



Plenary sitting

B8-0116/2019

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

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on behalf of the EFDD Group

B8-0116/2019

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

The European Parliament,

- having regard to its previous resolutions on Saudi Arabia,
- 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 Detention Review Panel report on Women Activist Detainees in Saudi Arabia
- 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 more than 6 month after their arrest a number of prominent women's rights activists, among them Loujain al-Hathloul, Iman al-Nafjan, Aziza al-Youssef, Shadan al-Anezi, Nouf Abdulaziz, Samar Badawi, Amal al-Harbi and Nassima al-Sada, continue to be detained without charge and legal representation; whereas activists have also reported the detention of other women's rights activists and academics, including Mayaa al-Zahrani, Dr. Abir Namankani, Dr Ruqayyah al-Mharib and Dr. Hatoon al-Fassi.
 - B. Whereas since their incarceration there have been credible allegations of these activists being tortured, subject to ill treatment and held in prison incommunicado

without access to either legal advice or contact with their families for the first months of their detentions; whereas this cruel and inhuman treatments may include, but are not limited to, sleep deprivation, sexual abuse, torture, assaults, threats to life and solitary confinement; whereas if detainees are not provided with urgent access to medical assistance they are at risk of suffering from long-term health conditions arising from their alleged torture

- C. whereas most of these activists were jailed abusing anti-terror law, Royal decree 44/a in particular, and if charged, depending on the accusations, they could face up to 20 years in prison; whereas the media outlets in the country have carried out a smear campaign against those arrested as the women have been identified and labelled as traitors
- D. Whereas a cross-party panel of British MPs lead a thorough investigation based on secondary sources, since their request to access the detainees was ignored, and concluded that these activists are detained by Saudi Arabia in cruel and inhumane conditions that meet the threshold of torture under both international and Saudi law and that in any case the detention is well below the standard prescribed for the treatment of woman under international law
- E. Whereas the panel conclusions further stresses that the culpability for torture rests not only with direct perpetrators but also with those who are responsible for or acquiesce to it and that Saudi authorities at the highest level could, in principle, be responsible for the crime of torture which is a crime of universal jurisdiction
- F. whereas human rights defenders have been systematically subjected to summons, interrogation and prolonged detention, and many have received harsh sentences on charges directly related to their human rights activities or advocacy on legal reforms; whereas these include Mohammed Al-Otaibi, Essam Kossak, Waleed Abu Al-Khair, Raif Badawi, and Issa Al-Nukhaifi; whereas women human rights defenders (WHRDs), including young activists who challenge discrimination against women in society, have been intimidated through travel bans, interrogations and arbitrary detention;
- G. Whereas travel bans have also been imposed against the families of several of the detainees
- H. Whereas Loujain al-Hathloul, one of the jailed women activists, has received backing for the Nobel Peace Prize
- I. Whereas despite some recent positive but limited legislative developments, all Saudi women still face systematic and severe discrimination in all aspects of their lives under the male guardianship system which leave them exposed to restrictive policies and possibly to domestic violence as the reform of the system, which was agreed by the Saudi government in 2009 and in 2013 (after the UPR) remain insufficient, incomplete and ineffective and the guardianship system remains mostly intact.
- J. Whereas Saudi Arabia continues to be one of the world's most gender-segregated nations and it is ranked 141 of 149 states in the 2018 Global Gender Gap, a World

Economic Forum study on how women fare in economic and political participation, health and education.

- K. Whereas Saudi Arabia is a member of the Human Rights Council, the highest international body responsible for strengthening the promotion and protection of human rights around the globe
1. Strongly condemns the continued detention of the women human rights activists without any formal charge being brought forward as well as the detention of all peaceful human rights defenders, journalists, lawyers and activists; is extremely worried by the credible allegations of believes that any criminal case should be immediately reviewed and, if a decision is made to prosecute, the detainees should have a fair trial in accordance with international standards;
 2. Calls on Saudi Arabian authorities to immediately and unconditionally release all human rights activists who are being detained solely for their peaceful human rights work, to reveal their whereabouts and ensure they are given access to medical care, to their family and to a lawyer of their choosing without delay,
 3. Emphasises that Saudi authorities must at all times guarantee the safety and well-being of prisoners in detention, and ensure that their treatment, while in detention, adheres 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 UN General Assembly resolution 43/173 of 9 December 1988;
 4. Calls on Saudi Arabia to give independent monitoring bodies, including international organizations and UN human rights mandates, immediate and unfettered access to the detained activists in order to allow them to investigate the claims of torture and to eventually ascertain the responsibilities of such crimes as well as to extend an open invitation to the mandates of the Special Rapporteur on Violence against Women and the Working Group on Discrimination against Women and ensure the mandates have open access to women’s rights activists.
 5. Regrets the persistent silence and inaction of the European External Action Service on the cases of the Women Human Rights Defenders detained since May 2018 and especially the fact that the EU VP/HR Frederica Mogherini has so far refrained from calling publicly for the release of the women arrested; calls on the High Representative, the European External Action Service, 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
 6. Calls on Saudi government to launch an investigation on the reports of torture and other ill-treatment against detainees in order to ascertain the responsibilities and hold the perpetrators accountable; believes that an international independent investigation

could be useful to identify those responsible for the mistreatment of the detainees and calls on the Saudi authorities to allow it to take place;

7. Calls on the Saudi government to Establish and empower an independent and impartial commission to assess the government's approach towards domestic violence
8. Calls on the High Representative, the European External Action Service, and all Member States, to raise the case of the women human rights defenders detained since May 2018, in their dialogues with the Saudi authorities, and to demand their release and, pending their release, to call on Saudi authorities to guarantee their safety and to pursue full investigations on the reports of torture.
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 is not vague and does not infringe on the peaceful exercise of human rights. It should 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 protected speech, are not criminalised.
10. Welcome Canada's decision to offer Asylum to Saudi teenager Rahaf Mohammed al-Qunun; reminds that Asylum is a fundamental right enshrined in United Nations Universal Declaration and in the Geneva Convention on the protection of refugees;
11. Welcome the recent legislative developments and the ease of restrictions on women in certain areas but deems these reforms insufficient; calls on the Saudi government to urgently follow up on its pledge to abolish, or at least to seriously reform, the male guardianship system which in practice turn women into second-class citizens and leave them exposed to arbitrary abuse by the guardian
12. Underlines that the European Union and Member States must ensure the full application of the Human Rights Defenders Guidelines in a gender-sensitive manner; Calls for the External Action Service and Member States to adopt an annexe to the Guidelines specifically on the situation and needs of women human rights defenders;
13. Strongly believe that Saudi Arabia should be suspended from the Human Rights Council as the country's track record on human rights and fundamental freedoms is not compatible with the Council's values and mission
14. Calls, once again, on the Saudi authorities to put a stop to any further flogging of Raif Badawi and to release him immediately and unconditionally; insists that all senior representatives of the EU, notably VPHR Mogherini and Commissioners, systematically raise the case of Raif Badawi in their contacts with their Saudi counterparts and to request to meet with him during their visits in the country; commits to stepping up its efforts in support of his release
15. 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.