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Human rights situations that require the Council's attention

Written statement* submitted by Americans for Democracy & Human Rights in Bahrain Inc, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Women's Rights in Saudi Arabia

On behalf of Americans for Democracy and Human Rights in Bahrain and European-Saudi Organisation for Human Rights, we would like to take note of the annual all-day discussion at the 32nd Session of the Human Rights Council by highlighting the particular case of women in Saudi Arabia. Women have recently obtained the right to vote and run in Saudi elections, yet they are still unable to participate fully in the electoral process because of their gender. Despite multiple campaigns, Saudi Arabia still restricts women's right to travel. The government continues to repress those female activists who speak or act against these, and other, rights violations. The Saudi government also fails to protect women who reside in the Kingdom, but are non-nationals; domestic migrant workers, the majority of whom are women, are vulnerable to human trafficking and abuse, and are unprotected by domestic laws.

I. Women Voters and Women's Political Rights

The December 2015 municipal elections marked the first time Saudi women were legally permitted to vote and run for office. On 12 December 2015, over 100,000 women voted in local elections, and 21 women won municipal council seats.

While the Saudi government expanded franchise to women, the municipal positions for which they can vote and campaign lack effective political power. Municipal councilors wield limited power. According to current law, municipal councils manage budget-approved projects; maintenance, development, and investment initiatives; and existing municipal services. They can also approve budgets for municipal projects, although the Ministry of Municipal and Rural Affairs (MOMRA) maintains broad veto powers. The decree encourages the councilors to "study" and give their opinion on the range of municipal services, in addition to exercising oversight through regular reporting.

Although municipal councils play a role in local governance, they operate under significant constraints; in practice, the councils exercise limited authority over local affairs and have virtually no influence on national politics. Despite these limitations, many Saudi women have expressed enthusiasm for the elections, viewing them as fundamentally shifting their relationship with the government. Others have expressed ambivalence at the extent to which these elections will bolster their participation in public life.

The government impeded women's organizing around the December 2015 municipal elections by closing the Baladi Initiative, a civil society project that offered voter and candidacy education classes to women. The ministry failed to clearly state its reasoning for the workshops' shutdown. MOMRA officials banned women from campaigning directly to men, encouraging them to appoint or hire a male spokesperson to reach male audiences, or providing them limited opportunity to speak indirectly to men via P.A. systems.

Saudi women reported irregularities and difficulties in registering as voters and candidates that created obstacles to their full and unimpeded participation in elections. These included a brief, three-week window of opportunity in which to register as well as a bureaucracy unable to provide for women lacking identifying documentation. The ongoing strictures of the male guardianship system, and restrictions on women's freedom of movement, including a continuing ban on driving, prevented many women from traveling to register and vote. Partly due to these restrictions, voter registration among women remained low. Women comprised only 22 percent of first-time registered voters and formed only 6% of the total electorate.

Days before the election a series of arbitrary decisions by election officials banned several women candidates from participation. In late November 2015, the government suspended Nassima al-Sadah, Loujain al-Hathloul, and Tamador al-Yami from running as candidates. All three women had a history of political activism. All had participated in women's driving campaigns, and al-Hathloul had previously faced arrest for her activism. Al-Hathloul won her process of appeal and was reinstated on 9 December. The government rejected al-Sadah's appeal. Al-Yami appealed, although she did not comment publicly on its outcome.

In addition to creating obstacles to female voters and municipal councils, the Saudi government has no high-ranking female members. In April 2015 the government removed Norah al-Faiz from her cabinet position as deputy minister of

education. Until her removal she was the highest ranking women in Saudi governance. Al-Faiz was not replaced with a woman, nor has any woman been appointed to the cabinet in subsequent restructuring. Women remain underrepresented in government both locally and nationally.

II. Right to Drive Campaign

Women are banned from driving in Saudi Arabia. There are no formal laws barring their ability to drive, but they are not issued licenses, rendering driving illegal. There have been multiple campaigns spanning decades to try and overturn this ban.

