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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.

[20 August 2019]

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\* Issued as received, in the language(s) of submission only.



## **The imprisonment of women’s Rights Defenders in Saudi Arabia**

Americans for Democracy & Human Rights in Bahrain (ADHRB) welcomes this opportunity at the 42<sup>nd</sup> session of the United Nations (UN) Human Rights Council (HRC) to draw attention to the imprisonment of women’s rights activists in Saudi Arabia. Since 2018 in particular, the kingdom has targeted prominent female human rights defenders with arrest and ill-treatment, and several still remain detained.

### **The Situation of women’s Rights in Saudi Arabia and the silencing of dissent**

In Saudi Arabia, women are inherently restricted from independently making everyday decisions due to the male guardianship system. Women are required to obtain the permission of their male guardian – whether it be their husband, brother, or father – to do basic things like travel, seek employment, or access health services.

Women were additionally prevented from driving in Saudi Arabia until the ban was lifted in June 2018. While some saw this as a step in the right direction towards gender equality in Saudi Arabia, the underlying events demonstrated how the kingdom was no closer to achieving gender equality. During the lead up to the lifting of the ban, Saudi authorities warned women’s rights activists to refrain from making public statements regarding this change in Saudi society. In order to further prevent activists from likely raising criticisms that the lifting of the ban was more about the economy than women’s rights, and that the existence of the guardianship system would still limit women, the government detained several prominent rights defenders without any charge or on the basis of false accusations.<sup>1</sup>

In August 2019, Saudi Arabia announced that new legal changes would allow Saudi women to obtain passports without the approval of a male relative, benefit from protections against employment discrimination, and register the births of their children.<sup>2</sup> While these changes are small steps towards dismantling the overarching male guardianship system, women’s rights defenders are still being held behind bars, raising questions to the magnitude of these changes in the overall fight for women’s rights.

### **Detained women’s right Defenders**

Many women’s rights defenders and activists were detained prior to, or soon after, the lifting of the driving ban in 2018, including Loujain AlHathloul, Aziza AlYousef, Eman AlNafjan, Nouf Abdelaziz, Mayaa AlZahrani, Samar Badawi, Nassima AlSaada, Hatoon AlFassi, Shadan AlOnezi, and Amal AlHarbi.<sup>3</sup> In March and April 2019, several months after their initial arrest, a majority of the women were brought to trial – with charges including the violation of the kingdom’s broad cybercrime law.<sup>4</sup> Several of the women have been temporarily released, but remain on trial, and Samar Badawi, Nassima AlSaada, and Loujain AlHathloul remain imprisoned.<sup>5</sup>

Since April 2019, at least 14 individuals known to support the women’s rights movement, including male relatives of women human rights defenders, have been arbitrarily arrested and are also currently detained without charge.<sup>6</sup>

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<sup>1</sup> “Saudi Arabia: Important Advances for Saudi Women,” Human Rights Watch, 2 August 2019, <https://www.hrw.org/news/2019/08/02/saudi-arabia-important-advances-saudi-women>.

<sup>2</sup> Ibid.

<sup>3</sup> “Saudi Arabia: Women’s Rights Activists Charged,” Human Rights Watch, 1 March 2019, <https://www.hrw.org/news/2019/03/01/saudi-arabia-womens-rights-activists-charged>.

<sup>4</sup> Ibid.

<sup>5</sup> “Saudi Arabia: Women’s rights reforms must be followed by release of detained activists,” Amnesty International, 2 August 2019, <https://www.amnesty.org/en/latest/news/2019/08/saudi-arabia-womens-rights-reforms-must-be-followed-by-release-of-detained-activists/>.

<sup>6</sup> Ibid.

### **The targeting of Samar Badawi, Nassima AlSaada, and Loujain AlHathloul**

Samar Badawi and Nassima AlSaada were arrested in July 2018, but were not referred to trial with the majority of imprisoned women’s rights defenders – who had trials beginning in March 2019 and have been temporarily released. While Loujain AlHathloul was referred to trial, she remains in prison. During the ongoing trials, it has become clear that the Saudi government has classified these women as “foreign agents”<sup>7</sup> due to their alleged contact with international journalists, foreign diplomats, Saudi human rights activists living abroad, and international human rights organizations. They also face charges of Saudi Arabia’s ambiguous cybercrime law which prohibits “producing something that harms public order, religious values, public morals, the sanctity of private life, or authoring, sending, or storing it via an information network.”<sup>8</sup> The authorities have used this law to jail human rights activists and defenders who criticize Saudi human rights abuses online.

