



Plenary sitting

B8-0115/2019

12.2.2019

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on women's rights defenders in Saudi Arabia
(2019/2564(RSP))

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on behalf of the S&D Group

B8-0115/2019

European Parliament resolution on women's rights defenders in Saudi Arabia (2019/2564(RSP))

The European Parliament,

- having regard to its previous resolutions on Saudi Arabia, notably the one on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa of March 2014, the one on the case of Raif Badawi of February 2015; the one on the case of Ali Mohammed al-Nimr of October 2015; the one on the situation of women's rights defenders in Saudi Arabia of 31 May 2018 and the one on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul of 24 October 2018;
- having regard to the awarding of the Sakharov Prize for Freedom of Thought and Expression to the Saudi blogger Raif Badawi in 2015;
- having regard to Saudi Arabia's membership of the UN Human Rights Council and of the Commission on the Status of Women, as well as its membership of the Executive Council of the UN Commission on the Status of Women, which started in January 2019;
- having regard to the CEDAW Concluding observations on the combined third and fourth periodic reports of Saudi Arabia from 9th March 2018;
- having regard to the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism of June 2018, after his visit to Saudi Arabia;
- having regard to the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
- having regard to the International Covenant on Political and Civil Rights;
- having regard to the Universal Declaration of Human Rights;
- having regard to the European Union Guidelines on Human Rights Defenders;
- having regard to Rule 135 of its Rules of Procedure,
 - A. Whereas since Crown Prince Mohammed bin Salman Al-Saud came to power in June 2017, many outspoken human rights defenders, activists and critics have been arbitrarily detained, or unjustly sentenced to lengthy prison terms simply for exercising their right to freedom of expression, whereas he Saudi authorities have been increasingly using counter-terrorism and anti cyber-crime laws to censor, harass, detain, and sentence dissidents to death;
 - B. whereas since the 15 May 2018 Saudi authorities have kept under arrest twelve women: Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Yousef, Samar Badawi,

Nassima al-Sada, Nouf Abdulaziz, Mayaa al-Zahrani, Shadan al-Anezi, Hatoon al-Fassi, Ruqayyah al-Mharib, Abir Namankani, Amal al-Harbi and two men: Mohammad al-Rabae and Abdulaziz al-Meshaal, for their engagement in support of women's rights, including campaigning against the ban on women driving and advocacy for the abolishment of the male guardianship system; whereas at least nine of them will reportedly be referred for trial to the Specialised Criminal Court, which was originally established to try detainees held in connection with terrorism offences;

- C. whereas at least ten of these human rights defenders, including Loujain al-Hathloul, were ill-treated, sexually abused, and subjected to torture, including by beatings, electric shocks and flogging, leaving some of them unable to walk or stand properly;
- D. whereas the Saudi authorities have repeatedly proven themselves unwilling to protect detainees from torture and sexual harassment, or to carry out impartial investigations into claims of torture in custody;
- E. whereas under the male guardianship system, Saudi women are deprived of even the most basic control over their lives; whereas discriminatory laws relating to marriage and divorce remain in place, and women are required by law to obtain the permission of a male guardian to enrol in higher education, seek employment, travel or marry; whereas Saudi women with foreign spouses, unlike their male counterparts, cannot pass on their nationality to their children or spouses;
- F. whereas Saudi Arabia has one of the highest execution rates in the world; whereas between 2014 and 2017, the average number of executions per year was at least 126; whereas the authorities use the death penalty for non-violent offences, such as drug smuggling, treason, and adultery; whereas offences such as apostasy which, under international human rights law should not be criminalised, have also resulted in the application of the death penalty;
- G. whereas Israa al-Ghomgham, her husband Mousa al-Hashim, and their four-codefendants Ahmed al-Matrood, Ali Ouwaisher, Khalid al-Ghanim and Mujtaba al-Muzain, were detained in December 2015 for participating in peaceful protests for the Shi'a minority in the eastern Qatif province; whereas they are facing trial before Saudi Arabia's notorious Specialized Criminal Court, which deals with counter-terrorism cases, even though the charges against them relate to their participation in peaceful protests; whereas the prosecutor is seeking the death penalty for the four men, and a prison sentence for Israa al-Ghomgham (death penalty charges against her were dropped in January 2019);
- H. whereas Saudi Arabia's general reservation to the CEDAW is, according to the Committee on the Elimination of Discrimination against Women, incompatible with the object and purpose of the Convention and impermissible under article 28 of the Convention;
- I. whereas the counter-terrorism law adopted in 2013 and revised in 2017 includes provisions which allow turning any dissenting expression or independent association into a crime of terrorism; whereas this law has been heavily criticised by UN experts,

who have stated that they are “witnessing the persecution of human rights defenders for peacefully exercising their rights to freedom of expression, assembly, association and belief, as well as in retaliation for their work” and pointed out that “the government has ignored repeated calls by UN experts and others to halt these violations, rectify them, and prevent their recurrence”;

