



# General Assembly

Distr.: General  
15 June 2021

English only

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## Human Rights Council

Forty-seventh session

21 June–9 July 2021

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.

[31 May 2021]

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



## **The Ongoing Detention of Women Human Rights Defenders in Saudi Arabia**

### **Introduction**

Since May 2018, the Saudi authorities have arrested some of the most prominent women human rights defenders (WHRDs) in the country. These women were arrested for peacefully advocating for the end of the male guardianship system, the right to drive, and justice and equality in the legal system.<sup>1</sup> In response, many WHRDs were targeted with arrest and torture. Some remain incarcerated.<sup>2</sup>

### **The Situation of Women’s Rights in Saudi Arabia**

Saudi WHRDs have fought for years against the male guardianship system. This system is the most significant impediment to realizing women’s rights in the country, as it effectively considers adult women to be legal minors who cannot make key decisions for themselves.<sup>3</sup> Every Saudi woman, regardless of her economic or social class, is adversely affected by guardianship policies.<sup>4</sup> She must obtain a male guardian’s approval in order to get married, leave prison, or to obtain proper healthcare. The guardianship system also creates a discriminatory system when it comes to divorce and decisions relating to children, including child custody. Finally, men can file claims of “disobedience” against daughters, wives, or female relatives under their guardianship, which can lead to a forced return to their male guardian’s home or even imprisonment.<sup>5</sup>

WHRDs in Saudi Arabia have persistently called on the government to abolish the male guardianship system. In 2009, the Saudi government agreed on a proposal to end the system; in 2013, after Saudi Arabia’s Second Cycle Universal Periodic Review (UPR) at the UN HRC, they reiterated their agreement. Additionally, during Saudi Arabia’s November 2018 Third Cycle UPR, the country received 22 recommendations calling for the release of human rights defenders (HRDs), including WHRDs, and for the guarantee of a safe environment in which to do their work.<sup>6</sup> Despite small steps taken by the government, the reforms remain insufficient. Until today, the guardianship system remains mostly intact.<sup>7</sup>

### **Saudi Women Human Rights Defenders Currently in Detention**

Since 2018, multiple WHRDs have been detained in Saudi Arabia. Many of these women led the campaign to lift the driving ban on women, which Saudi Arabia did in June 2018. Unfortunately, the women who made this happen have not yet had the opportunity to sit behind the wheel legally, as many were arrested after this campaign on the basis of false

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<sup>1</sup> “Saudi Arabia: Release women human rights defenders now!,” Amnesty International, 2021, <https://www.amnesty.ca/our-work/issues/womens-human-rights/saudi-arabia-release-women-human-rights-defenders-now> [accessed in April 2021].

<sup>2</sup> “Ongoing Detention of Women’s Rights Defenders in Saudi Arabia,” ADHRB, February 1, 2021, <https://usercontent.one/wp/www.adhrb.org/wp-content/uploads/2021/03/WHRD-SA.pdf>.

<sup>3</sup> “Boxed in: Women and Saudi Arabia’s Male Guardianship System,” Human Rights Watch, July 16, 2016, <https://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>.

<sup>4</sup> Ibid.

<sup>5</sup> “Saudi Arabia, events of 2020,” Human Rights Watch, 2020, <https://www.hrw.org/world-report/2021/country-chapters/saudi-arabia>, [accessed April 2021].

<sup>6</sup> Ibid.

<sup>7</sup> “Saudi Arabia: Women’s rights defenders must be immediately and unconditionally released,” FIDH, November 24, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/saudi-arabia-women-s-rights-defenders-must-be-immediately-and>

accusations, often on trumped-up terrorism charges.<sup>8</sup> The existing overly-broad and vague anti-terrorism laws are frequently used by the Saudi authorities to silence political opposition and imprison voices critical of the governments.<sup>9</sup>

Currently, at least three WHRDs remain on trial facing prosecution for their human rights activism. These WHRDs are Nassima al-Sada, Samar Badawi, and Maya'a al-Zahrani.<sup>10</sup> Human rights organisations reported that WHRDs, including but not limited to these three, have been tortured while in detention. The forms of torture included electric shocks, whipping the women on their thighs, threats of rape, sexual harassment, and placing the women in long periods of solitary confinement.<sup>11</sup> However, despite these gruesome violations of these women's human rights, the Saudi government has failed to pursue credible and effective investigations into these claims of torture and ill-treatment.

