



GCHR UPR Pre-Session Statement on the Status of Women Human Rights Defenders in Saudi Arabia

October 2018

Website: www.gc4hr.org

Twitter: [@GulfCentre4HR](https://twitter.com/GulfCentre4HR)

Contact: info@gc4hr.org

I. Introduction:

The Gulf Centre for Human Rights (GCHR) is an independent, non-profit NGO founded in 2011 to provide support and protection to human rights defenders (HRDs) in order to promote human rights, including but not limited to freedom of expression, association and peaceful assembly. It strives to document the environment for HRDs in the Gulf region and neighbouring countries, specifically Bahrain, Kuwait, Iran, Iraq, Jordan, Oman, Qatar, Saudi Arabia, Syria, the United Arab Emirates and Yemen, and is based in Lebanon. GCHR is a member of CIVICUS, FIDH, IFEX, and the Women Human Rights Defenders (WHRDs) International Coalition.

Women's rights and gender equality are at the core of GCHR's work, and since 2011 GCHR has worked with women's rights groups, women's networks and individual women human rights defenders (WHRDs) in the Middle East and North Africa (MENA) region. GCHR has held several regular consultations with WHRDs from Saudi Arabia together with other women from the MENA region, either through formal or non-formal meetings, and the latest was early this year where we provided WHRDs with a forum to discuss their concerns and map the threats they face due to their work.

During the last UPR cycle, the situation of HRDs in Saudi has deteriorated, and WHRDs are particularly at imminent risk from their own state's authorities. According to our recent report at least 30% of the total WHRDs cases documented by GCHR were from Saudi Arabia, affected by violations perpetrated by government institutions and discriminatory legal instruments.

II. The purpose and structure:

This statement intends to highlight the state's failure to promote, enhance and protect the basic rights of women and the attempts of the state to break down the WHRDs' and feminist movements in the country. The statement discusses the following points:

1. Background on the overall situation of W/HRDs in Saudi Arabia and particularly our concerns following the arrests of prominent WHRDs and activists since the beginning of 2018, despite international commitments.
2. The state's inability or unwillingness to comply and fulfil its commitment and obligations under Committee on the Elimination of Discrimination Against Women (CEDAW).
3. The state's restrictions on the freedom of association and assembly.
4. The state's continuous targeting of W/HRDs and activists for practicing their freedom of expression and demanding their fundamental rights.
5. Recommendations to the state.

III. Pattern of violations against WHRDs in defiance against international obligations:

1. Since the first cycle of Saudi Arabia's Universal Periodic Review (UPR), it has accepted only one recommendation pertaining to HRDs. This shows the state's unwillingness to acknowledge and support HRDs as agents of change and promoting peace; as recommended by the United Nations Declaration on Human Rights Defenders.¹ While the declaration is not legally binding, states have a responsibility to implement and respect all the provisions of the Declaration by adopting national "legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms" for HRDs. Thus, the state continues to use national laws - including national security laws - to target and harass human rights defenders. This year has witnessed a continuous crackdown on WHRDs in Saudi Arabia, including a series of arrests, travel bans and judicial harassment where WHRDs were held incommunicado and were subjected to unfair trials and non-transparent legal procedures. Over 20 HRDs have been arrested since 15 May 2018, including prominent women's rights activists and HRDs calling for women to be allowed to drive, and to live free of the guardianship system. In June 2018, women were finally allowed to drive in Saudi Arabia, but the crackdown seems designed to deter any criticism of the Kingdom or its rulers.² Many of the W/HRDs remain in prison facing heavy sentences.
2. While Saudi Arabia ratified CEDAW in 2000³, it has kept two reservations despite the recommendations to revoke them. During the past two UPR cycles, Saudi Arabia accepted a recommendation to "*Implement the 2008 recommendations by the CEDAW Committee, in particular by abolishing the system of male guardianship over women and enacting comprehensive and effective regulations on gender discrimination,*" made by Germany during the first Cycle, as well as Denmark's recommendation to: "*Take urgent steps to abolish the system of guardianship*", and the recommendation to: "*Put an end to all forms of discrimination against women, both in law and in practice*" made by Belgium, which was supported by the state of Saudi Arabia; yet it took the state nine years since the first recommendation and three years since the second cycle recommendations to loosen a few of the guardianship system regulations⁴ but not to abolish the system of subjugation of women, as the guardianship remains as a discriminatory tool used against women and to target and put more restrictions on WHRDs in Saudi Arabia.

