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))


on behalf of the ALDE Group
European Parliament resolution on women’s rights defenders in Saudi Arabia
(2019/2564(RSP))

The European Parliament,


– 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 the statement of 29 May 2018 by the Spokesperson for the UN High Commissioner for Human Rights on recent arrests in Saudi Arabia, and of the 31 July 2018 on the arbitrary detentions of human rights defenders and activists in Saudi Arabia, including women’s rights activists,

– having regard to the statement by several UN Special Rapporteurs of 12 October 2018 calling for the immediate release of all women’s rights defenders,

– having regard to the new draft legislation outlawing harassment approved by the Saudi Shura Council on 28 May 2018,

– having regard to the impact on human rights, both at domestic and regional level, of the sanctions put in place by Saudi Arabia and other countries against Qatar and the report on the impact of the Gulf Crisis on human rights published by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in December 2017,

– having regard to Saudi Arabia’s membership of the UN Human Rights Council and of the UN Commission on the Status of Women (CSW), as well as its membership of the Executive Council of the CSW, as of January 2019,

– having regard to the speech by Commissioner Christos Stylianides, on behalf of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), in the European Parliament debate of 4 July 2017 on Saudi Arabia’s election as a member of the CSW,

– having regard to the concluding observations of 9 March 2018 of the Committee on the Elimination of All Forms of Discrimination against Women on the combined third and fourth periodic reports of Saudi Arabia,

– having regard to the report of the Detention Review Panel into Women activist Detainees in 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 of 1966,

having regard to the International Covenant on Economic, Social and Cultural Rights of 1966,

having regard to the Universal Declaration of Human Rights of 1948,

having regard to the EU Guidelines on Human Rights Defenders,

having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas activists arrested by Saudi authorities for their women’s rights activism journalism remain detained without charge; whereas the activists include Loujain al-Hathloul, Aziza al-Yousef, Eman al-Nafjan, Nouf Abdulaziz, Mayaa al-Zahrani, Samar Badawi, Nassima al-Sada, and Hatoon al-Fassi, all women’s rights activists, as well as male supporters of the movement, including Mohammed Rabea; whereas these activists are known for their campaign against the ban on women driving and support of abolishing the male guardianship system; whereas they were arrested ahead of the anticipated lifting of the ban on women driving on 24 June 2018;

B. whereas woman human rights defender Israa Al-Ghomgham, from the region of Qatif, is still facing arbitrary detention; whereas the death charges against her have recently been dropped but unspecified charges are still being levied against her; whereas there are concerns about Ms al-Ghomgham’s physical and mental wellbeing;

C. whereas an ad hoc panel of British MPs had sought access to eight jailed women to assess their welfare in January 2019 but received no response from the Saudi ambassador Prince Mohammed bin Nawwaf bin Abdulaziz;

D. whereas informed sources say that Saudi interrogators tortured at least three of the women activists detained in May 2018, and that alleged torture by the Saudi authorities included administering electric shocks, whipping the women on their thighs, and forcible hugging and kissing; whereas reports state that the women showed physical signs of torture, including difficulty walking, uncontrolled shaking of the hands, and red marks and scratches on their faces and necks; whereas family members of the women activists, such as the parents of Loujain al-Hathloul, are subjected to travel bans;

E. whereas activist Loujain al-Hathloul has been detained since March 2018 after attending a review session on Saudi Arabia at the UN Committee on the Elimination of Discrimination against Women; whereas she was placed in solitary confinement between May and September during which time her parents report that she was tortured; whereas it has been reported she was beaten, water boarded, given electric shocks, sexually harassed and threatened with rape and murder;
F. whereas a delegation from the Saudi Human Rights Commission visited Loujain al-Hathloul after the publication of the reports about her torture; whereas they could not guarantee her protection; whereas a public prosecutor subsequently visited her to record her testimony; whereas there has been no progress in guaranteeing justice for Ms al-Hathloul or any of the other imprisoned women human rights defenders;

G. whereas Saudi Arabia has some of the tightest restrictions imposed on women, despite recent government reforms aimed at boosting women’s rights in the employment sector; whereas the Saudi political and social system remains unconstitutional and discriminatory, makes women second-class citizens, allows no freedom of religion and belief, seriously discriminates against the country’s large foreign workforce and severely represses all voices of dissent;

H. whereas the investigation and work on the cases are still ongoing and information on the arrests is difficult to come by owing to the limited information released by the Saudi authorities;

