the social security office has received official written confirmation to the effect that the requisite monthly payment has been deposited in the account of the children or their mother.

25. The Kingdom wishes to emphasize that a woman is not required to have a guardian in order to petition a court to enforce her legal or statutory rights. There are no restrictions whatsoever on a woman’s capacity to exercise her rights in this regard. The authorities concerned have approved the issuance of a copy of the family record booklet to divorcees and widows, independently of that held by the head of the household (their ex-husband), in order to protect the rights of women and facilitate their completion of legal and governmental procedures. Divorced women are also entitled to apply for the issuance of a single family record booklet for themselves and their children, even if the latter were fathered by more than one spouse, in order to protect their rights and the rights of their children and facilitate their dealings with all official bodies.

26. On the issue of guardianship of women, the Kingdom can confirm that women are not subject to male guardianship in regard to the rights that they enjoy under the provisions of the Islamic Shari’a. The exercise of guardianship is restricted to the obligation to support and protect women against any violation of their rights and, contrary to what some might believe, it is not a means to violate their rights. Misapplication of this Islamic principle by using it as a pretext to subjugate women and violate their rights constitutes one of the erroneous individual practices that the Kingdom is endeavouring to prevent and eliminate through its relevant regulations and institutions. Women are entitled to avail themselves of the means of legal redress, consisting primarily in the judiciary, for which provision is made the Kingdom’s regulations.

27. The Kingdom wishes to point out that family matters are among the cases in which the personal status courts normally adjudicate at a single session and the duration of their hearing must under no circumstances exceed one week. Moreover, directives have been issued to the effect that the decisions of the personal status courts on petitions for divorce at the instance of the husband or the wife must simultaneously settle the issues of child custody and maintenance so that a comprehensive ruling can be issued in a single document. The courts are also required to issue two certificates of marriage, one for each spouse, and to uphold women’s rights in matters under litigation. The Code of Shari’a (Civil) Procedure enshrines the principle of gender equality, and the enjoyment of full legal capacity by both sexes, in all judicial proceedings. In fact, the Code contains a number of provisions designed to make it easier for women to exercise their right to seek legal redress. By way of example, under article 39 of the Code a woman has the right to file suit against her husband or ex-husband at the location in which she is residing. This makes it much easier for her to uphold her rights regardless of whether her marital relationship remains valid or has been terminated through divorce or other circumstances. She can therefore file suit against her husband or ex-husband in respect of maintenance or child paternity or guardianship and this even applies to non-Saudi women who can likewise file suit at their place of residence. The Ministry of Justice has issued numerous circulars stipulating that women have the right to grant powers of attorney and that no restrictions should be imposed on them in this regard.

28. It is noteworthy that, in the field of awareness-raising in respect of human rights, the governmental authorities, in association with civil society organizations, have launched a national campaign to raise women’s awareness of the regulations and procedures designed to protect their rights, particularly in regard to social welfare services and the personal status procedures relating to the registration of marriages, divorces and births, etc. Similar endeavours are being made by non-governmental organizations such as the Mawaddah Charitable Society which is seeking to reduce the number of divorces and mitigate their effects on women by mobilizing volunteers to provide women with legal, social and psychological counselling. Since the inception of its “legal nursemaid” programme in 2011, the Society has held six courses in which more than 180 women have been trained to provide legal counselling and plead before the courts on matters of personal status.

29. Within the framework of its “legal nursemaid” programme, the Mawaddah Charitable Society has established the *Shawr* fund, the first of its kind, under which a range of legal aid services are provided free of charge by a staff of female legal specialists. These services include verbal and written legal counselling and the provision of male and female lawyers competent to plead before the courts. In furtherance of its legal counselling cooperation with the Society, the Ministry of Justice availed itself of the services of graduates from the “legal nursemaid” programme to provide free legal counselling for female petitioners appearing before the personal status court in Riyadh. The successful outcome of that initiative enabled the Society to open the first offices in the Kingdom’s courts in which trained female counsellors provide free legal services for female petitioners. With the support and approval of the Ministry of Justice, the Society has now opened free legal aid offices in the personal status courts in Riyadh, Makkah, Al-Madinah, Jeddah and Dammam where it provides the following services:

(a) Verbal legal counselling on family and marital matters for the court’s female petitioners;

(b) Drafting of model statements of claim for the court’s female petitioners;

(c) Familiarization of female petitioners with the court’s procedures and requirements for the filing and registration of their claims;

(d) Preparation, and submission to the court, of periodic statistical reports on the results of their work.

Through its legal aid offices in the personal status courts, the Society has been able to provide legal services in more than 40,079 family cases for the benefit of 25,437 female beneficiaries since the beginning of the programme in the month of Jumada II 1436 A.H. (2015).