¹ OHCHR (2018). See: <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>

² GCHR (2018) See: <https://www.gc4hr.org/news/view/1920> and <https://www.gc4hr.org/news/view/1880>

³ CEDAW (2018). See: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en#EndDec

⁴ GCHR (2017). Saudi Arabia: King issues decree loosening some guardianship regulations, but women remain under control of men in most areas. See: <https://www.gc4hr.org/news/view/1586>

3. During the last UPR cycle, the Kingdom accepted recommendations to enhance freedom of assembly and civil society's involvement in human rights issues and work independently through forming and registering related NGOs, such as the recommendation made by the Netherlands to: *“Enhance legislative reforms amongst others by taking measures to ensure in the short term, as well as legally and in practice, the registration of fully independent human rights NGOs,”*⁵ as well as Germany's recommendation to: *“Adopt an NGO law which should take into account the views of civil society stakeholders and provide an enabling framework for the development of civil society in Saudi Arabia.”*⁶ But the Kingdom has taken few measures towards even the minimum enhancement on regulating NGOs. In 2016, Saudi Arabia decreed a new law on Associations and Foundations of NGOs⁷ which came into effect in March 2016. The law sets the legal framework for organisations and associations to be established. It was set to guarantee “citizen participation in the running and development of society,” allowing the first-ever creation, management and supervision of organisations by civil society. GCHR and partners' submission to CEDAW⁸ in March 2018 criticised the text of this law for having “many vague provisions, however, enabling restrictions to be placed on registering organisations.” Also, the law forbids any organisation from its “right to exercise any activity while it has not completed all the procedures” for its creation, according to (Article 8, paragraph 4). On the other hand, while the law sets an enormous list of areas of work for these organisations, the lengthy list hasn't included the legal, political and - most importantly - any human rights spheres which stands against implementing the accepted recommendation made by Belgium to Saudi Arabia during the last UPR cycle to *“Allow the registration of NGOs that are active in the human rights area, both at the legal and practical level.”* Therefore, women's human rights work through registered institutions can never be legalised by the law. The law has also obliged organisations to follow and respect Shariaa law, which imposes more restrictions on women's rights according to the Saudi law. According to Dr. **Hala Al-Dosari**⁹, an award winning WHRD on GCHR's Advisory Board, *“five different structures can be observed in Saudi Arabia: charitable organisations licensed by the Ministry of Social Affairs (MOSA), specialised/professional CSOs [civil society organisations] operating*

⁵ Kingdom of Saudi Arabia Joint Submission to the UN Universal Periodic Review 31st Session of the UPR Working Group (March 2018): Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC And European Saudi Organisation for Human Rights (ESOHR) And Americans for Democracy & Human Rights in Bahrain (ADHRB), NGO in General Consultative Status with ECOSOC: see:

http://www.civicus.org/images/CIVICUS_ESOHR_ADHRB_Joint_UPR_Saudi_Arabia_UPR_3rd_Cycle.pdf

⁶ UPR info (2018). Saudi Arabia . See: [https://www.upr-](https://www.upr-info.org/)

[info.org/database/index.php?limit=0&f_SUR=149&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resulMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly](https://www.upr-info.org/database/index.php?limit=0&f_SUR=149&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resulMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly)

⁷ Law on Associations and Foundations, adopted by Royal Decree No. M/8, 19.2.1437H of December 1, 2015. In Arabic, 'Nidham al-jam'iyat wa al-muassassat al-ahliya'. See: [:https://boe.gov.sa/ViewSystemDetails.aspx?lang=ar&VersionID=353&SystemID=374](https://boe.gov.sa/ViewSystemDetails.aspx?lang=ar&VersionID=353&SystemID=374)

