



UNIVERSAL PERIODIC REVIEW – FOURTH CYCLE

Submission to the 45th session of the Human Rights Council’s Universal
Periodic Review Working Group

January-February 2024, Geneva, Switzerland

SAUDI ARABIA

The Center for Family and Human Rights (C-Fam) is a nongovernmental organization which was founded in 1997 and has held Special Consultative Status with the UN Economic and Social Council since 2014. We are headquartered in New York and Washington, D.C. and are a nonprofit, nonpartisan research and advocacy organization that is dedicated to reestablishing a proper understanding of international law, protecting national sovereignty and the dignity of the human person.

INTRODUCTION

1. In 2020, the ministers and high representatives of 34 countries met to launch the Geneva Consensus Declaration (GCD), in which they committed to promoting four objectives: improve women's health, protect human life, strengthen the family as the basic unit of society, and defend the sovereignty of nations with regard to their laws and policies to protect life.¹ Saudi Arabia was one of the original signatories of the GCD. This report focuses on Saudi Arabia's fulfillment of its commitments to human rights in the context of the four pillars of the GCD.

THE GENEVA CONSENSUS DECLARATION

2. The language of the GCD is drawn exclusively from documents agreed by consensus, including core UN human rights treaties, the founding documents of the UN such as the Universal Declaration of Human Rights (UDHR), and major meeting outcomes such as the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population Development.

PROTECTING WOMEN'S HEALTH

3. At the 1994 International Conference on Population and Development (ICPD), nations pledged "to enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant."² This commitment is echoed in the GCD, alongside reaffirmations of the importance of women's equal rights and their contributions to society, both in terms of education, employment, and civic engagement and through the family. The unique and essential role of women as mothers was recognized in the Beijing Declaration and Platform for Action adopted at the 1995 UN Fourth World Conference on Women.³ Both of these landmark conferences, as well as the subsequent Millennium Development Goals and Sustainable Development Goals, include commitments to reduce maternal and child mortality, and while significant progress has been made around the world, critical gaps remain, especially for those in the poorest, most remote, and resource-deprived areas.
4. According to 2020 World Health Organization (WHO) estimates, Saudi Arabia has a maternal mortality ratio of 16 deaths per 100,000 live births, which is a slight decrease from 22 in 1999.⁴ This is significantly lower than the global ratio of 223 as well as the ratio of 179 in the WHO's Eastern Mediterranean region, of which Saudi Arabia is a member. Saudi Arabia's official statistics for 2020 give a lower figure of 11.9.⁵ Among the factors contributing to Saudi Arabia's successes in maintaining and improving maternal health are increased education and literacy for women, high rates of skilled birth attendance and births in health facilities, and the country's nationalized health service.⁶
5. Enrollment in tertiary education in Saudi Arabia is similar for men and women, although women's participation in the formal workforce is lower than that of men.⁷ Saudi Arabia amended its Personal Status Law in 2022 to include a minimum age of marriage of 18 for both men and women, although it allows courts to authorize marriages of individuals under 18.⁸

6. Abortion is legal in Saudi Arabia if the mother's life or health are deemed to be at risk, with a gestational limit of four months. Abortion is not available on request or due to perceived financial or other hardship, and the law requires authorization by health professionals; self-managed abortion is not allowed. Parental and spousal consent are also required.⁹
7. Saudi Arabia has achieved significant progress in reducing maternal and child deaths and improving educational opportunities for women and girls, while maintaining legal protections for unborn children. This is in keeping with the GCD, which reaffirms that the legal status of abortion is solely for nations to determine, and not an international human right, and that women's good health and wellbeing do not require abortion to attain. This is also consistent with the 1994 International Conference on Population and Development (ICPD), cited by the GCD, which that urged countries to take steps to mitigate the harmful effects of abortion on women while asserting that "any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process."¹⁰

