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RESEARCH REPORT

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
(OHCHR)

ADDRESSING RACIAL DISCRIMINATION IN SAUDI ARABIA
THROUGH THE DEVELOPMENT AND IMPLEMENTATION OF
DOMESTIC LEGISLATION

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Basic Overview of the Issue

Intolerance, based on ideology and race has emerged as a major threat to global peace and security in the present day, especially in the Arab States. The Arab States such as but not limited to; Jordan, Palestine, Syria, Lebanon, Morocco, Somalia, Iraq, Djibouti and Saudi Arabia are the states who are mostly suffering from racial discrimination. Especially, racial discrimination in Saudi Arabia varies from physical abuse, imprisonment to rape, overwork, wage gap in wages especially of foreign workers who have little protection under the law. There are plenty of organizations such as dervish lodges and racist associations that are located in the area and commit many serious discriminatory acts towards people in the region.

The government of Saudi Arabia is taking major steps in order to stop racial discrimination. They have urged the United Nations (UN) to help criminalize racial discrimination, the government has passed a domestic abuse law in 2013 and it has agreed on a 2030 vision that aims to end racial discrimination and to empower the role of women in the country. The government has also announced that they were working on a special constitution based on tackling racially discriminatory acts. Mainly, this legislation focuses on the attacks on places of worship, insulting religions, and abuse of religious sanctities.

Article 8 of the basic law of Saudi Arabia governance stipulates that "Governance in the Kingdom of Saudi Arabia shall be based on justice, shura (consultation), and equality in accordance with the Islamic Sharia which means that the constitution is strictly against the discrimination." On the other hand, in Saudi Arabia there are ongoing racially discriminatory acts against non-Arab or non-Muslim people. Especially labor workers and the Shia minorities are being physically, religiously and racially discriminated by overwork, quality of work, and overall abuse in the country as these minorities have little protection under the law. The law of Saudi Arabia is a non-discriminative one but it lacks details on prohibiting racial discrimination which can lead us to the problems that we are facing.

Explanation of Important Terms

Racial Discrimination

It is unfair treatment or having a bias against someone or a group of people on the basis of their race. Racial discrimination can also be referred to as racism.



Domestic Legislation

Domestic legislation could be defined as any law passed by the parliament of any country. Any new legislation passed by the parliament such as Indian Penal Code(IPC), Engineering, Procurement and Construction(EPC) and Contract Act is counted as domestic legislation.

2030 vision

2030 vision is the long-term goals and expectations of the Saudi Government. It contains different types of goals including ending discrimination, empowering women, decreasing oil dependence, education, etc. The reason of it's development was to ensure the future of Saudi arabia by decreasing the dependances and make Saudi Arabia a better place for their citizens.

Domestic Abuse Law

The domestic abuse law is a crucial step to end all types of discrimination and domestic violence. This law contains sentences for discriminatory and violent acts.

Tribalism

Tribalism is the strong support for a political or social group with having strong loyalty.

Detailed Background of the Issue

Racial Discrimination in Saudi Arabia

Even if Saudi officials are taking measures in order to prevent racial discrimination, still it could be stated that Saudi Arabia is a country where discriminative actions are committed. Generally, tribalism, discrimination against non-muslims, poor conditions and racial discrimination against labor workers are the types that have the most risk to be committed. Due to the culture, lack of appropriate laws in the constitution and having the obligation to be an Arab and a Muslim in order to be a citizen of Saudi Arabia puts a wall between the citizens and non-citizens who have different ideologies and thus leads to discriminative actions.



Current Racial Discrimination

Saudi Arabia has the second-largest number of migrant workers in the world. Discrimination made against migrants workers originate from them not being considered as Saudi citizens due to several reasons such as being an immigrant or not sharing the same religion, which causes them to not be protected by the law.

In Saudi Arabia, recent violence and abuse against migrant workers, especially domestic workers are a huge threat to the tranquility of the country. Instances of arbitrary detention and death sentences are imposed on migrant workers.