With regard to paragraphs 29, 30, 31, 37, 38 and 39 of the Special Rapporteur’s report:

30. With regard to the plans for the implementation of the Transformation Programme 2020 and Vision 2030 initiatives, the scheduling thereof, the involvement of international organizations therein and public consultation thereon, the Kingdom wishes to make it clear that the plans for the implementation of its Transformation Programme and Vision initiatives take into consideration the needs of all segments of society. Consequently, the Fiscal Balance Programme, which is a basic requirement for the realization of Vision 2030, is designed to enhance financial management, restructure the Kingdom’s finances and introduce mechanisms for the auditing of income, expenditure and the various projects, as well as a mechanism for their approval, with a view to improving governmental performance and ensuring a sustainable fiscal balance. It will also help to achieve the better socioeconomic prospects that Vision 2030 is seeking to ensure by, inter alia, effectively supporting the social welfare system for the most needy households, managing governmental assets in a more efficient manner and providing scope for investment in long-term programmes designed to facilitate the successful implementation of the Vision. Accordingly, the Fiscal Balance Programme specifies the time frames within which the prices of services will be reviewed and new prices applied with due regard for the situation of all segments of society.

31. Paragraph 11 of Royal Order No. A/133 of 30/7/1437 A.H. (8 May 2016) stipulated that the Department of Zakat and Income Tax was to be redesignated as the General Authority for Zakat and Tax and would report to the Minister of Finance, who would also chair its Board of Directors. Pursuant to Council of Ministers Decision No. 465 of 20/7/1438 A.H. (17 April 2017), new statutes were recently promulgated for the General Authority for Zakat and Tax under the terms of which it was assigned a number of functions and responsibilities including, in particular, the collection of zakat and taxes from persons liable thereto, the provision of high-quality services to help taxpayers to discharge their liabilities and follow-up measures to ensure collection of the amounts due from taxpayers, as well as raising the awareness of taxpayers and increasing the extent of their compliance with the rules and instructions issued by the Authority.

32. The General Authority for Zakat and Tax has designed a number of new measures, including:

(a) Tax reforms (selective commodity tax, value added tax and withholding tax). The selective and value added taxes are indirect. Selective tax is levied on selected commodities (tobacco, carbonated drinks and energy drinks). Value added tax is levied on non-essential, non-educational and non-medical commodities and services. Withholding tax is a direct tax that was already levied at a minimum rate of 5 per cent on entities not domiciled in the Kingdom;

(b) Receipt of details concerning persons liable to zakat and taxes from the relevant bodies. Corporate taxpayers will be recorded by linking the General Authority for Zakat and Tax to all the bodies that issue registration certificates and licences with a uniform tax identification number and individual taxpayers will be recorded by linking their national identity card or residence permit number to their personal tax identification number;

(c) Introduction of a voluntary zakat account so that individuals can make and declare zakat payments through the General Authority for Zakat and Tax. The Ministry of Labour and Social Development will be responsible for effecting disbursements from the account directly to persons entitled to social security.

33. A new zakat system which is currently being formulated will regulate all aspects of the collection of zakat, designate its collectors and define the monitoring procedures to be followed in regard to the persons from whom its payment is due. The process of drafting regulations for the levying of selective tax in the manner agreed upon by the States of the Gulf Cooperation Council has recently been completed and the study of the draft regulations for the levying of value added tax is currently in its final stages in preparation for their application at the beginning of 2018. It is noteworthy that the Kingdom’s regulatory bodies have taken a number of steps to ensure that the poorer segments of the population are not adversely affected by the tax reforms. To that end, essential commodities will be tax-free and a “citizen’s account” will be set up to support certain categories that might be disadvantaged by the taxes and the higher prices of some services.

34. The structural reforms carried out during the period 2017-2020 are expected to have a direct or indirect impact on households with a low or limited income. One of these reforms consists in modification of the prices of energy products and water which will lead to a radical change in their cost to households, and also in the cost of living in general, in comparison with other essential commodities and services in the basket of consumer products. The Kingdom is well aware of the need to help low-income households to withstand the impact of these reforms and has therefore designed a national “citizen’s account” programme to support those households. The guiding principles underlying this programme focus on the following aspects:

* It must provide the requisite protection for persons with a low income against the potential impact of the reforms;
* The allowance must be paid in cash and based on reasonable levels of consumption;
* The allowance must be equitable for all categories and adaptable to the size of the household;
* Households must begin to receive the allowance before the application of any structural reforms that might affect citizens.

35. The main categories benefiting from the allowance under the citizen’s account programme will consist of Saudi households, unmarried Saudi individuals living independently of their families, the households of Saudi mothers married to non-Saudis, and holders of mobility cards. It is noteworthy that all households receiving social security benefits from the Ministry of Labour and Social Development will be eligible for this allowance since, being the most needy, they are the category most entitled to governmental support.

36. It should also be noted that the amount of the allowance payable under the citizen’s account programme will be calculated on the basis not only of the direct and indirect impact of the modified prices of energy products and water but also the expected direct and indirect impact of the other economic reforms and the allowance will be disbursed to households in an equitable manner. Accordingly, the amount of the allowance is not fixed since it will be periodically reviewed in order to reflect changes in energy prices or any other reforms that might increase the burden on households.

