



Convention on the Rights of the Child

Distr.: General
31 October 2018

Original: English

Committee on the Rights of the Child

Concluding observations on the report submitted by Saudi Arabia under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

I. Introduction

1. The Committee considered the report of Saudi Arabia (CRC/C/OPSC/SAU/1) at its 2331st and 2332nd meetings (see CRC/C/SR.2331 and 2332), held on 1 October 2018, and adopted the present concluding observations at its 2340th meeting, held on 5 October 2018.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPSC/SAU/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third and fourth periodic reports submitted by the State party under the Convention (CRC/C/SAU/CO/3-4), adopted on 30 September 2016, and on the report of the State party submitted under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/SAU/CO/1), adopted on 5 October 2018.

II. General observations

Positive aspects

4. The Committee notes with appreciation the State party's ratification of the International Labour Organization Minimum Age Convention, 1973 (No. 138), in April 2014.
5. The Committee also welcomes the various measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including the creation of institutions and the adoption of national laws, plans and programmes that facilitate the implementation of the Optional Protocol, in particular:
 - (a) The Child Protection Act (2014);
 - (b) The Protection from Abuse Act;
 - (c) The establishment of the Family Affairs Council by Council of Ministers Decision No. 443 of 25 July 2016;

* Adopted by the Committee at its seventy-ninth session (17 September–5 October 2018).



(d) The establishment of the Division on Combating the Sexual Exploitation of Children on the Internet in the Ministry of the Interior's Department for the Repression of Cybercrime, on 12 January 2015.

III. Data

Data collection

6. The Committee welcomes the creation of the General Authority for Statistics in 2015 and notes the measures that have been taken to address the challenges faced by the State party in compiling statistics. However, it notes with concern that the majority of offences relevant under the Optional Protocol reported in the State party relate to Internet-based child pornography and that almost all reported cases of trafficking in children, which is similar but not identical to the sale of children, were committed to force children to work or beg. The Committee is also concerned about:

(a) The inadequate detection of offences involving the sale of children, child prostitution or child sexual exploitation in travel and tourism;

(b) The limited progress made in compiling and reporting comprehensive and disaggregated data on all offences under the Optional Protocol.

7. **The Committee recommends that the State party:**

(a) **Take measures to ensure that offences under the Optional Protocol are properly detected;**

(b) **Intensify its efforts to ensure that the General Authority for Statistics develops and implements a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment in all areas covered by the Optional Protocol, including the sale of children, child prostitution, child pornography and sexual exploitation of children in the context of travel and tourism;**

(c) **Disaggregate the data it has been recommended to collect by, inter alia, sex, age, nationality and ethnic origin, region and socioeconomic status, with particular focus on children who are at risk of becoming victims of crimes under the Optional Protocol;**

(d) **Provide comprehensive data on the number of prosecutions and convictions for offences, disaggregated by type, under the Optional Protocol;**

(e) **Actively use the data and information compiled for policy decisions, impact assessments and monitoring progress towards the implementation of the Optional Protocol.**

IV. General measures of implementation

Comprehensive policy and strategy

8. The Committee welcomes the adoption of various policies, strategies, plans of action and initiatives relevant to the implementation of the Optional Protocol, including the authorization of the development of a national strategy for the promotion and protection of human rights. It is nonetheless concerned that there is no comprehensive strategy encompassing, in a coordinated manner, all the issues covered by the Optional Protocol.

9. **The Committee recommends that the State party:**

(a) **Carry out a study to analyse and evaluate the nature, extent, root causes and effects on children of the offences covered by the Optional Protocol in the State party;**

(b) **Develop, on the basis of the results of the study, a comprehensive strategy encompassing, in a coordinated manner, all issues covered by the Optional Protocol;**

(c) **Provide adequate human and financial resources for the implementation of the comprehensive strategy;**

(d) **Pay particular attention to the implementation of all provisions of the Optional Protocol, while taking into account the outcomes of the meetings of the World Congress against Commercial Sexual Exploitation of Children.**

Coordination and evaluation

10. The Committee notes the 2016 establishment of various bodies to coordinate issues under the Optional Protocol, most recently the Family Affairs Council, including its Child Committee and Protection from Violence Commission. However, it is concerned about the lack of effective cross-sectoral coordination of efforts currently made by a number of governmental bodies directly or indirectly responsible for developing and implementing policies on child rights and protection, including the Ministry of Education, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Social Development, the Ministry of Health, the Ministry of Culture and Information, the Ministry of Islamic Affairs, Da'wah and Guidance, the Public Prosecution Service, the Family Affairs Council, the National Commission for Childhood and the Human Rights Commission.

