



General Assembly

Distr.: General
9 July 2020

English only

Human Rights Council

Forty-fourth session

15 June–3 July 2020

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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.

[03 June 2020]

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

GE.20-09176(E)



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Imprisonment of Women Human Rights Defenders in Saudi Arabia

Ahead of the 44th session of the United Nations (UN) Human Rights Council (HRC), Americans for Democracy & Human Rights in Bahrain (ADHRB) takes the opportunity to raise concerns about the ongoing detention of Women's rights defenders in Saudi Arabia.

The situation of women's rights in Saudi Arabia and the silencing of dissent

Saudi Arabia's male guardianship system restricts women from making a number of everyday decisions independently and requires them to first obtain the permission of their male guardian whether it be their husband, brother, father, or other male relative.

Until June 2018, restrictions on women's independence also extended to driving. Many in the international community saw the lifting of the driving ban as a step towards positive gender equality in Saudi Arabia. However, a cluster of underlying events indicated that the kingdom was still reluctant to embrace equality. Before the lift of the ban, Saudi authorities warned women's rights activists from making public statements regarding the change in policy. The government also detained many defenders without a warrant, or on false accusations.

In August 2019, the Saudi government announced that new changes to law would allow Saudi women to apply for passports without the approval of their male relatives.¹ This was implemented as a way to protect against employment discrimination and to allow women to register their children's births.² Unfortunately, even as these changes came into effect, women's rights defenders still continue to be held indefinitely.

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. This includes Loujain AlHathloul, Aziza AlYousef, Eman AlNafjan, Nouf Abdelaziz, Mayaa AlZahrani, Samar Badawi, Nassima AlSaada, Hatoun AlFassi, Shadan AlOnezi, and Amal AlHarbi.³ In March and April 2019, several months after their initial arrest, many of the women were brought to trial based on charges such as 'Violating the kingdom's broad cybercrime law'.⁴ Several of the women have been temporarily released, but remain on trial. Samar Badawi, Nassima AlSaada, and Loujain AlHathloul remain imprisoned.⁵

In 2019, security forces arrested at least 20 individuals known to support the women's rights movement, including male relatives of women human rights defenders. They are also being detained without charge.⁶ More broadly, since October 2018, when Saudi agents murdered journalist Jamal Khashoggi, security forces have arrested approximately 30 women's rights activists, previous to Mohammed bin Salam's (MbS) rule women in Saudi Arabia had never experienced the same level of mistreatment.

¹ 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>.

² Ibid.

³ "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>.

⁴ Ibid.

⁵ "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/>.

⁶ Safi, Michael. "Saudi Arabia: Arrests of Dissidents and Torture Allegations Continue." *The Guardian*, Guardian News and Media, 4 Nov. 2019, www.theguardian.com/world/2019/nov/04/saudi-arabia-mass-arrests-of-dissidents-and-torture-allegations-continue.

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

In July 2018, Samar Badawi and Nassjma AlSaada were arrested, but not referred to trial with the majority of other imprisoned women’s rights defenders, who had their trials in March 2019 and were temporarily released as a result of the trials. Loujain AlHathloul, who was referred to trial, remains in prison, where she is facing torture and abuse. During the trials, the Saudi government classified the women as “foreign agents”⁷ 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.”⁸ Under this law, authorities have imprisoned 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 when she filed a lawsuit against the government challenging the male guardianship system. She has since become a prominent figure of the struggle for women’s rights in Saudi Arabia. During the 27th 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 focused on human rights violations in Saudi Arabia and calling for the release of political prisoners. In December 2014, Badawi attempted to fly to Brussels to participate in the 16th 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 temporarily held in custody 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 claims that Loujain was recently given the opportunity to be freed, but under the condition that she first publicly denied that she was subjected to torture – which she refused.⁹

Lack of investigation into claims of torture

In November 2018, human rights organizations reported that Saudi authorities tortured at least four of the female detainees with electric shocks, whippings, and even sexual harassment and assault during interrogations.¹⁰ 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 women’s claims of torture and ill-treatment and no perpetrators have been held accountable.

Loujain AlHathloul, along with three other women, has been held in solitary confinement where she has become a victim of abuse and torture including electric shocks, flogging, and

⁷ “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>.

⁸ Ibid.

⁹ “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>.

¹⁰ Ibid.

sexual assault.¹¹ She was offered a deal that would grant her freedom in exchange for her denying that she was subjected to torture. However, she rejected the deal and remains incarcerated.

International advocacy

The international community has called for the release of women's rights advocates in Saudi Arabia. In August 2018, Canada's Foreign Minister Chrystia Freeland called for the release of Badawi and other human rights activists. In response, Saudi Arabia expelled the Canadian ambassador, suspended all new bilateral trade, cancelled state airline flights to Canada, and withdrew Saudi students from Canadian universities.¹²

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.¹³ 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 European Union-wide ban on the exporting of surveillance systems to Saudi Arabia.¹⁴ Furthermore, in February 2019, members of the United States of America 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.¹⁵

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

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.

¹¹ Kalin, Stephen. "Saudi Women Activists Detail Torture Allegations in Court." *Reuters*, Thomson Reuters, 27 Mar. 2019, www.reuters.com/article/us-saudi-arrests/saudi-women-activists-detail-torture-allegations-in-court-idUSKCN1R80M6.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.