37. With regard to the right of social security beneficiaries to contest decisions excluding them from the receipt of social assistance, article 20 of the Social Security Statutes promulgated by Royal Decree No. M/45 of 7/7/1427 A.H. (2 August 2006) stipulates that: “The Minister shall order the formation of one or more committees consisting of three members representing the Ministry of Labour and Social Development, the Ministry of Justice and the Ministry of the Interior and holding a rank not lower than grade ten. The order shall designate the chairman of each committee, which shall be competent to hear any complaints submitted to it in respect of rejection of an application, reduction of a benefit, cancellation of entitlement thereto or a demand for recovery of an amount paid.” Article 21 of the Statutes further stipulates that: “Anyone who is the subject of an order rejecting an application, reducing a benefit, cancelling entitlement thereto or demanding the recovery of an amount paid may lodge a complaint with the committee referred to in article 20 of these Statutes within 120 days from the date of his receipt of notification thereof. Decisions of the committee may be appealed to the Board of Grievances within 60 days from the receipt of notification thereof.” Hence, anyone who is excluded from social security benefits is entitled to lodge a complaint with the committee, the decisions of which are subject to judicial review by the administrative courts of the Board of Grievances to which any beneficiary may resort if he is not satisfied with the committee’s decision.

38. The Kingdom wishes to emphasize that Vision 2030 and the National Transformation Programme 2020 comprise numerous socioeconomic objectives, plans and aspirations which it is currently endeavouring to put into effect. With regard to the labour market in particular, the Kingdom is seeking to reduce the unemployment rate from 11.6 per cent to 7 per cent, increase the proportional female participation in the labour force from 22 per cent 30 per cent and provide 450,000 new employment opportunities in the non-governmental sector by the beginning of 2020. It is planning to increase the private sector’s contribution to the economy from 40 per cent to 65 per cent of GDP while, at the same time, increasing the small and medium-sized business sector’s contribution from 20 per cent 35 per cent. The Vision and the National Transformation Programme also make provision for reform of the subsidization system and measures are currently being taken to promote a shift from subsidies to payment of direct cash benefits to households with a low or medium income which have hitherto relied on subsidies. In the education sector, steps are being taken to develop curricula and increase the focus on teacher training and performance evaluation with a view to improving the education system’s structure and potential, encouraging creativity and innovation and adapting training in such a way as to meet the requirements of development and the needs of the labour market. Further information in this connection can be found on the website [www.vision2030.gov.sa](http://www.vision2030.gov.sa).

With regard to paragraphs 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 of the Special Rapporteur’s report:

39. The Kingdom’s regulations treat men and women equally, with due regard for their differing gender-related qualities and characteristics in order to ultimately ensure fairness, since gender complementarity is considered to be the best way to promote and protect human rights. The principle of equality is enshrined in the provisions of the Basic Law of Governance and particularly in article 8 thereof (“Governance in the Kingdom of Saudi Arabia shall be based on justice, consultation and equality in accordance with the Islamic Shari’a”). It is also implicit in article 26 (“The State shall protect human rights in accordance with the Islamic Shari’a”).

40. The right to work and to hold senior posts is not confined to one gender to the exclusion of the other since the Kingdom’s regulations do not contain any provisions that prevent women from occupying such posts. Moreover, article 1 of the Civil Service Regulations promulgated by Royal Decree No. A/49 of 1/7/1397 A.H. (18 June 1977) stipulates that “the selection of staff to occupy public posts shall be based on merit”. Hence, there is no statutory provision that precludes women’s access to public office or senior posts in the Administration and, in actual fact, more than 40 per cent of the public posts subject to the Civil Service Regulations are held by women. In addition to holding high-ranking posts in governmental, academic and other institutions, Saudi women occupy some of the most senior posts in private sector entities, such as Chairperson of the Board of Directors of the Tadawul Company (the Saudi Stock Exchange) and high positions in a number of banks and corporations.

41. With a view to promoting women’s right to work, as guaranteed by the Labour Law, and pursuant to Council of Ministers Decision No. 120 of 12/4/1425 A.H. (18 March 2004) comprising measures to expand the scope of employment opportunities for women in various economic activities and sectors and Royal Order No. A/121 of 2/7/1432 A.H. (4 June 2011) containing numerous programmes, measures and directives to give Saudi women access to employment opportunities in various industrial, economic and service-related fields, provide the necessary incentives for their employment and increase their participation in economic activity and the labour force, and emphasizing the need to apply the decisions promulgated in this regard, the Ministry of Labour and Social Development has formulated an integrated plan to empower women, regulate their work and expand their role and participation in the labour market, economic activity and social development. This plan comprises the following three thematic groups of programmes:

Group 1: Direct employment programmes:

* + - A programme to promote the employment of women in shops selling female requisites;
    - A programme to nationalize jobs in commercial centres;
    - A programme to promote the employment of Saudi women in industrial jobs compatible with their gender;
    - A programme to support the employment of Saudi women in female economic sectors.