The effect of the implementation of domestic legislation on racial discrimination

The 2030 vision and the domestic abuse law aims to end racial discrimination with the help of the UN and other organizations such as OHCHR and United Nations Committee on the Elimination of Racial Discrimination (CERD). The vision proposed to criminalize all sorts of discrimination in order to protect minorities and all victims of discrimination.

Saudi Arabia's Constitution's Effect on Racial Discrimination

One of the main reasons of the racial discrimination in Saudi Arabia is Saudi Arabia's constitution. It is written on the constitution that "the Sharia and Islam strictly forbids discrimination and it encourages cooperation" but there are neither specific punishments nor prohibitions in the constitution itself that specify which action should be taken in a case of discrimination; the constitution also contains numerous contradictions, which cause loopholes in it that can be interpreted differently by individuals. According to the constitution, it is a must to be a Muslim in order to be a Saudi citizen which is a form of discrimination in itself, which aggravates the integration of the non-muslim individuals to society.

Lastly, culture and religion are being used for personal benefits in the region which augments the risk of creating discriminatory acts as well, since racist groups use and comment on the religion as they wish in order to encourage people to discriminate against others, which also creates a heterogeneous society where many are discriminated against.

The Effect of the Racial Discrimination on the Minorities

In Saudi Arabia, the majority of individuals who are discriminated against are minorities.



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The main reason behind this is that they have integration problems due to society not accept them and choosing to distance them from the majority. These minorities are mostly the non-Muslim, the non-Arab or the Muslim communities who believe in a different sects of Islam. Moreover, individuals who believe in tribalism, in which individuals are in favor of a special group, are also discriminated against since it does not align with what the majority believes in Saudi Arabia.

Major Parties Involved

Office of the High Commissioner for Human Rights (OHCHR)

OHCHR is a sub-branch of the UN that focuses on mostly human rights. The duty of this organization is to examine conflict areas, write reports on them and propose solution ideas. For example, since Saudi Arabia is facing problems due to racial discrimination OHCHR has written several reports on the topic since the topic of interest is discrimination and it is something against human rights, OHCHR is highly concerned on the issue and has written several reports stressing the importance and threats of discrimination. The sub-branch has also emphasized on the measures that should be taken by the government officials in order to minimize if not prevent discrimination.

Saudi Arabia

Saudi Arabia has taken measures such as the amendment of the domestic legislation, criminalizing discrimination and the vision 2030. They also have requested the help of Un and some organizations such as CERD and OHCHR and this shows their tenacity on the issue but they have some weaknesses regarding the issues like discriminative acts being committed etc.the main reason of their weakness is the lack in their constitution and their misunderstood culture for example a migrant worker can not have a citizenship easily because of his religion and his place of birth and since he won't gain the citizenship he would face difficulties while getting integrated in the society and that will lead to discriminatory acts against him. That's why all of these actions should be evaluated and a solution process should be started.



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Saudi Human Rights Commission (SHRC)

SHRC is a human rights commission that has a special interest and a role in Saudi Arabia. They can be counted as a sub-branch of OHCHR which works only for tackling human rights problems such as discrimination in Saudi Arabia. Their duties are to detect, evaluate and report all of the actions regarding discrimination in Saudi Arabia. They have previously written a report on the issue by first introducing and then evaluating and lastly by proposing solutions on it

United Nations Committee on the Elimination of Racial Discrimination (CERD)

CERD is a committee of the United Nations. They strive for stopping racial discrimination which makes them highly relevant and involved in the issue at hand. They are one of the main organs to be addressed while debating the issue and solving it since they are an official UN committee who has power and their only goal is to prevent discriminative acts. They work and evaluate the reports in order to create a final solution proposal.

