

March 8, 2019

#FreeSaudiWomen: Saudi Arabia's crackdown on women's rights defenders continues unabated

In January 2018, FIDH, under the Observatory for the Protection of Human Rights Defenders, published its report *Condemned to silence: the situation of women human rights defenders*.¹ At the time, the newly appointed Crown Prince Mohammed bin Salman was still touting his plan to restructure the Saudi economy, Vision 2030, as a boost for the country's socio-economic development and cultivating his reformist image on the international scene. He took some symbolic steps such as lifting the ban on women driving, allowing them to go to stadiums, and appointing women to prominent government positions.

Before year's end, however, the human rights violations committed by the Saudi-led coalition in Yemen's war and the ruthless killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul significantly tarnished this progressive image.

Meanwhile, the legal framework remains very restrictive for women and has seen no improvement. The male guardianship system, under which a woman's father, brother, husband or son has the authority to grant or deny permission to work, marry, and travel, is still in place. It is likely to continue, as recent revelations about male guardians' use of a smartphone application, called Absher, to prevent their daughters and wives from leaving the country seem to indicate.²

Most notably, the past year has seen an unprecedented crackdown on women's rights defenders. Dozens have been detained on vague security charges, targeted specifically because of their fight against discrimination against women but also because of their gender. In prison, they face torture and ill-treatment, including sexual harassment and assaults. Furthermore, prosecutors requested, for the first time, that a court issue a death sentence to a female human rights defender for peacefully participating in a protest movement.

On March 1, 2019, Saudi public prosecution issued a statement referring to people arrested last spring for undertaking "coordinated and organized activities... that aim to undermine the Kingdom's security, stability, and national unity." Among them are 12 women who will face charges; the prosecution is in the process of referring them for trial. There was no mention of any investigation into the allegations of torture these women endured.

First female human rights defenders to face hefty sentence

The premises of the current severe crackdown on female rights defenders appeared on November 10, 2017, when the Specialized Criminal Court (SCC) in Riyadh sentenced **Naimah Al-Matrod**, who had documented human rights violations committed by the authorities against peaceful protesters and posted alerts on social media, to six years in prison. She was the first woman prosecuted and sentenced because of her involvement in the protest movement that started in January 2011 in the region of Qatif.

1 FIDH, <https://www.fidh.org/en/issues/human-rights-defenders/condemned-to-silence-the-situation-of-women-human-rights-defenders-in>; <http://condemnedtosilence.fidh.org/>

2 *Insider*, Saudi Arabia runs a huge, sinister online database of women that men use to track them and stop them from running away, February 1, 2019, <https://www.thisisinsider.com/absher-saudi-website-men-control-women-stop-escape-2019-1>

In 2018, several Saudi groups also relayed the case of **Israa Al-Ghomgham**, detained since December 8, 2015 in Dammam's al-Mabahith. On August 15, 2018, the Saudi Public Prosecution called the court to apply the death penalty against Al-Ghomgham, who was brought before the SCC in Riyadh along five other activists for her first court session after 32 months of arbitrary detention. The Public Prosecution accused Al-Ghomgham in particular of "participating in protests in the Qatif region," "incitement to protest," "chanting slogans hostile to the regime," "attempting to inflame public opinion," "filming protests and publishing on social media," and "providing moral support to rioters," charges that do not correspond to any codified crime. On January 31, 2019, the authorities confirmed in a public statement that they would not seek the imposition of the death penalty against her.

An unprecedented crackdown on women's rights defenders

Immediately after the announcement of a Royal Decree authorising women to obtain driving licences, the services of the Ministry of Interior contacted women's rights defenders to ask them not to comment on the new decree in the media. Civil society's exercise of its freedom of expression was not yet tolerated. Repression took an unprecedented turning point in 2018 with the arrest of dozens of women's rights defenders.

On January 23, 2018, **Noha Al-Balawi**,³ an online advocate for civil and political rights and a women's rights defender, was arrested. She supported social media campaigns for women's rights, such as #Right2Drive, and against the male guardianship system, such as #IamMyOwnGuardian. On February 3, 2018, **Maria Naji**, a women's rights advocate, was arrested with a female friend at Jeddah airport while returning to Saudi Arabia from Egypt, where she was pursuing university studies.

The crackdown intensified in the weeks following the March 2018 United Nations (UN) Human Rights Council session. On February 27, 2018, the UN Committee on the Elimination of Discrimination against Women (CEDAW) reviewed Saudi Arabia in its 69th session and addressed its recommendations⁴ to the Kingdom on March 12, 2018. During the review, CEDAW Committee members emphasised the male guardianship system and the lack of legal protection for women human rights defenders. The regime's repressive application of the Law on Associations and Foundations of December 6, 2015, which governs civil society organisations, leaves no space for the freedom of association of human rights defenders.⁵

A few days before the entry into force of the Royal Decree authorising women to obtain driving licences, a great number of women's rights defenders known for having campaigned for women's rights, including the right to drive and the abolition of the male guardianship system, were arrested on vague security charges.