11. **The Committee recommends that the State party:**

(a) **Ensure better coordination among the public bodies responsible for developing and implementing policies on child rights and protection;**

(b) **Delegate overall responsibility for the effective coordination of the activities carried out by all ministries and other government entities and partners for the implementation of the Optional Protocol to a single governmental body;**

(c) **Ensure that the coordinating body is given a clear mandate and the necessary authority to coordinate, monitor and evaluate all activities related to the comprehensive and effective implementation of the Optional Protocol and allocate sufficient human, financial and technical resources for its effective operation at all levels.**

Dissemination and awareness-raising

12. The Committee notes the dissemination and awareness-raising activities carried out in the State party, including in coordination with some civil society organizations. It also notes plans to roll out an awareness-raising programme to combat sexual harassment of children and awareness-raising initiatives related to trafficking in persons, particularly children, including in the State party's media, which may also help implement the provisions of the Optional Protocol. However, the Committee is concerned that the Optional Protocol has not been disseminated widely and that its principles and provisions are not sufficiently known to the general public, especially children.

13. **The Committee recommends that the State party:**

(a) **Make greater efforts to disseminate information about the offences covered by the Optional Protocol and about prevention measures among the general public, particularly children in vulnerable situations, parents, caregivers and all relevant professional groups, as well as community and religious leaders, especially by involving the media in awareness-raising;**

(b) **Incorporate the issues covered by the Optional Protocol into school curricula and academic materials offered to children by the Ministry of Education.**

Training

14. The Committee welcomes the training programmes developed and implemented jointly with the United Nations Children's Fund (UNICEF) and the briefing seminars on the Convention and its Optional Protocols provided to judges, lawyers, government representatives and civil society organizations, as well as the training courses provided to ministerial departments. However, it is concerned that these programmes and courses do

not adequately cover all elements of the Optional Protocol and that not all stakeholders systematically receive training on the implementation of the Optional Protocol.

15. The Committee recommends that all aspects covered by the Optional Protocol be systematically included in the training of all relevant professional groups, in particular judges, prosecutors, investigators, law enforcement and immigration officers, social workers and teachers and kindergarten staff, as well as employees in the travel and tourism industry, including the staff of hotels.

Allocation of resources

16. The Committee notes the information provided by the State party concerning budget resources allocated to facilitate the implementation of the Optional Protocol. It is concerned, however, that, as the State party itself recognizes, it is difficult to identify budget items specifically for the implementation of the Optional Protocol, in particular for efforts to help those vulnerable to the sale of children, child prostitution or child pornography.

17. With reference to its 2016 concluding observations on the Convention (CRC/C/SAU/CO/3-4, para. 9) and its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) **Modify its budgetary procedures in order to be able to identify the budget items for the implementation of the Optional Protocol;**

(b) **Ensure the allocation of specific and targeted resources for the effective implementation of all areas covered by the Optional Protocol;**

(c) **Ensure equitable distribution of national resources to protect children who are especially vulnerable to offences under the Optional Protocol and to provide the child victims of such offences with appropriate care.**

Civil society

18. The Committee notes the State party's cooperation with civil society organizations to facilitate the implementation of the Optional Protocol, including for the preparation of its report. It is deeply concerned, however, about the ongoing crackdown on human rights defenders (which has involved arrests and detention), in particular those working on children's rights.

19. The Committee recalls its 2016 concluding observations on the Convention (CRC/C/SAU/CO/3-4, para. 12) and urges the State party to release the human rights defenders working on children's rights who remain in detention and ensure the free, active and meaningful participation of children, communities and civil society organizations in the implementation of the Optional Protocol.