1. Strongly condemns the detention of the women human rights defenders who campaigned for the lifting of the driving ban, as well as of all peaceful human rights defenders, journalists, lawyers and activist, and expresses its shock at the credible reports of systematic torture against several of them, including Loujain al-Hathloul;
2. Calls on the Saudi authorities to immediately and unconditionally release all human rights defenders, lawyers, journalists and activists who are being detained solely for their peaceful work; pending their release, the Saudi authorities must guarantee their physical and mental safety;
3. Urges Saudi authorities to provide independent international monitors with access to all detained human rights defenders, lawyers, journalists and activists, including women human rights defenders Loujain al-Hathloul, Eman al-Nafjan, Aziza al-Yousef, Samar Badawi, Nassima al-Sada, Shadan al-Anezi, Nouf Abdulaziz, Mayaa al-Zahrani and Amal al-Harbi; insists that independent monitors should include observers from the EU Delegation or the EU institutions, as well as UN human rights mandate-holders, such as the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or international NGOs; urges the Saudi authorities to facilitate an access of independent medical doctors to the detainees;
4. Is deeply disturbed by the allegations of sexual harassment, torture and other forms of ill-treatment suffered by the women rights defenders in prison; calls on the Saudi government to ensure that all allegations of torture and other ill-treatment against human rights defenders, journalists, lawyers and activists are thoroughly, independently and impartially investigated, and that those suspected of criminal responsibility are brought to justice with full respect of their fair trial rights;
5. Calls on the Specialized Criminal Court of Saudi Arabia to immediately release Israa al-Ghomgham, her husband Mousa al-Hashim, and their four-codefendants Ahmed al-Matrood, Ali Ouwaisher, Khalid al-Ghanim and Mujtaba al-Muzain, as well as all other human rights defenders and activists facing trial because of their participation in peaceful protests;
6. Takes note of the visit to the arrested women’s rights defenders by representatives of Saudi Arabia’s Human Rights Commission (HRC); is dismayed by the reported failure of the HRC to provide any kind of assistance to the arrested women; regrets that the HRC lacks the independence to conduct a credible and transparent investigation into the allegations of torture and other forms of ill-treatment;
7. Denounces the continued, systemic discrimination against women and girls in Saudi Arabia and deplores the glaring disconnect between the announcements of reform by the Saudi leadership and the reality on the ground; expresses its solidarity with the

women's rights defenders activists who are being repressed for seeking to redress one of the most misogynistic systems worldwide;

8. Urges the Saudi government to abolish without any delay the male guardianship system and repeal other laws that discriminate against women and girls;
9. Urges the Saudi government to repeal the 2014 counter-terror law and related legislation, or to substantially amend it in order to bring it into full conformity with international law and standards, including by adopting a definition of terrorism that does not infringe on the peaceful exercise of human rights; urges the Saudi government to also amend laws, including the Anti-Cyber Crime Law, to ensure that criticism of government policy and practice, and of officials, as well as other forms of free speech, are not criminalised;
10. Calls on the Saudi authorities to declare an official moratorium on all executions with view to abolishing the death penalty;
11. Calls on the Saudi authorities to ratify the International Covenant on Civil and Political Rights, to lift the reservations made to CEDAW and to ratify the Optional Protocol to the CEDAW in order to ensure that Saudi women can fully enjoy the rights enshrined in the Convention; urges Saudi authorities to extend a standing invitation to the visit of all Special Procedures of the UN Human Rights Council, including to Agnes Callamard, who has not yet received a response to her request to visit the country;
12. Calls on the HR/VP, the EEAS, and all Member States, to establish a unified position to ensure that the European diplomatic services in Saudi Arabia systematically use the mechanisms envisaged in the EU Guidelines on Human Rights Defenders, including public statements, diplomatic *démarches*, monitoring of trials, and prison visits, with regards to the Saudi women human rights defenders detained in May 2018;
13. Calls on the HR/VP, the EEAS, and all Member States, to raise the case of Loujain al-Hathloul, Eman al-Nafjan, Aziza al-Yousef, Samar Badawi, Nassima al-Sada and all other women human rights defenders detained in May 2018, in their dialogues with the Saudi authorities, and to demand their release; pending their release, urges the EU diplomats to call on Saudi authorities to guarantee the safety of all women human rights defenders, and to pursue full investigations on the reports of torture;
14. Calls on the HR/VP, the EEAS, and all Member States, to raise the case and demand the release of Israa al-Ghomgham, her husband Mousa al-Hashim, and their four-codefendants Ahmed al-Matrood, Ali Ouwaisher, Khalid al-Ghanim and Mujtaba al-Muzain, in their dialogues with the Saudi authorities; pending their release, urges the EU diplomats to monitor their trial and call on Saudi authorities to ensure their safety;
15. Calls on the EU to table a resolution on the situation of human rights defenders in Saudi Arabia at the next session of the UN Human Rights Council, which *inter alia* should call for the establishment of a UN Special Rapporteur on Saudi Arabia, in line with the other HRC Special Procedures created for the most serious human rights situation worldwide; calls on the EU to take an initiative at the next Human Rights

Council and at the Commission on the Status of Women which would raise the issue of membership by States with deeply questionable human rights records, notably in terms of women's rights and gender equality; deplores the vote of several EU Member States in support of Saudi Arabia's membership to the UN HRC and CSW;

16. Reiterates its call on the EEAS and Member States to consider the adoption of EU targeted restricted measures related to serious human rights violations in Saudi Arabia, including asset freeze and visa bans;
17. Calls, once again, for an EU-wide ban on export, sale, update and maintenance of any form of security equipment to Saudi Arabia which can be or is used for internal repression; stresses that this ban must include cyber surveillance technology, as established by the European Parliament position on the recast of the Dual Use Export Control Regulation; calls on the High Representative to report on the current state of military and security cooperation by EU Member States with the Saudi regime;
18. Proposes sending an ad-hoc mission of the DROI and FEMM chairs to Saudi Arabia in order to visit the imprisoned women and to hold the necessary meetings with Saudi authorities;
19. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the European External Action Service, the UN Secretary General, the UN High Commissioner for Human Rights, the Commission on the Status of Women, the Human Rights Council, H.M. King Salman bin Abdulaziz Al Saud and the Crown Prince Mohammad Bin Salman Al Saud, the Government of the Kingdom of Saudi Arabia, and the Secretary-General of the Centre for National Dialogue of the Kingdom of Saudi Arabia.