Loujain Al-Hathloul,⁶ a prominent defender of women's right to drive, was abducted in the United Arab Emirates on May 15, 2018, brought to Saudi Arabia against her will, and arbitrarily detained. In the following days, other prominent women's rights defenders were arrested and detained across the country; among them were **Aziza al-Youssef**,⁷ a key figure of women's fight for their political

³ See Observatory Urgent Appeal SAU 002 / 0218 / OBS 018, published on February 8, 2018.

⁴ CEDAW, Concluding observations on the combined third and fourth periodic reports of Saudi Arabia, March 14, 2018, available: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSAU%2fCO%2f3-4&Lang=en

⁵ FIDH, Women's Rights in Saudi Arabia: the Saudi version highly criticized by UN Committee, 13 March 2018, <https://www.fidh.org/en/region/north-africa-middle-east/saudi-arabia/women-s-rights-in-saudi-arabia-the-saudi-version-highly-criticized-by>

⁶ See Observatory Urgent Appeal SAU 003 / 0518 / OBS 073, published on May 24, 2018.

⁷ Ibid

rights and a supporter of the campaign to abolish male guardianship, and **Eman al-Nafjan**,⁸ founder and author of the [Saudiwoman's Weblog](#), who had previously protested against the driving ban.

On May 19, 2018, the official Saudi Press Agency publicly acknowledged the arrest of seven women's rights defenders and accused them of treason and conspiracy against the State. These included three academics who took part in the first women's protest movement demanding the right to drive in 1990, i.e. **Aisha Al-Manae**, **Hessa Al-Sheikh** and **Madeha Al-Ajroush**, and **Walaa Al-Shubbar**,⁹ a defender of victims of domestic violence as well as campaigner against the male guardianship system. All four were released on May 24, 2018 but are believed to still face charges.

Several male women's rights defenders were also arrested in May 2018, including founding member of the Saudi Civil and Political Rights Association (ACPRA) **Mohammed al-Bejadi**,¹⁰ prominent lawyer **Ibrahim al-Mudaimegh**, **Mohammed al-Rabiah**, **Abdulaziz al-Mesha'al**, and **Ibrahim Fahad al-Nafjan**.

On May 31, 2018, the European Parliament adopted a landmark [resolution](#)¹¹ on women's rights defenders in Saudi Arabia, condemning the ongoing repression of human rights defenders "known for their campaign against the ban on women driving and in favour of abolishing the male guardianship system" and calling on the Saudi authorities to end all forms of harassment against them, including at the judicial level. The parliamentarians recalled that the "Saudi political and social system remains undemocratic and discriminatory, [and] makes women second-class citizens". The resolution calls on the European Union to propose a UN Special Rapporteur on Human Rights in Saudi Arabia, to table a resolution on the situation of human rights defenders at the next UN Human Rights Council session, to make the situation of women's rights defenders a permanent item on the agenda of the annual EU-Gulf Cooperation Council summit and to consider targeted sanctions against individuals responsible for grave human rights violations in the country.

On June 6, 2018, **Nouf Abdoulaziz**, a journalist, TV producer and women's rights defender was arrested after a raid on her home. Following her arrest, **Mayya al-Zahrani**, another women's rights defender, published a letter from Nouf Abdoulaziz, and was in turn herself arrested on June 9, 2018, for publishing the letter¹².

On June 27, 2018, **Hatoon al-Fassi**,¹³ a prominent scholar and associate professor of women's history at King Saud University, was arrested. She was advocating for the right of women to participate in municipal elections and to drive, and was one of the first women to drive the day the ban was lifted on June 24, 2018. She was set to be interviewed by French media *France 2* to talk about the lift of the driving ban shortly after.

On June 30, 2018, **Samar Badawi**, an iconic figure of the fight for human rights, sister of **Raif Badawi**, and one of the first women to succeed in invalidating her father's authority as *wali al-amr* (legal guardian) and speak publicly about it, and **Nassima al-Sadah**, involved in the right to drive campaign and hampered in her efforts to register her *Noun* women's rights organisation, were both arrested and detained.¹⁴

8 Ibid

9 Ibid

10 See Observatory Urgent Appeal SAU 003 / 0518 / OBS 073.1, published on May 25, 2018.

11 <http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P8-RC-2018-0259&format=XML&language=EN>

12 See Observatory Urgent Appeal SAU 003 / 0518 / OBS 073.2, published on June 21, 2018.

13 See Observatory Urgent Appeal SAU 004 / 0718 / OBS 093, published on July 6, 2018.

14 See Observatory Urgent Appeal SAU 005 / 0818 / OBS 103, published on August 14, 2018.

Relatives of human rights defenders have also been arrested, such as Amal Al-Harbi, the wife of prominent activist **Fowzan Al-Harbi**, who was arrested by State Security on July 30, 2018 while on the seaside with her children in Jeddah. What's more, in October 2018, travel bans were imposed against the families of several women's rights defenders, including those of Aziza Al-Yousef, Loujain Al-Hathloul and Eman Al-Nafjan.