V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

Measures adopted to prevent offences prohibited under the Optional Protocol

20. The Committee notes with appreciation the measures taken by the State party to prevent offences prohibited under the Optional Protocol, including through development plans, social development strategies and social support and social security benefit programmes to combat poverty, and to provide care and social safety nets for children in disadvantaged situations. The Committee is nevertheless concerned about:

(a) The fact that the State party continues to be a country of destination for persons, including children, trafficked for forced labour, domestic work and, in some cases, sexual exploitation;

(b) The absence of reliable data on the extent of the problem of persons, including children, living in poverty in the State party;

(c) The plight of women migrant domestic workers and of non-citizens without migrant worker status living in poverty in the State party and the concomitant vulnerability of their children to offences under the Optional Protocol.

21. **The Committee recommends that the State party take more preventive measures to address all areas covered by the Optional Protocol. In particular, the State party should:**

(a) **Prioritize policies that emphasize prevention of the offences covered by the Optional Protocol, raise awareness among the general public and the poorest and most vulnerable communities, including by providing information about the sanctions related to these offences, and monitor and evaluate the effectiveness of such policies;**

(b) **Develop child-empowering prevention programmes to address the root causes and multiple vulnerabilities that place children, families and communities at risk and promote child protective social norms through community development projects, civil society organizations such as youth groups, faith-based organizations and the media, including social networks;**

(c) **Strengthen the referral and follow-up procedures, specialized mechanisms and procedures for the identification of children who are at risk of becoming or are victims of offences covered by the Optional Protocol, in particular for children in vulnerable situations, such as children living in poverty, migrant, refugee and asylum-seeking children — unaccompanied, separated or undocumented ones in particular — children in street situations and orphans;**

(d) **Cooperate with civil society organizations and community-based organizations in giving effect to the preceding recommendation and strengthen prevention programmes and the protection of potential child victims, in particular girls;**

(e) **With reference to its 2016 concluding observations on the Convention (CRC/C/SAU/CO/3-4, para. 40), ensure that the law prohibiting the recruitment of children as domestic workers is effectively implemented and that those who exploit children as domestic workers are held accountable;**

(f) **Seek technical support from UNICEF and other specialized agencies for more effective community awareness and engagement in addressing the harmful practices, negative social norms and behaviours contributing to the commission of offences covered by the Optional Protocol and to trafficking in children.**

Sexual exploitation of children in travel and tourism

22. The Committee notes the State party's assertion that no offences involving child sexual exploitation in travel and tourism had been detected.

23. **The Committee recommends that the State party conduct advocacy with the tourism industry on the harmful effects of the sexual exploitation of children in travel and tourism, widely disseminate the Global Code of Ethics for Tourism of the World Tourism Organization among travel agents and tourism agencies and encourage operators in the travel and tourism industry to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. It also urges the State party to impose appropriate penalties on the perpetrators of sexual exploitation of children in travel and tourism.**

Measures to prevent and address online child sexual exploitation and abuse

24. The Committee welcomes the development by the Family Affairs Council of a national strategy to combat child exploitation online, the State party's intention to join the "We Protect" initiative aimed at tackling online child sexual exploitation and campaigns to raise children's awareness of the dangers associated with the use of the Internet relevant to the implementation of the Optional Protocol, including the National Forum for the Prevention of Sexual Exploitation of Children on the Internet in 2016. The Committee is

concerned, however, about the reported increase in online child sexual exploitation and abuse.

25. **With reference to Human Rights Council resolution 31/7, entitled “Rights of the child: information and communications technologies and child sexual exploitation”, and to the outcomes of the “We Protect” summits held in London in 2014 and in Abu Dhabi in 2015, the Committee recommends that the State party, in close collaboration with relevant industries and organizations, accelerate the adoption of a national response for preventing and addressing online child sexual exploitation and abuse, consisting at a minimum of:**

(a) **A national policy to prevent and respond to online child sexual exploitation and abuse through an appropriate legal framework and a dedicated coordination and oversight entity with specific analysis, research and monitoring capabilities;**

