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## Human Rights Council

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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.

[27 August 2016]

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

## **Civil, Political, Labor and Women's Rights in Saudi Arabia**

### *Civil & Political Rights*

This year Saudi authorities have completed efforts to prosecute all of the founding members of the Saudi Civil and Political Rights Association (ACPRA). In April and May 2016 the Special Criminalized Court (SCC) sentenced the last two members of ACPRA still at liberty, Abdulaziz al-Shubaily and Issa al-Hamid, to eight and nine years in prison respectively.

Saudi human rights defenders founded ACPRA in 2009 to campaign for political reform and advocate for the rights of political prisoners and detainees in the Kingdom. ACPRA operated as an unlicensed human rights organization until the government ordered its closure in 2013. Saudi authorities began targeting ACPRA following its establishment, arresting, prosecuting and imprisoning its founding members. In 2013, prominent founding ACPRA activists, Mohammed al-Qahtani and Abdullah al-Hamid, were sentenced to 10 and 11 years respectively. Soon after, other verdicts against the group followed against nearly a dozen members. Now, all of ACPRA's co-founders have been convicted on charges relating to their rights to freedom of expression and association.

The Saudi government employs a number of tools to prosecute members of human rights and political organizations. In 2014 the kingdom implemented a sweeping anti-terrorism law, broadly defining acts such as "defaming the state's reputation" as terrorism. Similarly, the 2007 anti-cybercrime law allows authorities to prosecute individuals for exercising their rights to free expression and association. Both Al-Hamid and Al-Shubaily were found guilty under the anti-cybercrime law for acts including signing online statement and inciting public opinion.

Once in prison, ACPRA members continue to encounter abuse. Despite his smoke allergy, Saudi authorities reportedly held Mohammed al-Qahtani in a smokers' ward in prison. Since his imprisonment in March 2013, al-Qahtani has lost more than 25 kilograms of body weight. Even after their eventual release from prison, many ACPRA members will continue to serve multi-year travel bans and will be barred from writing on social media.

### *Executions*

The number of executions by the Kingdom of Saudi Arabia has significantly increased since 2013. In 2015, the Saudi government executed 158 individuals, the highest number in 21 years. As of 27 July 2016, the government has executed 108 individuals. At this rate, the kingdom will exceed the number of executions carried out in 2015.

Half of those it has executed in 2016 were convicted of non-violent drug offenses and murder. But Saudi Arabia also executes political dissidents. On 2 January 2016, the government executed 47 prisoners. Among them was Shia cleric Sheikh Nimr Baqir al-Nimr and two Shia teenagers.

Sheikh Nimr was a prominent figure during the 2011 demonstrations in the Eastern Province. On 8 July 2012, security forces violently arrested Sheikh Nimr. Authorities tried Sheikh Nimr in the Specialized Criminal Court (SCC)—the court tasked with trying terrorism-related crimes—on charges related to his calls for peaceful reform in a trial marred by judicial irregularities. On 15 October 2014, a judge sentenced him to death. After the Supreme Court declined to hear an appeal, the government executed Sheikh Nimr.

Two Shia teenagers, convicted on charges of participating in the 2011 Eastern Province anti-government protests, were executed alongside Sheikh Nimr. Ali al-Ribh was 18 years-old when the government arrested him in 2012. Authorities charged him with vandalism, attending an address by Sheikh Nimr al-Nimr, and organizing demonstrations. Police arrested Mohammad Faisal al-Shioukh in 2012 when he was 19 years-old. They charged him with chanting slogans

against the government and using anti-government graffiti. Al-Ribh was 22 years-old when he was executed. Al-Shioukh was 23 years-old when he was executed.

Saudi Arabia has repeatedly sentenced people to death for their activism, non-violent crimes, and crimes committed while underage. Ali al-Nimr, Dawood al-Marhoon, and Abdullah al-Zaher are on death row for crimes they reportedly committed while underage. Security forces arrested al-Nimr, al-Marhoon, and al-Zaher in 2012 for their participation in popular demonstrations in the Eastern Province. The government arrested Al-Nimr and al-Marhoon while they were 17 years-old and while al-Zaher was 15 years-old. The SCC sentenced all three to death in 2014 on the basis of confessions extracted under torture. The government could execute them at any time.