⁸ CEDAW (2018). International Federation for Human Rights (FIDH), the Gulf Centre for Human Rights (GCHR) and ALQST joint submission (for the session) CEDAW 69 Session. See:

https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SAU/INT_CEDAW_NGO_SAU_30027_E.pdf

⁹ Hala Aldosari 27 December (2015). New Saudi Law Maintains State Control Over Civil Society Organizations, Hala Aldosari, Arab Gulf States Institute in Washington. See: <https://agsiw.org/new-saudi-law-maintains-state-control-over-civil-society-organizations/>

under other government entities, the business-affiliated charities, semi-governmental structures under the patronage of members of the royal family.” However, no independent NGOs or human rights organisations are able to register in the country. Between Saudi Arabia’s 2nd UPR Cycle and the passage of the 2017 Counter-terror law, the government employed the vague language of the 2014 Counter-terror law to bring terror charges against numerous HRDs, journalists, protesters and peaceful dissidents, most of whom were tried in the Specialised Criminal Court (SCC). The SCC is Saudi Arabia’s counter-terror court system set up in 2008 to try terrorists, in particular members of al-Qaeda, but it has increasingly been used to try HRDs and activists. The SCC operates within the parameters of Saudi Arabia’s counter-terror law. In addition to convicting activists such members of the Civil and Political Rights Association in Saudi Arabia (ACPRA), in December 2014, the SCC sentenced to prison women’s rights activists **Maysaa Al-Amoudi** and **Loujain Al-Hathloul** for breaching the ban on women driving.

4. During the last UPR cycle, Saudi Arabia has noted (partially accepted) a recommendation among others in relation to freedom of expression; for instance Norway’s recommendation to: *“Remove all obstacles to freedom of expression and movement against human rights defenders, including travel bans.”* But this recommendation has not been implemented yet. In May 2015, the King declared that his government ensured Saudi citizens’ right to freedom of expression, yet, *“the crackdown on voices of dissent has continued to intensify. Anyone pointing the finger of responsibility for human rights violations at the authorities, condemning specific measures such as decrees, or the existence of political prisoners, is liable to prosecution before the Specialised Criminal Court (SCC) and to a hefty punishment, such as imprisonment and even public flogging or the death penalty,”* according to the joint submission in January 2018 to the 69th session of CEDAW¹⁰ by GCHR, FIDH and AL-QST. At least three WHRDs in Saudi Arabia since 2013 has been subjected to arbitrary prosecution, investigation and detention as well as travel bans for their engagement with the United Nations and international mechanisms and meetings. In December 2014, Samar Badawi an award winning WHRD was informed by staff in the Passport Office at King Abdulaziz International Airport that she is not allowed to travel abroad anymore by an order from the Ministry of Interior, without any reason given or any prior investigations. She was on her way to get a flight to participate in the 16th European Union (EU) NGOs Forum on Human Rights being held on 4 and 5 December in Brussels, Belgium. Previously in 2013 she was persecuted for her engagement with the United Nations Human Rights Council.¹¹ Also, Loujain Al-Hathloul, a well-known WHRD on social media, was arrested on 15 May 2018 during the recent crackdown against WHRDs in Saudi Arabia. Shortly after, a Saudi source close to Al-Hathloul confirmed that her detention is an act of reprisal for her engagement with international human

¹⁰ GCHR (2018) 69th SESSION – COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN JOINT SUBMISSION ON SAUDI ARABIA FROM ALQST, FIDH and GCHR. See: <https://www.gc4hr.org/report/view/71>

¹¹ GCHR (2017) Saudi Arabia: Prominent human rights defender Samar Badawi interrogated once again. See: <https://www.gc4hr.org/news/view/1499>

rights mechanisms, including UN human rights bodies.¹² She was detained on 15 May 2018, with no available information about her fate, whereabouts and/or her trial proceedings. During the last UPR cycle, Saudi Arabia accepted a recommendation made by Italy to: “Carry out further efforts to increase the transparency and openness of legal proceedings contemplating death sentences.” However, **Israa Al-Ghomgam**¹³ is facing execution after her trial began in August 2018 for participating in peaceful protests in Al-Qatif in 2015. On 06 August 2018, at the first hearing of Al-Ghomgam’s trial, the Public Prosecution presented a list of eight main charges against her, including charges under Article 6 of the Cybercrime Act of 2007¹⁴ related to activity on social networking sites. The prosecution asked the court to sentence her to death by beheading and the SCC postponed the hearing to 31 October 2018.