## International Advocacy

The release of activist Loujain al-Hathloul and Nouf Abdulaziz in February 2021 was a hopeful sign suggesting the effectiveness of continued international pressure and advocacy. However, the homecoming of al-Hathloul and Abdulaziz does not mean that they are truly free; they are unable to continue their activism, have limitations on travel for the next five years, and remain under strict surveillance.<sup>12</sup> Furthermore, they can be sent back to jail at any time over the next three years if they are seen as having violated their parole in any way.<sup>13</sup>

The UN High Commissioner for Human Rights has repeatedly called for the release of the WHRDs since their initial arrest in 2018. At the UN HRC, many states from across the world have frequently called on Saudi Arabia to unconditionally release all individuals detained for exercising their fundamental rights, especially WHRDs.<sup>14</sup>

## COVID-19 in Saudi Prisons

ADHRB is concerned by the ways in which the Saudi government has weaponized the COVID-19 pandemic against prisoners, especially political prisoners including WHRDs. The government has delayed trial dates, and has provided inadequate protection to the prisoners. Overcrowding, limited access to sanitary resources, and lack of access to medical care are some of the factors compounding the heightened risk of prisoners becoming infected with the virus. Following other countries in the region, the Saudi government approved the release of thousands of inmates in order to limit the spread of COVID-19; tragically, none of the WHRDs were released.<sup>15</sup>

<sup>8</sup> "Saudi Arabia: Release women human rights defenders now!," Amnesty International.

<sup>9</sup> "French MP and Rights Groups to Saudi Arabia: Release Women Human Rights Defenders," ADHRB, March 2, 2021, <https://www.adhrb.org/2021/03/french-mp-and-rights-groups-to-saudi-arabia-release-women-human-rights-defenders/>.

<sup>10</sup> "Saudi Arabia, events of 2020," Human Rights Watch.

<sup>11</sup> "Saudi Arabia: Sentencing of women human rights defenders Loujain al-Hathloul and Mayaa al-Zahrani," OMCT, January 5, 2021, <https://www.omct.org/en/resources/urgent-interventions/saudi-arabia-sentencing-of-women-human-rights-defenders-loujain-al-hathloul-and-mayaa-al-zahrani>.

<sup>12</sup> "Nouf Abdulaziz, Loujain al-Hathloul, Eman al-Nafjan, Saudi Arabia," Pen America, 2021, <https://pen.org/advocacy-case/nouf-abdulaziz-loujain-al-hathloul-eman-al-nafjan/> [accessed in April 2021].

<sup>13</sup> Diana Hodali, "Saudi activist Loujain al-Hathloul no longer in jail but still not free," DW.com, February 12, 2021, <https://www.dw.com/en/saudi-activist-loujain-al-hathloul-no-longer-in-jail-but-still-not-free/a-56544703>.

<sup>14</sup> "Ongoing Detention of Women's Rights Defenders in Saudi Arabia," ADHRB.

<sup>15</sup> "Saudi Arabia, events of 2020," Human Rights Watch

## Conclusion and Recommendations

Saudi Arabia is obligated to respect international human rights standards. This includes ending the unlawful detainment, persecution, and ill-treatment of WHRDs. Peacefully advocating for gender equality must never be treated as a crime, and every Saudi citizen should be free to exercise his or her civil rights without fearing intimidation, torture, or arrest.<sup>16</sup> As a member of the UN HRC, it is crucial that Saudi Arabia be held to high standards when it comes to its human rights obligations.<sup>17</sup>

Therefore ADHRB urges the Government of Saudi Arabia to:

- Immediately and unconditionally release all women human rights defenders currently detained in Saudi Arabia;
- End the tactics of physical and psychological torture, and other ill or inhuman treatment, used against the detained women;
- End the judicial harassment of women human rights defenders;
- Immediately drop all charges against women human rights defenders targeted for their activism;
- Abolish the male guardianship system in its entirety.

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<sup>16</sup> “COVID-19 Conversations: Saudi Arabia’s imprisoned women’s rights defenders,” Equality Now, May 15, 2020, [https://www.equalitynow.org/covid\\_19\\_saudi\\_arabia\\_whrd](https://www.equalitynow.org/covid_19_saudi_arabia_whrd).

<sup>17</sup> “Ongoing Detention of Women’s Rights Defenders in Saudi Arabia,” ADHRB.