Group 2: Programmes to develop employment mechanisms:

* A programme to promote “telecommuting”, a modern method that helps working women to reconcile their employment-related and family responsibilities;
* A part-time employment programme that provides an opportunity to employ a larger number of women by making their working hours more flexible;
* A productive family programme to encourage home-based employment.

Group 3: Programmes to address the challenges facing the employment of women:

* Programmes to raise awareness concerning the employment of women among employers, working women, female jobseekers and the general public;
* Preparation of guidelines on the employment of women in the private sector, comprising a compendium of the rules and regulations laid down in the Labour Law, Council of Ministers decisions and ministerial ordinances in this regard.

42. The Ministry of Labour and Social Development has drawn up a plan to encourage large corporations to increase the scope of employment opportunities for women by offering subsidies and incentives to those which assume their social responsibility and cooperate in this regard. The plan specifies the Ministry’s requirements concerning an appropriate working environment for women and the subsidies offered by the Human Resources Development Fund for training and employment. The Ministry has also formulated the following programmes to provide the ancillary services needed by working women:

(a) A transport programme to make it easier for women employed in the private sector to travel to and from their places of work, thereby encouraging them to seek and remain in employment without dropping out for that reason. In this connection, it is noteworthy that, under the terms of Prime Ministerial Decision No. 33322 of 21/7/1438 A.H. (29 April 2016), government agencies are required to take the measures needed to ensure that their female staff have access to appropriate means of transport and the Ministry of Labour and Social Development was requested to place employers under an obligation to provide means of transport for their female employees.

(b) A programme to promote the establishment of a larger number of crèches in order to encourage women to seek and remain in employment, without dropping out for childcare reasons, by ensuring the availability of safe and appropriate childcare facilities. The programme, which will be implemented in close coordination with the governmental bodies responsible for the licensing of crèches, will also create employment opportunities for women by providing them with training and developing their skills in the field of childcare.

43. With regard to the provision of social support services, it should be noted that the Kingdom has encouraged the establishment of childcare facilities for working women through its provision of financial support for such facilities. Under the Labour Law, enterprises employing 50 or more women are required to ensure the availability of a facility, staffed by a sufficient number of nursemaids, to care for their female employees’ children under six years of age if the number of such children amounts to 10 or more. The Labour Law also empowers the Minister of Labour to oblige every enterprise employing 100 or more women in a single city to either establish a childcare facility on its own or in association with other employers in the same city or contract with an existing facility to care for its female employees’ children under six years of age during working hours. A total of 1,116 private childcare facilities have been opened throughout the Kingdom for the benefit of working women. It is also noteworthy that the recent Council of Ministers Decision No. 152 of 29/4/1437 A.H. (29 April 2016) stipulated that the Ministry of Education would be responsible for all matters pertaining to facilities for the care of children from one month to three years of age in the Kingdom, including the issuance of licences for the practice of their activities and the monitoring and supervision of such facilities in accordance with the rules, regulations and orders issued by the Ministry in this connection.

44. The Kingdom’s labour regulations do not contain any provision under which the employment of women is subject to authorization from their male guardian. Moreover, any demand for such authorization has been repeatedly forbidden by the Prime Minister, most recently in his Order No. 33322 of 21/7/1438 A.H. (18 April 2017) under which all governmental bodies were prohibited from requiring a woman to obtain her guardian’s approval before providing her with services or completing other official procedures of personal concern to her.

45. Under the Kingdom’s regulations, everyone has a guaranteed right to education, without any discrimination, in conformity with article 30 of the Basic Law of Governance which stipulates that “the State shall provide public education and undertakes to combat illiteracy”. Article 233 of the Kingdom’s public education policy promulgated by Council of Ministers Decision No. 779 of 16/11/1389 A.H. (26-27/11/1969) reaffirms this right to all types of education at all levels and article 15 of the education policy stipulates that education at all levels must be consistent with the State’s overall development plan which is designed to ensure partnership between men and women. In this regard, considerable efforts are being made to provide a high standard of compulsory basic education, free of any direct or indirect charges, for all children. Since the education policy regards education as a quintessential and fundamental human right, public education in the Kingdom is free of charge at all levels, including kindergarten. The equal educational opportunities that are enjoyed by citizens and foreign residents alike are among the key achievements that reflect the endeavours made in this field, as illustrated by Council of Ministers Decision No. 139 of 26/4/1425 A.H. which is strictly applied by the Ministry of Education and under the terms of which education is compulsory from 6 to 15 years of age for all male and female children without distinction between Saudis and non-Saudi residents. Article 3, paragraph 9, of the implementing regulations for the Child Protection Act stipulates that: “Every child has a right to education and the competent authorities shall take appropriate measures to facilitate its realization. No administrative procedure shall impede a child’s admission to, or enrolment in, a school and every endeavour must be made to encourage regular school attendance and prevent children from prematurely dropping out.” Under the said regulations, the child’s father, the person holding custody of the child, or a representative of either of them, has an obligation to enrol the child in a school and it is prohibited for any of them to be instrumental in the child’s dropping out of the education system. The administration of the school in which the child is enrolled is duty-bound to enquire about the reasons for the child’s absence and report it to the competent authorities.