The repressive laws that violate human rights including the freedom of expression, association and assembly are countless in Saudi Arabia. The laws not only violate basic human rights, but also continue to be used against WHRDs as a sort of punishment for their human rights work.

¹² GCHR (2018). Crackdown on Saudi women human rights defenders sets off alarms. See: <https://www.gc4hr.org/news/view/1880>

¹³ GCHR (2018) Saudi Arabia: Woman human rights defender Israa Al-Ghomgam could face death sentence while Samar Badawi and Nassima Al-Sadah remain detained incommunicado
<https://www.gc4hr.org/news/view/1934>

¹⁴ Saudi Arabia [Anti-Cyber Crime Law](#) (Royal Decree No. M/17 dated 26 March 2007) allows “offenders” to be publicly named and shamed. Saudi Arabia’s public prosecution announced in early September 2018 that “Producing and distributing content that ridicules, mocks, provokes and disrupts public order, religious values and public morals through social media ... will be considered a cybercrime punishable by a maximum of five years in prison and a fine of three million riyals” (USD\$800,000). See: http://www.citc.gov.sa/English/RulesandSystems/CITCSyste/Documents/LA_004_%20E_%20Anti-Cyber%20Crime%20Law.pdf

IV. Recommendations:

Therefore, GCHR recommends that Saudi Arabia:

- Comply with its international obligations and takes advantage of its international positions (being a member of the UN HRC¹⁵, a member for four-year terms for the UN Commission on Status of Women (CSW), 2018-2022, an elected Executive Board member of the United Nations Development Programme (UNDP)/United Nations Population Fund (UNFPA)/United Nations Office for Project Services (UNOPS) to serve three-year terms beginning on 1 January 2018)¹⁶ to reflect good practices on the national level, and to remove its reservation on CEDAW, and ratify the ICCPR and CEDAW optional protocols;
- Release all HRDs who have been persecuted for practicing their rights and in particular WHRDs who are under threat of other forms of harassment and discrimination, not only for their human rights activities but in violation of their fundamental rights as women;
- Implement UN member states' recommendations in relation to the acknowledgement of HRDs' work and the United Nations Declaration on Human Rights Defenders, to allow HRDs to operate freely, register legally and work independently on human rights issues;
- Implement UN member states' recommendations to carry out legal reforms including abolishing the guardianship system and providing legal equality for women in the Saudi legislation; and
- Refrain from using legal instruments such as the terrorism law, Cybercrime Act law and the NGO law to target HRDs. Reiterating the recommendation made last cycle by Australia to: "Implement legal reforms to promulgate a criminal code, ensure transparent and fair criminal trials, and prevent arbitrary, secret and indefinite detention and torture in custody."

GCHR encourages UN member states to:

- Continue to pressure Saudi Arabia to implement the accepted UPR recommendations, work on positively to enabling the environment in which WHRDs are operating, and end gender-based discrimination against women; and
- Hold Saudi Arabia accountable for breaching with impunity its international obligations and failing to implement the basic human rights standards of equality, non-discrimination and justice. Accountability should be ensured via the application of international legal procedures, including by suspending Saudi Arabia from the Human Rights Council pursuant to Resolution 60/251, Article 8.

¹⁵ HRW (2016). How Saudi Arabia Kept its UN Human Rights Council Seat: <https://www.hrw.org/news/2016/11/01/how-saudi-arabia-kept-its-un-human-rights-council-seat>

¹⁶ ECOSOC/6824 (19 APRIL 2017) Economic and Social Council 2017 SESSION, 18TH & 19TH Meetings. Launching 2017 Coordination Segment, Economic and Social Council Adopts 10 Decisions, Elects Subsidiary Body Members amid Debate on NGO Participation. See: <https://www.un.org/press/en/2017/ecosoc6824.doc.htm>