On October 12, 2018, UN experts and Special Procedures called for the release of all detained women human rights defenders in Saudi Arabia¹⁵.

On February 14, 2019, the European Parliament adopted another [resolution](#)¹⁶ condemning the detention of women human rights defenders who campaigned for the lifting of the driving ban and expressed its shock at reports of torture against several of them. The European Parliament stressed - among others- that the continued discrimination against women and girls and the ongoing repression and torture of human rights defenders, including women's rights defenders, undermines the credibility of the reform process in the country.

Allegations of torture in prison, including sexual harassment

Most of these women human rights defenders are still being held without charge in pre-trial detention, with no dates set for their trials. They are detained in Dhahban Mabahith intelligence prison, north of Jeddah. All risk being tried and sentenced before the SCC, the country's counterterrorism court. However, far from being devoted to terrorism cases, it deals with cases affecting a broad and undefined "national security" and is instrumentalised to repress men and women expressing dissent.

At the end of November 2018, several human rights groups, including Human Rights Watch, published information¹⁷ according to which Saudi authorities had tortured at least four women human rights defenders in prison. Sources indicated that most of the torture took place in an unofficial detention facility called a "hotel" before the women were taken to Dhahban prison in August 2018. The acts of torture allegedly included electric shocks, whipping the women on their thighs, rape threats, sexual harassment such as forcible hugging and kissing or exposure to sexually suggestive gestures. Some of the women were also tied down to a steel bed and whipped with an *egal*, the black cord used in traditional dress by Arab men to keep their head covering in place. Acts of intimidation were also common: interrogators allegedly attempted to terrify one of the detained women by telling her that they had murdered one of her colleagues in detention, and at least one of the women attempted suicide on various occasions, according to the same sources. Testimonies said women showed physical signs of torture, including difficulty walking, uncontrolled shaking of the hands, and red marks and scratches on their faces and necks.

Members of Saudi Arabia's Human Rights Commission, a government body, visited the detained women in Dhahban prison. At least two women reported the acts of torture in detail and asked for protection. But the Human Rights Commission's members claimed that they did not know about the "hotel" torture site and that they could not protect the women.

Conclusions and recommendations

The crackdown against women human rights defenders has gone from bad to worse. Despite considerable efforts to improve its image abroad, Saudi Arabia remains a particularly repressive

15 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23719&LangID=E>

16 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2019-0117+0+DOC+XML+V0//EN&language=EN>

17 <https://www.hrw.org/news/2018/11/20/saudi-arabia-detained-women-reported-tortured>

authoritarian regime that violates women's rights on a daily basis and systematically targets anyone attempting to criticise its rulers.

In order to strengthen the protection of women's rights defenders in Saudi Arabia, FIDH reiterates the recommendations of the Observatory 2018 report:

- calls for the immediate and unconditional release of all women's rights defenders arbitrarily detained;
- urges Saudi Arabia to publicly guarantee the safety of all detained activists, allow the detained women's rights defenders access to lawyers and family members, and provide evidence of their well-being;
- urges the Saudi authorities to facilitate detainees' access to independent medical doctors; the treatment of all detainees, including human rights defenders, must adhere to the conditions set out in the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by means of UN General Assembly Resolution 43/173 of December 9, 1988;
- calls on the Saudi authorities to put an end to all forms of harassment, including at the judicial level, against all human rights defenders, so that they are able to carry out their work without unjustified hindrance or fear of reprisals against them and their families;
- calls on the Saudi authorities to revise the Law on Associations and Foundations of December 2015 in order to allow women activists to organise themselves and to work freely and independently without undue interference by the authorities; further urges the revision of the Anti-Terrorist Law, the Anti-Cybercrime Law and the Press and Publications Law, which are repeatedly used to prosecute human rights defenders;
- calls on the Saudi authorities to ratify the ICCPR, lift the reservations made to CEDAW and ratify the Optional Protocol to CEDAW, so that Saudi women can fully enjoy the rights enshrined in the Convention, and to end child marriages, forced marriages and the compulsory dress code for women; urges Saudi Arabia to implement all CEDAW recommendations issued at its 69th session in order guarantee equal rights for women and men in law and in practice.