46. The Kingdom, believing that education plays a major role in the achievement of sustainable development and the realization of human rights, allocated 23 per cent of the State’s 2017 general budget (i.e. 200.329 billion riyals) to education and, within the framework of its ninth development plan, the Ministry of Education earmarked 40.34 per cent of its budget to boys’ education and 59.66 per cent to girls’ education. Numerous endeavours have been made to provide education and combat illiteracy in a manner that ensures full gender equality since this is the principle on which the Kingdom’s education system is largely based in regard to the mechanisms for admission and enrolment at all academic levels, the curricula, the term examinations, the qualifications of teachers and lecturers and the quality of academic facilities and equipment. In fact, even greater concern has been shown for girls in this regard, especially in view of the ongoing establishment of a number of university campuses for them, such as Princess Nourah bint Abdulrahman University and the campuses of Imam Muhammad ibn Saud and King Saud Universities, in addition to the female sections of the universities that have been established in various regions of the Kingdom.

With regard to paragraphs 50 (b), 51, 52, 53, 54, 55, 56, 57, 58 and 59 of the Special Rapporteur’s report:

47. The regulations concerning domestic workers and persons of equivalent status, which were promulgated by Council of Ministers Decision No. 310 of 7/9/1434 A.H. (15 July 2013) contain 23 articles which constitute the statutory framework governing relations between employers and such workers insofar as they define the rights and obligations of both parties and prescribe penalties for any infractions of their provisions. Pursuant to articles 19, 20, 21 and 22 of those regulations, the Ministry has taken numerous regulatory and procedural measures, including the establishment by ministerial decision of committees to settle labour disputes involving domestic workers in all the Kingdom’s regions and governorates. These committees have begun their work in conformity with their respective territorial jurisdictions, as defined by the Minister of Labour and Social Development in his Decision No. 1/1/207 of 16/1/1435 A.H. (20 November 2013), and in accordance with their rules of procedure as promulgated in his Decision No. 1/1/222 of 17/1/1435 A. H. (21 November 2013). A total of 38 such committees are currently operating throughout the Kingdom.

48. A Directorate of Committees for the Settlement of Domestic Labour Disputes, which has been established within the Directorate General of Bodies for the Settlement of Labour Disputes in the Ministry of Labour and Social Development, is responsible for the administrative and technical supervision of those committees in all the Kingdom’s regions and governorates and also monitors the application of the regulations concerning domestic workers and persons of equivalent status.

49. The Kingdom’s regulations take care to protect the rights of workers by placing employers under the following obligations the infringement of which renders them liable to penalties:

* A domestic worker must not be required to perform work other than that agreed upon, except in cases of emergency and on condition that the work required must not differ fundamentally from the worker’s primary tasks.
* A domestic worker must not be required to perform hazardous work that endangers the worker’s health or physical integrity or is prejudicial to the worker’s human dignity.
* The wage agreed upon must be paid to the domestic worker at the end of each month.
* The wage and other entitlements must be paid in cash or by cheque with written acknowledgement of receipt unless the domestic worker has requested payment by transfer to a specified bank account.
* The domestic worker must be provided with suitable accommodation.
* The domestic worker must be allowed a daily rest period.
* The employer or a delegated representative of the employer must appear in person before the committee at the times specified for the hearing of any complaint brought against the employer.
* The domestic worker’s services must not be hired out and the worker must not be permitted to work on his or her own account.
* The employer is not permitted to require the domestic worker to perform work other than that agreed upon in the contract or to work for a third party.

50. The Ministry of Labour and Social Development has taken the following measures to make domestic workers and persons of equivalent status more familiar with their rights and obligations under the regulations:

* A dedicated website (www.musaned.gov.sa) has been set up to acquaint workers with the regulations and the rights and obligations of both employers and workers, provide details of service providers such as licensed recruitment offices and agencies and explain the procedures for the submission of complaints to the committees for the settlement of domestic labour disputes that have been established in the labour offices in the various regions and governorates. A total of 100,000 booklets on this subject have been printed and distributed among the bodies concerned, including licensed recruitment agencies, labour offices and relevant embassies. Informative pamphlets printed in eight different languages have been uploaded on the *musaned* website and, through the Ministry of Foreign Affairs, sent to the embassies concerned. A total of 300 compact discs have been distributed among the embassies concerned and more than 48 training workshops have been held in labour-exporting countries so that they can also familiarize domestic workers with their rights and obligations, as well as the complaint mechanisms available in the event of their subjection to any form of harassment, prior to their arrival in the Kingdom.
* Specialized communications companies have been contracted to provide every worker arriving in the Kingdom with a free SIM card explaining the worker’s rights and obligations, as well as ways to communicate, in his or her own language.
* The Ministry has set up a hotline (19911) manned by teams competent to receive and answer, in eight different languages, any enquiries, complaints or reports from domestic workers or persons of equivalent status concerning practices or violations to which they might have been subjected.