Badawi has been fighting for women’s rights in the kingdom since 2010. She filed a lawsuit against the government challenging the male guardianship system and has become a prominent figure of the struggle for women’s rights in Saudi Arabia. During the 27<sup>th</sup> session of the HRC in September 2014, Badawi participated in a panel on women’s rights in Saudi Arabia and delivered an oral intervention in front of the Council, which focused on human rights violations in Saudi Arabia and also called for the release of political prisoners. In December 2014, Badawi attempted to fly to Brussels to participate in the 16<sup>th</sup> EU-NGO Human Rights Forum, but was banned from travelling and has since been unable to leave the country. In 2016, Badawi was detained with her daughter for protesting restrictions placed on women’s access to healthcare and travel. In 2017, she was again harassed by the authorities as they summoned her for questioning without providing any reason and was held temporarily held before being released.

Similarly, AlSaada has been a target of the Saudi government due to her activism. She has been vocal in the struggle for human rights and women’s rights in Saudi Arabia, and supports protestors who champion human rights. Like Badawi, authorities have tried to intimidate AlSaada with interrogations and have warned her about her advocacy work. Her name was removed from the ballot when she attempted to run for election on the municipal council in 2015.

AlHathloul was arrested in May 2018, and was one of the leading activists in the campaign for the right of women to drive. She has been particularly outspoken on the torture she has endured since being arrested. AlHathloul’s family has alleged that Loujain was recently given the opportunity to be freed, but under the condition that she first publically denied that she was subjected to torture – which she refused.<sup>9</sup>

### **Lack of investigation into Claims of Torture**

In November 2018, human rights organizations started to report that Saudi authorities tortured at least four of the female detainees with electric shocks, whippings, and even sexual harassment and assault during interrogations.<sup>10</sup> Additionally, some of the individuals, including AlSaada, have been placed in prolonged solitary confinement. There has been a lack of credible and effective investigations into the claims of torture and ill-treatment being used on the women detainees and no perpetrators have been held accountable.

### **International Advocacy**

The international community has called for the release of women’s rights advocates in Saudi Arabia. In August 2018, Canadian Foreign Minister Chrystia Freeland called for the

<sup>7</sup> “Saudi Arabia: Abusive Charges Against Women Activists,” Human Rights Watch, 21 March 2019, <https://www.hrw.org/news/2019/03/21/saudi-arabia-abusive-charges-against-women-activists>.

<sup>8</sup> Ibid.

<sup>9</sup> “Jailed Saudi activist rejects deal to deny torture for release, says family,” CNN, 14 August 2019, <https://www.cnn.com/2019/08/14/middleeast/saudi-hathloul-torture-intl/index.html>.

<sup>10</sup> Ibid.

release of Badawi and other human rights activists. In response, Saudi Arabia expelled the Canadian Ambassador, suspended all new trade, cancelled state airline flights to Canada, and forcibly withdrew Saudi students from Canadian universities.<sup>11</sup>

In January 2019, Members of the British Parliament and international lawyers sent an official request to Saudi authorities to access the country and visit the detainees, but never received a response.<sup>12</sup> The European Parliament adopted a resolution calling on Saudi Arabia to immediately release women's rights defenders, lawyers, and journalists who have been detained for exercising their rights to freedom of expression and peaceful human rights work. The resolution additionally called for an EU-wide ban on the exporting of surveillance systems to Saudi Arabia.<sup>13</sup> Also, in February 2019, members of the US Congress issued a resolution calling on Saudi Arabia to release jailed women's rights activists and to hold accountable those responsible for the abuses that took place.<sup>14</sup>

In March 2019, 36 countries at the UN HRC issued a joint statement calling on Saudi Arabia to release women's rights defenders.

### **Conclusion and Recommendations**

As a member of the UN HRC, it is important that Saudi Arabia be held to higher standards when it comes to its commitment to human rights, including full cooperation with the UN mechanisms that would facilitate this process. The detention of activists, specifically those advocating for human rights, is deeply concerning. Despite nominal measures being taken to improve women's rights, these steps mean nothing if the country continues its increasing crackdown on activists.

#### **ADHRB urges the Government of Saudi Arabia to:**

- Immediately drop all charges against women's rights defenders targeted for their activism;
- Release all imprisoned women's rights defenders like Samar Badawi and Nassima AlSaada;
- Release all human rights defenders and political prisoners currently detained and drop all charges against them;
- Stop the harassment of peaceful protestors as they are exercising their right to freedom of expression and opinion, assembly, and association and;
- Abolish the male guardianship system in its entirety.

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.