PROTECTING HUMAN LIFE

8. Saudi Arabia's abortion laws are consistent with the Islamic bioethical position held by most Saudi doctors, and generally consistent with public opinion in the overwhelmingly Sunni Muslim population of the country.¹¹ As a result, there have not been conflicts over medical providers' conscientious objection to abortion as seen in some other countries, and there has not been a concerted political effort to amend the law in either direction.
9. Saudi Arabia has also faced relatively low external pressure to liberalize its abortion laws. In previous UPR sessions, Saudi Arabia has not received any explicit recommendations to liberalize its abortion restrictions. In the third cycle of the UPR, Saudi Arabia noted a recommendation from Estonia that included a request to "advance women's and girls' sexual and reproductive health and rights."¹² The term "sexual and reproductive health and rights" (SRHR) does not enjoy global consensus and has not been defined in any internationally negotiated resolution or treaty. To the extent that it has been defined at all, advocates point to a Lancet-Guttmacher Institute commission¹³ which defines SRHR as including abortion as a right, in contrast to global agreements including ICPD, as noted in the Geneva Consensus Declaration.
10. No global human rights treaty ratified by Saudi Arabia asserts a human right to abortion, or could reasonably be interpreted as including such a right.¹⁴ In contrast, national laws criminalizing abortion in order to protect the unborn are consistent with international agreements that children are entitled to protection before and after birth.¹⁵

SUPPORT FOR THE FAMILY

11. The GCD reaffirms the obligations of States in regard to the family enshrined in international law, including the definition of the family as "the natural and fundamental group unit of society" and recognition that it is "entitled to protection by society and the State." Signatories to the GCD further committed to "support the role of the family as foundational to society and as a source of health, support, and care."¹⁶ In Article 9 of its Constitution, Saudi Arabia states that "The family is the nucleus of Saudi society." In

Article 10, the State commits to taking “great pains to strengthen the bonds which hold the family together and to preserve its Arab and Islamic values. Likewise it is keen on taking good care of all family members and creating proper conditions to help them cultivate their skill and capabilities.”¹⁷

12. In Saudi Arabia, there is no recognition of same-sex relationships, and homosexual behavior between both men and women is criminalized. Unlike many countries with similar legal standards, in its previous Universal Periodic Reviews, Saudi Arabia has not received recommendations to decriminalize homosexual behavior, create new legal nondiscrimination categories for sexual orientation or gender identity, or recognize same-sex relationships in law. These issues are not subjects on which global consensus exists; nor are they included as rights in any binding international legal instrument to which Saudi Arabia is a party. As summarized in the Family Articles, a project of the coalition Civil Society for the Family, the right to found a family is based on the union of a man and a woman, and “Relations between individuals of the same sex and other social and legal arrangements that are neither equivalent nor analogous to the family are not entitled to the protections singularly reserved for the family in international law and policy.”¹⁸

NATIONAL SOVEREIGNTY

13. As stated in the GCD, with regard to the legal status of abortion and the protection of the unborn, it is a matter of longstanding consensus that “each nation has the sovereign right to implement programs and activities consistent with their laws and policies.” However, opposition to this sovereign right of countries has become increasingly commonplace in those parts of the United Nations system governed more by expert opinion or bureaucratic oversight than by the standard of negotiated consensus. There is no global mandate to pressure countries to liberalize their abortion laws or expand the categories for non-discrimination as a matter of international human rights law with regard to, for example, sexual orientation or gender identity, and to the extent that mandate-holders engage in such behavior, they do so *ultra vires*.
14. Nevertheless, the frequency of such pressure has only increased toward countries whose laws restrict abortion in order to protect the unborn, or which maintain a traditional view of marriage and the family, in line with the human rights obligations expressed in the binding treaties they have ratified. Such nonbinding opinions have been further elevated in many parts of the UN, although they have never been accepted nor adopted by consensus in the General Assembly.
15. The GCD, by anchoring its every assertion in a document adopted by consensus, reaffirms the centrality of the family, the rights of women and children and the fact that these rights are not upheld by abortion, and the importance of national sovereignty, especially in those places where global consensus does not exist.
16. Unlike other UN human rights mechanisms, the UPR provides a space for sovereign nations to speak to each other and provide encouragement to fulfill their human rights obligations. To the extent that this venue has been used to exert further pressure on countries to liberalize their abortion laws or redefine the family as a matter of national law and policy, it is important that global consensus on these matters be upheld and promoted in the UPR as well, particularly by those countries that have already taken a stand in this regard by signing the GCD.