### Migrant Workers

There are an estimated nine million migrant workers in Saudi Arabia. Under Saudi Arabia's *kafala* system, an employer assumes responsibility for a hired migrant worker and must grant explicit permission before the worker can enter Saudi Arabia, transfer employment, or leave the country.

In August India's government moved to evacuate thousands of migrant workers who, after being laid off, had neither the money nor the required exit visas to leave Saudi Arabia. Officials reported that more than 2,500 Indian workers living in labor camps had gone without food for 10 days. This is one example of how the *kafala* system and its implementation in Saudi Arabia, directly violates Article 13 of the Universal Declaration of Human Rights (UDHR), which guarantees a person "the right to leave any country, including his own, and to return to his country."

In 2016, The US Department of State put Saudi Arabia on its Tier 2 Watch List for its Trafficking in Persons Report. The migrant worker population is the most vulnerable to trafficking in Saudi Arabia, with female domestic workers at great risk due to their isolation inside private homes. Although migrant workers typically sign contracts with their employers, many report work conditions substantially different from those promised. Others never see a work contract at all. Some migrant workers voluntarily enter into illegal arrangements while they seek freelance work, thus becoming vulnerable to possible extortion by their sponsors. Women are often promised domestic jobs with better employers. However, some of these women will find themselves trafficked into the sex trade.

Although the Government of Saudi Arabia has taken some steps to combat human trafficking and corruption, these efforts have had limited effects on in addressing underlying problems. In 2013 Saudi Arabia adopted legislation that offers some protection to domestic workers and regulates their hours. However, it is unclear to what extent the Saudi government enforces the measure as workers remain isolated. Additionally, migrant domestic workers remain excluded from the amendments to its labor law that the Kingdom enacted in October 2015, including the prohibition on the retention of identity documents. Without fundamentally changing the *kafala* system migrant workers will still suffer from abuses such as passport revocations and a lack of in-country support.

### Women's Rights

Women in Saudi Arabia remain subject to the male guardianship system. The guardianship system gives a woman's male guardian the power to make critical decisions on her behalf. This effectively renders all women legal minors, stripping them of many of their rights, including concerning voting and political participation, driving, and issues of domestic violence.

#### *Women voting and women's political rights*

The December 2015 municipal elections marked the first time Saudi women were legally permitted to participate in politics. Over 100,000 women voted and 21 women won municipal council seats. Despite this historic event, women reported irregularities and difficulties in voting and campaigning. The government impeded women's organizing efforts, shutting down women's voting and candidacy education classes. It also banned women from campaigning

directly to men, forcing them to hire a male spokesperson and rely upon male assistance. The government also banned several women candidates from participating. Mobility restrictions stemming from an inability to drive prevented many women from traveling to register and vote.

#### *Driving*

The Kingdom of Saudi Arabia prevents women from driving, thus negatively impacting their ability to fully participate in public life. There are no laws preventing women from driving, however, they are prevented from getting licenses, rendering driving illegal. As a result, women must rely upon their guardians or other men for their transportation. Women have organized multiple campaigns to challenge and overturn the ban. In 2011, dozens of women filmed themselves driving and posted the videos to social media. In December 2014, Saudi security forces arbitrarily detained driving activists Loujain al-Hathloul and Maysaa al-Amoudi after they attempted to drive to Saudi Arabia from the United Arab Emirates.

#### *Domestic violence*

On 26 August 2013, the Saudi government passed a law criminalizing domestic abuse. However, the law is vague and has not prevented domestic abuse. Between 13 October 2014 and 13 October 2015, the government reported 8,016 cases of physical and psychological abuse, most involving violence between spouses. These forms of violence are exacerbated by the guardianship system, which makes it very difficult for victims of domestic violence to seek protection or obtain legal redress for abuse. Due to the near impossibility of transferring guardianship away from abusive relatives, women can be condemned to continual and repeated violence.

#### Conclusions

Saudi Arabia remains one of the leading human rights abusing states worldwide, yet continues to serve as a Member State in the Human Rights Council. We therefore call on Saudi Arabia to take seriously its international commitments and treaties toward protecting human rights, and to implement wide-ranging reforms to reverse these deeply troubling trends. Until these reforms are complete, we call on the international community to reject any future Saudi candidacies for membership in the HRC.

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