52. It is noteworthy that the Kingdom has concluded bilateral agreements with a number of labour-exporting countries in order to regulate the process of recruitment from those countries in such a way as to ensure that the rights and obligations of all the parties are respected. These agreements specifying basic principles for the protection of the rights of workers and employers do not contain any provisions that discriminate between nationalities.

53. Centres have been established to receive and accommodate domestic workers, provide them with support and protection, retrain them to enter the labour market if they so desire or initiate the procedures for their return to their countries of origin. A mechanism has also been established to disburse the proceeds from fines in accordance with the provisions of article 19 of the regulations which stipulates that the proceeds from any fines imposed pursuant thereto must be paid into a bank account so that they can help to cover the cost of accommodating female domestic workers and completing the procedures for their departure from the Kingdom if their employment contracts have expired and they have received their full entitlements.

54. It is noteworthy that the Labour Law, which defines the respective rights and obligations of each party to the employment relationship, contains provisions which reflect the concern that is being shown to ensure the welfare and protection of workers, the preservation of their dignity and their enjoyment of a healthy working environment. Article 8 thereof stipulates that “any condition contrary to the provisions of this Law, and any settlement or discharge of liability in respect of the rights accruing to the worker under the terms of this Law during the period of validity of the employment contract, shall be deemed null and void unless they are more favourable to the worker”. In fact, the Labour Law accords the worker the right to abandon his work without notifying his employer but while retaining all his statutory rights, even if the employer does not agree to such abandonment, in circumstances such as: if the employer, a member of his family or the manager in charge commits a violent assault or an indecent act against the worker or any member of the latter’s family; if the employer or the manager in charge treats the worker in a cruel, unjust or humiliating manner; if the employer or his representative, through their actions and particularly their unjust treatment or violation of the terms of the contract, cause the worker to abandon his work.

55. With a view to ensuring that migrant workers enjoy the protection required under the Labour Law, the Ministry of Labour and Social Development has established a Migrant Workers’ Welfare Department (Service Agency) to cater for their welfare in the field of labour relations, overcome any difficulties arising from those relations and settle any problems. To this end, the Department takes deterrent measures against employers who fail to respond to endeavours to settle labour-related disputes, the principal measures being suspension of the services that were having a positive effect in settling the dispute, and the consequent amendment of their employment contracts.

56. Pursuant to Decision No. 803 of 12/2/1434 A.H. (26 December 2012) issued by the Minister of Labour and Social Development, a wage protection programme was introduced and the first phase of its implementation began in June 2013. Through this computerized programme, employers pay wages through local banks and submit their payrolls to the Ministry. The programme checks the details of the monthly wage payments against the records kept in the Ministry in order to verify that the employers have paid the wages at the time and in the amount agreed upon and any employers who fail to do so are liable to sanctions imposed by the Ministry.

57. Workers have access to a complaints mechanism and means of legal redress not only through the committees for the settlement of labour disputes, for which provision was made in the regulations concerning domestic workers and persons of equivalent status, but also through the dispute resolution and amicable settlement services available in the labour offices. Whenever a labour office receives a complaint, it endeavours to resolve the dispute amicably, before referring the matter to a preliminary commission for the settlement of labour disputes, in accordance with the rules and procedures laid down in Decision No. 321 of 24/1/1435 A.H. (28 November 2013) issued by the Minister of Labour and Social Development pursuant to article 220 of the Labour Law. If an amicable settlement in accordance with those rules and procedures proves to be unattainable, the matter is referred to a preliminary commission for the settlement of labour disputes and the litigation proceedings can be taken to the appellate level.

58. It should be noted that, as unambiguously stated in Council of Ministers Decision No. 166 of 1421 A.H., there is no so-called “sponsorship system” in the Kingdom. Under the terms of Decision No. 4786 of 28/12/1436 A.H. (12 October 2015) issued by the Minister of Labour and Social Development, any employer who engages a worker without a written employment contract or fails to provide the worker with a copy thereof is liable to a fine of 5,000 riyals. Moreover, the earlier Decision No. 738/1 of 16/5/1425 A.H. (4 July 2004) issued by the Minister of Labour and Social Development prohibited “all forms of trafficking in persons such as: the sale of work visas; receipt of a recompense for finding employment for a worker; receipt of money from a worker in return for an entry visa, an exit and return visa, a residence permit or a work permit; breach of contractual obligations; inhuman or unethical working conditions or treatment; and employment or exploitation of children”. It also stipulated that, in addition to the penalties prescribed in the relevant legislation, commission of any of the above-mentioned acts would render the offender liable to debarment from engagement in recruitment activities for a period of five years and a repeated offence or the commission of more than one of the said acts would result in permanent debarment by order of the Minister of Labour and Social Development.