CONCLUDING RECOMMENDATIONS

17. We encourage Saudi Arabia to continue protecting the natural family and marriage, formed by a husband and a wife, as the fundamental unit of society.
18. Saudi Arabia should continue to prioritize maternal and child health and education for women and girls, and share its best practices with others. In accordance with Saudi Arabia's commitments in the Geneva Consensus Declaration, prioritizing the health and wellbeing of women and girls in these ways does not require the inclusion of abortion.
19. Saudi Arabia should continue to assert the fact that abortion is not a human right and defend the traditional definition of the family in the context of multilateral negotiations, as well as in the Universal Periodic Review, in accordance with the Geneva Consensus Declaration, and call on its fellow signatories and others to do likewise.

¹ Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family, 2020. Available at <https://undocs.org/en/A/75/626>

² United Nations International Conference on Population and Development. (1994). "Programme of Action of the International Conference on Population Development," Cairo.

³ United Nations Fourth World Conference on Women. (1995). "Beijing Declaration and Platform for Action" (Annex II, Paragraph 29). Beijing.

⁴ World Health Organization: Global Health Observatory indicator: Maternal mortality ratio. Accessed July 2023. Available at [https://www.who.int/data/gho/data/indicators/indicator-details/GHO/maternal-mortality-ratio-\(per-100-000-live-births\)](https://www.who.int/data/gho/data/indicators/indicator-details/GHO/maternal-mortality-ratio-(per-100-000-live-births))

⁵ Kingdom of Saudi Arabia Ministry of Health. 2021. Statistical Yearbook. Available at <https://www.moh.gov.sa/en/Ministry/Statistics/book/Documents/Statistical-Yearbook-2021.pdf>

⁶ Najimudeen, Mohamed & Hla Myint, Myo & Rao, Syam & Win, Mie Mie. (2018). The Success Story of Reducing Maternal Mortality in Saudi Arabia.

⁷ Jawhar SS, Alhawsawi S, Jawhar AS, Ahmed ME, Almehdar K. Conceptualizing Saudi women's participation in the knowledge economy: the role of education. *Heliyon*. 2022 Aug 17;8(8):e10256. doi: 10.1016/j.heliyon.2022.e10256. PMID: 36051257; PMCID: PMC9424963.

⁸ Kingdom of Saudi Arabia. Personal Status Law, issued March 8, 2022, available at

<https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/4d72d829-947b-45d5-b9b5-ae5800d6bac2/1>

⁹ World Health Organization. Abortion policies database: Saudi Arabia. Available at <https://abortion-policies.srhr.org/country/saudi-arabia/>

¹⁰ United Nations International Conference on Population and Development, *ibid*.

¹¹ Alahmad G, Althagafi NA. Attitudes toward Medical Ethics among Obstetricians and Gynecologists in Saudi Arabia: An Exploratory Survey. *Healthcare*. 2023; 11(10):1394. <https://doi.org/10.3390/healthcare11101394>

¹² United Nations General Assembly. Report of the Working Group on the Universal Periodic Review: Saudi Arabia. December 2018. Available at <https://undocs.org/A/HRC/40/4>

¹³ Starrs AM, Ezeh AC, Barker G, Basu A, Bertrand JT, Blum R, Coll-Seck AM, Grover A, Laski L, Roa M, Sathar ZA, Say L, Serour GI, Singh S, Stenberg K, Temmerman M, Biddlecom A, Popinchalk A, Summers C, Ashford LS. Accelerate progress-sexual and reproductive health and rights for all: report of the Guttmacher-Lancet Commission. *Lancet*. 2018 Jun 30;391(10140):2642-2692. doi: 10.1016/S0140-6736(18)30293-9. Epub 2018 May 9. PMID: 29753597.

¹⁴ See the San Jose Articles, 2011, available at www.sanjosearticles.com

¹⁵ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

¹⁶ Geneva Consensus Declaration, *ibid*.

¹⁷ Saudi Arabia's Constitution of 1992, revised 2013. Available at https://www.constituteproject.org/constitution/Saudi_Arabia_2013

¹⁸ Civil Society for the Family. The Family Articles. Available at <https://civilsocietyforthefamily.org/>