More recently, on 1 December 2014, Saudi security forces arbitrarily detained women's driving activists Loujain al-Hathloul and Maysaa al-Amoudi for over two months. Police arrested them after al-Hathloul attempted to drive into Saudi Arabia from the United Arab Emirates and al-Amoudi supported her. Before their release, Saudi courts transferred their cases to a special tribunal for terrorism.

III. Women Human Rights Defenders

The Saudi government is responsible for severe and ongoing repression of peaceful, female human rights activists and political reformers. This repression has cast doubt on the extent to which authorities are willing to enact needed, substantive reforms to improve women's rights in Saudi Arabia. Like in the cases of Loujain al-Hathloul and Maysaa al-Amoudi, the government has interfered in the activism of Samar Badawi.

On 12 January 2016, Saudi authorities arrested prominent human rights defender Samar Badawi. The week before her arrest, authorities summoned her for questioning about activity on the Twitter account of her then-husband, imprisoned human rights lawyer Waleed Abu al-Khair. Authorities released Badawi a day after her arrest.

The government has targeted Badawi numerous times in the past. In December 2014, Ministry of Interior officials blocked her from boarding a plane to attend the EU Forum on Human Rights in Brussels and informed her that she had been banned from traveling. International human rights organizations maintain that the ban stemmed from her participation in the 27th Session of the UN Human Rights Council in September 2014, where she spoke critically and publicly about human rights violations in Saudi Arabia.

IV. Migrant Domestic Workers

The US Department of State has put Saudi Arabia on its Tier 2 Watch List for its 2015 Trafficking in Persons Report. Much of the human trafficking activity in Saudi Arabia comes from recruiting migrant workers. Many female migrant workers work as domestic help in private homes, where they are vulnerable to abuses and exploitation due to their isolation. They also lack protections under domestic labor laws.

Abuse of migrant domestic workers remains rampant in Saudi Arabia. They work long hours and many are never allowed a day off. It is common for employers to delay payment of salaries for weeks or months. Women face physical and sexual abuse, including allegations of rape. Most employers confiscate their workers' passports. In October 2015 a migrant domestic worker from India was hospitalized after her employer in Saudi Arabia allegedly chopped her arm off after she tried to run away from harassment that she endured at her employer's home.

Despite Saudi Arabia's adoption of legislation in 2013 that offers some protection to domestic workers, the law allows employers to require domestic workers to work up to 15 hours a day and forbids domestic workers from refusing work without a "legitimate" reason. In Saudi Arabia, migrant domestic workers remain excluded from the amendments to its labor law that the Kingdom enacted in October 2015, such as the prohibition on the retention of identity documents, the failure to remunerate employees on time, and the failure to provide copies of employment contracts to workers.

Those who successfully escape are often left without their passports, money, in-country contacts, and remain illegally in the country. Many domestic workers do not know Arabic or English, leaving them unable to read street signs or even know their addresses. Many workers have their phones confiscated with their passports upon arrival at their employers' homes making it extremely difficult for them to contact diplomatic or legal aid. Their isolation and lack of knowledge

leaves them vulnerable to exploitation and sex trafficking. Desperate for work, some are lured into new positions that are illegal and unregulated. Many are promised new domestic jobs with better employers. However, some of these women will find themselves trafficked into the sex trade.

V. Recommendations

On the occasion of the 32nd Session of the HRC, ADHRB and ESOHR call on the international community to further address women's rights in Saudi Arabia by urging the kingdom to:

- Take proactive steps towards increasing women's involvement in political life, including reducing barriers to their ability to register, vote, and run for elected offices, as well as including women in high level government positions;
 - End restrictions on women's freedom of movement by issuing driving licenses to women, and ending male guardianship system requiring the escort of a male relative in public;
 - Empower women human rights activists by lifting travel bans, easing regulations on civil society registration, and ending judicial and administrative harassment;
 - End the systematic labor abuses intrinsic in the *kafala* system.
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