59. The Kingdom has taken numerous measures, in keeping with the three principles of prevention, protection and prosecution, to deter the commission of any acts prejudicial to workers. Some of the principal measures in this regard are provided for in the Labour Law, promulgated by Royal Decree No. M/51 of 23/8/1426 A.H. (27 September 2005), and its implementing regulations. By way of example:

* Article 19 safeguards workers’ entitlements by designating them as privileged debts (“Amounts due to the worker or his heirs under the provisions of this Law shall constitute first-class privileged debts and their recovery by the worker or his heirs shall have a priority claim on all the employer’s assets”).
* Under article 61, in addition to the obligations provided for elsewhere in the Labour Law and the regulations and decisions issued for its implementation, a worker must not be forced to perform unpaid work and an employer is not permitted to withhold a worker’s wages or any part thereof without judicial authorization. The employer must treat his workers with due respect, refrain from any act or utterance prejudicial to their dignity or religion and allow them sufficient time to exercise their rights as provided for in the Law without any deductions from their wages in respect of such time, although he may regulate the said rights to be exercised in a manner that is not detrimental to the progress of the work.

60. With regard to the alleged subjection of female domestic workers to violations, abuse and “sale” by one employer to another, the Kingdom wishes to emphasize that the latter term misrepresents the true state of affairs and constitutes an unfounded, unsubstantiated and unproven accusation against the Kingdom. In actual fact, such an act is criminalized in the Kingdom under the provisions of article 2 of the Suppression of Crimes of Trafficking in Persons Act, promulgated by Royal Decree No. M/40 of 21/7/1430 A.H. (14 July 2009) and is punishable by a term of up to 15 years’ imprisonment and/or a fine of up to 1 million riyals without prejudice to the victim’s right to claim compensation in respect of the harm suffered. The Kingdom has ratified the Forced Labour Convention of 1930, under which States parties undertake to suppress the use of forced or compulsory labour in all its forms, as well as the Abolition of Forced Labour Convention of 1957, under which States parties undertake to take effective measures to secure the immediate and complete abolition of forced or compulsory labour. Moreover, the Minister of Labour and Social Development has issued Ministerial Decision No. 4786 of 28/12/1436 A.H. (12 October 2015) under which an employer who subjects a worker to forced (unpaid) labour is liable to a fine of 15,000 riyals. Although this is a fine in respect of a violation of the Labour Law, it does not exclude criminal liability under the provisions of the Suppression of Crimes of Trafficking in Persons Act.

61. The Kingdom has established, within the framework of the Human Rights Commission, a Standing Committee to Combat Crimes of Trafficking in Persons consisting of representatives of the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Labour and Social Development, the Ministry of Culture and Information and the Bureau of Investigation and Public Prosecution. This Committee, which constitutes one of the principal national mechanisms overseeing the implementation of the provisions of the Suppression of Crimes of Trafficking in Persons Act, is empowered to:

* Monitor the situation of victims in order to ensure that they are not subjected to further harm.
* Formulate a policy to promote an active search for victims and to train law enforcement officers in ways to identify them.
* Coordinate with the competent authorities with a view to returning the victim to his or her place of origin in the State of which he or she is a national or to his or her domicile in any other State if he or she so requests.
* Recommend that the victim be allowed to remain in the Kingdom, and that his or her legal status be regularized in order to enable him or her to work, if the situation so requires.

62. In order to ensure the monitoring of any human trafficking violations in the labour sector, the Minister of Labour and Social Development issued Decision No. 4246 of 2/11/1436 A.H. (17 August 2015) establishing a Department to Combat Crimes of Trafficking in Persons which has been assigned the following functions:

* Inspection of business premises to verify that workers are not being exploited.
* Conduct of information campaigns to raise public awareness of the need to put an end to practices constituting crimes of trafficking in persons.
* Counselling of victims to make them aware of their guaranteed statutory right to have their situation rectified by the authorities concerned.
* Preparation of periodic reports on the Department’s activities, and the promotion of regional and international cooperation to combat crimes of trafficking in persons.

63. The Kingdom’s security forces are constantly tracking perpetrators of crimes of trafficking in persons and referring them to the investigating authorities for prosecution before the courts, which have convicted numerous persons accused of such crimes. A number of governmental bodies and civil society associations also help to monitor crimes of trafficking in persons and provide victims with shelter, financial assistance and various social, psychological, legal, educational and training services. All victims have access to means of legal redress and can submit complaints and claim their rights either by applying directly to the labour offices and the committees for the settlement of labour disputes which have been established throughout the Kingdom or by using the hotline which provides an interpretation service in several languages and can put them in contact with those offices and committees.

64. The number of traffickers who have been apprehended testifies to the diligence and effectiveness of the Kingdom’s law enforcement agencies in combating these crimes and the number of judgements handed down by the courts in respect of such crimes (not all of which were labour-related) rose from 175 in 2015 to 254 in 2016. This increase is attributable to the higher level of social awareness concerning trafficking in persons, the spontaneity with which individuals report such crimes, the increasingly effective manner in which the law enforcement agencies are able to discover the means and methods used by the criminal gangs involved therein, and the measures that the Kingdom’s Government is taking to combat trafficking in persons and protect its victims by supporting the associations and institutions working to protect human rights in this and other related fields. Employers who violate the rights of their workers are apprehended and brought to justice by the law enforcement agencies and the international community has commended the Kingdom’s endeavours and the legal and social support mechanisms and institutions that it has established in recent years to combat trafficking in persons.