(b) **A strategy for preventing online child sexual exploitation and abuse, including a public education programme to raise awareness and mandatory school education on online behaviour and safety, and for increasing knowledge and reporting of online child sexual exploitation and abuse; the participation of children in the development of policies and practices; industry engagement to block and remove online content involving child sexual exploitation and abuse, report incidents to law enforcement authorities and develop innovative solutions; close cooperation with organizations working to end child sexual exploitation online; and ethical and informed media reporting;**

(c) **Appropriate support services for children, including integrated services during investigation, prosecution and aftercare; trained professionals working with and for children; and accessible procedures for complaints, compensation and remedies;**

(d) **A dedicated, proactive, responsive and victim-focused criminal justice system with a trained police force, prosecution and judiciary; management of offenders to prevent reoffending, nationally and internationally; and a national database linked, through the National Central Bureau, to the International Child Sexual Exploitation image database of the International Criminal Police Organization (INTERPOL).**

VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5–7)

Criminal and penal laws and regulations in force

26. The Committee welcomes the prohibition in the Suppression of Trafficking in Persons Act of all forms of trafficking in persons, including for the purposes of forced labour or services, the removal of organs or the conduct of medical experiments. It also welcomes the imposition of harsher penalties where an offence is committed against a child. In addition, it welcomes the prohibition in the implementing regulations of the Child Protection Act of the abduction of children, the sale of children or their organs, trafficking in children for any purpose or in any form and the exploitation of children for the purpose of begging. The Committee is nevertheless concerned that the laws of the State party do not specifically define and criminalize all offences as defined in articles 2 and 3 of the Optional Protocol, as the sale of children is similar but not identical to trafficking in persons, including children.

27. **The Committee recommends that the State party ensure that the offence of sale of children, whether committed domestically or transnationally or on an individual or organized basis, is, in conformity with articles 2 and 3 of the Optional Protocol, fully covered under its criminal or penal law and that the definition of the offence not be**

limited to trafficking in children. Furthermore, the State party should explicitly define the offences of and criminalize:

- (a) Sale of children, as defined in article 3 of the Optional Protocol;
- (b) Child pornography;
- (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography, and all conduct related to child pornography, in particular all online solicitation of children for sexual purposes, viewing or accessing child pornography and live streaming child sexual abuse;
- (d) Sexual exploitation of children in travel and tourism.

Impunity

28. The Committee is concerned about:

(a) The State party's apparent failure to detect any offences involving the sale of children, child prostitution or child sexual exploitation in travel and tourism, as the majority of offences reported were related to Internet-based child pornography and almost all reported cases of trafficking in children were for the purpose of engagement in forced labour or begging. The failure to identify any such offences might be a consequence of the absence of criminally punishable offences defined specifically as in articles 2 and 3 of the Optional Protocol, and it could lead to impunity;

(b) The lack of information on the outcome of the cases that were detected, including the number of perpetrators who have been prosecuted and criminally sentenced.

29. **The Committee recommends that the State party take all measures necessary to ensure that all cases of sale of children, child prostitution, child pornography and sexual exploitation of children in travel and tourism are investigated effectively and that the perpetrators are prosecuted and given criminal punishments commensurate with the gravity of their crimes.**

Liability of legal persons

30. The Committee welcomes the inclusion of criminal liability of legal persons under the Suppression of Trafficking in Persons Act, the Repression of Cybercrime Act and the Anti-Money Laundering Act. It is nonetheless concerned that the criminal laws of the State party do not cover all offences covered by the Optional Protocol.

31. **The Committee recommends that the State party ensure that all relevant criminal legislation explicitly incorporates the concept of criminal liability of legal persons who are complicit or participate in any of the offences covered by the Optional Protocol and establish legal sanctions for those offences that are commensurate with their gravity.**

Extraterritorial jurisdiction

32. The Committee regrets the lack of legislation on extraterritorial jurisdiction over all offences under the Optional Protocol.

33. **The Committee recommends that the State party:**

(a) **Establish and exercise extraterritorial jurisdiction over all offences under the Optional Protocol when the alleged offender is a national of the State party or a person who has his or her habitual residence in its territory and when the victim is a national of the State party;**

(b) **Ensure that a dual criminality requirement for the prosecution of offences under the Optional Protocol committed abroad is not imposed when exercising its extraterritorial jurisdiction.**

Extradition

34. The Committee acknowledges the State party's general preparedness to conclude bilateral extradition agreements and ratify regional and international extradition instruments but regrets the lack of comprehensive legislation on extradition for all offences covered by the Optional Protocol.