Chronology of Important Events

Date	Description of Event
September 3, 1953	European Convention on Human Rights is adopted
December 21, 1965	International Convention on the Elimination of All Forms of Racial Discrimination is adopted
December 20, 1993	Establishment of OHCHR
June 2, 2003	Conclusion of the CERD report about racial discrimination in Saudi Arabia is made
August 2013	Domestic violence law is adopted



June 2019	For the first time a man from Saudi Arabia got criminalized because of discrimination

Relevant International Documents

- [European Convention on Human Rights, 3 September 1953](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 21 December, 1965](#)
- [CERD report about the racial discrimination in Saudi Arabia, 2 June 2003](#)
- [Domestic Violence Law of Saudi Arabia, August 2013](#)
- [United Nations Declaration on the Elimination of All Forms of Racial Discrimination A/RES/18/1904](#)

Past Attempts to Resolve the Issue

As previously stated in the report, Saudi officials have taken important measures such as the criminalisation of the racial discrimination and the 2030 vision as well as some measures being taken by the international community in the past such as the convention on human rights, Un resolutions on stopping racial discrimination and the committees formed by Un, however, the issue has a long history of development which leads us to having some past attempts that needs to be evaluated.

Overall, the past attempts were done in a logical manner. A general convention, a resolution on the topic, reports of the organizations were basic solution proposals to solve the conflict but it is visible that more or less the same problem still exists.

Since the conflict is a human-centered one and to solve it we need to change the ideas of human beings the conventions, resolutions, and agreements won't help just by themselves. However, they are still serving as good legal bases on the issue and if they are amended in a modernised manner they would be helpful. On the other there is a huge lack of the attempts of changing the ideas of human beings which is the main reason of our conflict. Lastly, the actions done by the Saudi Government deserves appreciation. In the past, with their new vision



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and ideology, the government of Saudi Arabia amended their legislation, they have started to put sanctions on discriminatory acts. These actions can be evaluated in a positive manner but they are still open to improvement as more effort is needed to start changing the minds of citizens who are discriminatory towards other races.

Solution Alternatives

First of all, as it was previously stated, many conventions and resolutions have been adopted to prevent racial discrimination in both Saudi Arabia and in the world; thus, these documents have served as good legal solutions to the issue as a whole which is why it might be better for amending the previously amended international documents rather than creating new ones. The previously implemented documents should be evaluated and modernised also it should be monitored and made sure that all states are still obeying the past documents.

Secondly, the conflict is a human-centered one which means that in order to prevent racial discrimination, people's ideologies and perceptions must be changed. We can achieve this by firstly education. New educational programs that include lessons against discrimination should be implemented and the schools should have bodies which will work in order to ensure fraternity rather than violence and discrimination.

Moreover, another solution could be raising awareness on the issue through TV commercials, advertisements, volunteering campaigns etc. and stressing the brutal parts of discriminating against someone.

Also, equality should be the point to mainly focus on and it should be clear that no reason could direct someone to discriminate against someone else. Those ideas can be explained by public seminars and commercials.

Next, governments should protect all those who are facing discrimination by firstly providing psychological help to the people who are facing discrimination, for example, a hotline could be created in order to report the discriminative acts as well as the creating a comfortable environment where all victims are able to share their stories. Moreover, a department for discrimination could be created by military services.

Lastly, the vague parts in legislations and constitutions should be made clearer. There should be strict punishments such as life imprisonment, against discrimination and it should be clear that discrimination is a huge crime. No lacking parts should direct someone to the idea



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- "Library Guides: International Investment Law: Domestic Legislation." *Domestic Legislation - International Investment Law - Library Guides at University of Melbourne*, https://unimelb.libguides.com/investment_law/domestic.
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- *Saudi Arabia's Domestic Violence Law Is a First Step to Changing Attitudes*,
<https://musliminstitute.org/freethinking/world-affairs/saudi-arabias-domestic-violence-law-first-step-changing-attitudes>.
- "Welcome to the United Nations, It's Your World." *United Nations*, United Nations,
<https://www.un.org/>.

Useful Links

An article about the vision 2030

<https://www.saudiembassy.net/vision-2030>

The link of the official OHCHR site

<https://www.ohchr.org/EN/pages/home.aspx>

The link to find relevant UN resolutions

<https://research.un.org/en/docs/ga/quick/regular/18>

An article about racism in Arab States

<https://www.arabnews.com/tags/racism>

The list of Arab States and their relevance on the topic

<http://portal.unesco.org/en/ev.php>

[URL_ID=23110&URL_DO=DO_TOPIC&URL_SECTION=201.html](http://portal.unesco.org/en/ev.php?URL_ID=23110&URL_DO=DO_TOPIC&URL_SECTION=201.html)