65. With regard to the reference made to the presence of an estimated 500,000 undocumented Indonesian domestic workers in the Kingdom, this figure is exaggerated and not substantiated by official statistics. Some cases of undocumented workers are attributable to infractions of the residence regulations and, since the Kingdom welcomes pilgrims to the Two Holy Mosques, holders of *hajj*, *umrah* and visitors’ visas sometimes deliberately overstay the validity of their visas. The Kingdom is making every endeavour to apply its regulations concerning persons who overstay their visas, as well as persons who assist them by providing accommodation or transport, and anyone who provides them with employment is liable to the legally prescribed penalties.

66. With regard to the reference made to 358 Filipina domestic workers in detention, since the duration and causes of their detention were unspecified, no indication being given as to whether they were detained in connection with labour disputes or the commission of criminal offences, that figure is questionable. At all events, any worker who commits an offence is treated in the manner prescribed by law, without any discrimination between citizens and foreign residents and without prejudice to the legal rights to which persons under investigation or in detention are entitled. With regard to the prosecution of employers found to be in breach of the law, the Kingdom wishes to point out that the lack of accurate statistics in this field is attributable to the difficulties that the competent authorities face in the compilation of statistics, as indicated at the beginning of this report. It is also noteworthy that, as mentioned in paragraph 62 of this report, some cases of trafficking in persons involve offences committed by employers against their workers.

With regard to paragraphs 60, 61, 62 and 63 of the Special Rapporteur’s report:

67. The entry of foreigners into the Kingdom’s territory in normal and extraordinary circumstances is governed by article 3 of the Residence Regulations. It should be noted that persons entering the Kingdom to escape armed conflicts, humanitarian and other disasters and human rights violations such as torture are treated in the humane manner required by the principles of the Islamic Shari’a, the provisions of the Kingdom’s regulations derived therefrom, and time-honoured Arab values. Since the outbreak of the Syrian crisis, the Kingdom has received around 2.5 million Syrian citizens in its territory and, instead of treating them as refugees and placing them in refugee camps, has taken care to preserve their dignity and integrity by allowing them full freedom of movement. Those wishing to remain in the Kingdom have been granted official residence permits like other foreign residents with all that this entails by way of entitlement to free health care, education and access to the labour market.

68. The Kingdom’s Yemeni and Syrian brothers and sisters hold visitors’ cards or visitors’ visas. They can therefore travel within the Kingdom without the need for an employer and they are entitled to free education and health services. It is noteworthy that 285,644 Yemeni and 141,406 Syrian students are enrolled in public education the cost of which, together with the grants and assistance that they receive, amounts to a total of US$ 1,288,313,223.

69. The Custodian of the Two Holy Mosques, King Salman bin Abdulaziz, has taken the necessary measures to regularize the status of Yemeni citizens residing illegally in the Kingdom by granting them visitors’ visas, valid for a renewable period of six months, after they obtain travel documents from their country’s legitimate Government, and by allowing them to work in accordance with the applicable regulations and providing them with the requisite facilities. The situation of more than 200,000 citizens of the Republic of Yemen has been regularized in this way. The situation of citizens of Myanmar (the Burmese community) has also been regularized by granting them official residence permits without payment of fees, according them access to all social, health and education services, providing them with employment opportunities and offering incentives through the Ministry of Labour and Social Development to encourage institutions and companies to employ them. In 2015, the United Nations High Commissioner for Refugees commended the measures taken by the Kingdom in this connection, regarding them as an exemplary model that could be put into general practice by other countries.

70. Although the Kingdom has not acceded to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol relating thereto, it is playing a major humanitarian role in alleviating the refugee problem from which many parts of the world are suffering as a result of ethnic strife, wars, disasters and conflicts. It is collaborating with many bodies and organizations, including the Office of the United Nations High Commissioner for Refugees with which it signed a memorandum of understanding on 22 June 1993 concerning consultation and cooperation on all matters relating to the welfare of refugees in the host country, support for the Kingdom’s Government in its endeavours to provide and organize humanitarian assistance for refugees, and close cooperation with the Kingdom’s Government in consultation with other governments and international organizations concerned in order to identify refugee problems and endeavour to find lasting solutions thereto.

71. With regard to the Special Rapporteur’s recommendation that the Kingdom of Saudi Arabia ratify, as soon as possible, both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, these two Covenants are currently being studied by the authorities concerned.

72. In conclusion, the Kingdom wishes to thank Professor Philip Alston, the Special Rapporteur on extreme poverty and human rights, and confirms that, being eager to cooperate with the United Nations human rights mechanisms, it attaches due importance to the views and observations that he has expressed.

1. \* Reproduced as received. [↑](#footnote-ref-2)