35. **The Committee recommends that the State party take steps to:**

(a) **Enact comprehensive legislation on extradition regarding crimes covered by the Optional Protocol;**

(b) **Include such crimes in all its future extradition agreements with other States parties;**

(c) **Consider using the Optional Protocol as a legal basis for extradition in respect of such offences in cases where there is no bilateral extradition treaty with the other country concerned.**

VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

36. The Committee welcomes the efforts made by the State party to protect the rights and interests of child victims of offences under the Optional Protocol, including the establishment in 2016 of a 24/7 helpline for reporting violence and abuse. It is nonetheless concerned about:

(a) The insufficient functionality of the helpline specifically for child victims, in view of the absence of information provided by the State party on the number of calls that have been received and followed up;

(b) The inadequacy and inefficiency of the system for identifying victims of the sale of children, including trafficking in children, child prostitution and child pornography, in view of the absence of information provided by the State party on individual cases;

(c) The absence of a national protection framework for migrant, refugee, asylum-seeking or stateless children, including unaccompanied and separated children, and child domestic workers, who might be at increased risk of becoming victims of offences under the Optional Protocol;

(d) The de facto inaccessibility and ineffectiveness of de jure redress mechanisms for child victims of offences under the Optional Protocol, in view of the absence of information provided by the State party on individual cases;

(e) The absence of information on the enforcement of the prohibition on the use of trafficked children as camel jockeys.

37. **In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State party:**

(a) **Ensure that children have access to child- and gender-sensitive and effective complaint mechanisms and promote the 24/7 helpline set up especially for child victims;**

(b) **Establish mechanisms and procedures for the early identification of child victims of offences under the Optional Protocol and ensure that those responsible for such identification, including law enforcement officers, border and immigration authorities, judges, prosecutors, social workers and medical staff, are trained in children's rights, child protection and child-friendly interviewing skills;**

(c) **Establish a national protection framework for migrant, refugee, asylum-seeking or stateless children and child domestic workers at risk of becoming victims of offences under the Optional Protocol;**

(d) With reference to the Committee's 2016 concluding observations on the Convention (CRC/C/SAU/CO/3-4, para. 45), provide all children with free or subsidized legal aid and the support of child psychologists and social workers and develop appropriate procedures, without discrimination, for seeking compensation and redress;

(e) With reference to the 2016 concluding observations on the Convention (CRC/C/SAU/CO/3-4, para. 42), strictly enforce the prohibition on the use of trafficked children as camel jockeys.

Recovery and reintegration of victims

38. The Committee notes the efforts by the State party to ensure the protection, recovery and reintegration of child victims of offences under the Optional Protocol, including as provided for by the implementing regulations of the Child Protection Act, the Protection from Abuse Act and the Suppression of Trafficking in Persons Act. It regrets, however, the lack of information on how the recovery and reintegration programmes work in practice and on the number of child victims actually rehabilitated and reintegrated.

39. **The Committee recommends that the State party:**

(a) **Make services and centres for the physical and psychological recovery and full reintegration of child victims integral parts of the support structures of the child protection system at the national, provincial and local levels and provide the necessary human, technical and financial resources for the effective delivery of the services;**

(b) **Strengthen public sector involvement in the development of services for children affected by offences covered by the Optional Protocol and in monitoring the financial resources allocated to their delivery, and support the activities of civil society organizations in this area.**

VIII. International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements

40. In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered by the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.

IX. Ratification of the Optional Protocol on a communications procedure

41. The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.

X. Implementation and reporting

A. Follow-up and dissemination

42. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Ministry of Education, the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Social

Development, the Ministry of Health, the Ministry of Culture and Information, the Ministry of Islamic Affairs, Da'wah and Guidance, the Public Prosecution Service, the courts, the Family Affairs Council, the National Commission for Childhood, the Human Rights Commission, the National Human Rights Association, all relevant professional groups and employees in the travel and tourism industry for appropriate consideration and further action.

43. The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

B. Next periodic report

44. In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.