I. whereas the reform agenda Vision 2030, bringing about economic and social transformation of the country based on women’s empowerment, should have been a real opportunity for Saudi women to secure their legal emancipation, which is absolutely crucial for the full enjoyment of their rights under the CEDAW; whereas, however, the recent wave of arrests and alleged torture of women’s rights activists seems to run counter to this aim and may distract from the reform agenda; Strongly regrets that the Vision 2030 approach lacks a proper legal framework as well as legal certainty;

J. whereas Saudi Arabia has a range of discriminatory laws, in particular the legal provisions relating to personal status, the situation of women migrant workers, the Civil Status Code, the Labour Code, the Nationality Act and the system of male guardianship, which subjects women’s enjoyment of most of their rights under the CEDAW to authorisation by a male guardian;

K. whereas Saudi Arabia has a lively community of online human rights defenders and the highest number of Twitter users in the Middle East; whereas Saudi Arabia is on the Reporters Without Borders list of ‘Enemies of the Internet’ owing to the censorship of the Saudi media and the Internet and punishment of those who criticise the government or religion;

L. whereas freedom of expression and freedom of the press and media, both online and offline, are crucial preconditions and catalysts for democratisation and reform and are essential checks on power;

M. whereas Saudi Arabia’s Ministry of Media dismissed the allegations of torture of detainees in the kingdom as baseless reports;

N. whereas the 2015 Sakharov Prize Laureate, Raif Badawi, is still imprisoned solely for peacefully expressing his views and journalist and activist Jamal Khashoggi was murdered in the Saudi Arabian consulate in Istanbul on 2 October 2018 by agents of the Saudi government;
1. Calls on the Saudi authorities to immediately and unconditionally release all human rights defenders, lawyers, journalists and other prisoners of conscience detained and sentenced for merely exercising their right to freedom of expression and their peaceful human rights work and allow international independent monitors to meet with detained woman human rights defenders,

2. Insists that the Saudi Authorities put an end to all forms of harassment, including at the judicial level, against Loujain al-Hathloul, Aziza al-Yousef, Eman al-Nafjan, Nouf Abdulaziz, Mayaa al-Zahrani, Samar Badawi, Nassima al-Sada, Hatooon al-Fassi, Israa Al-Ghomgham, Mohammed Rabea and all other human rights defenders in the country, so that they are able to carry out their work without unjustified hindrance and fear of reprisal against them and their families;

3. Condemns the ongoing repression and torture of human rights defenders, including women’s rights defenders, in Saudi Arabia, which undermines the credibility of the reform process in the country; denounces the continued, systemic discrimination against women and girls in Saudi Arabia;

4. Emphasises that the treatment of all detainees, including human rights defenders, while in detention, 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 UN General Assembly Resolution 43/173 of 9 December 1988; Calls on the Saudi authorities to grant detainees immediate access to medical care;

5. Urges the Saudi authorities to provide independent international monitors with access to all detained women human rights defenders, including 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; stresses that independent monitors should include observers from the EU, UN human rights mandate-holders, such as the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or international NGOs;

6. Urges Saudi Arabia to publicly guarantee the safety of all detained activists, allowing the detained women access to lawyers and family members, provide evidence of their well-being, and release those jailed solely for peacefully advocating reform;

7. Pays tribute to the Saudi women and women’s rights defenders seeking to defeat any unfair and discriminatory treatment and to those who have defended human rights despite the difficulties they have to face;

8. Is deeply concerned about the prevalence of gender-based violence in Saudi Arabia, which remains largely underreported and undocumented and is justified with reasons such as the need to discipline women under men’s guardianship; urges the Saudi authorities to adopt comprehensive legislation to specifically define and criminalise all forms of gender-based violence against women, in particular rape, including marital rape, sexual assault and sexual harassment, and to remove all obstacles to women’s access to justice;
9. Deplores the existence of the male guardianship system, whereby authorisation from a male guardian is still expected in a number of areas, including international travel, accessing healthcare services, choosing residency, marriage, filing complaints with the justice system, leaving state-run shelters for abused women, and leaving detention centres; underlines that this system is a reflection of the deep-rooted patriarchal system that rules the country; Urges the Saudi government to immediately abolish the male guardianship system and repeal other laws that discriminate against women and girls;

10. Notes the recent adoption of a law by which Saudi women can be notified by text message if they are divorced, to protect them from having their marriage ended without their knowledge; emphasises that this law does nothing to address the fact that Saudi women can only obtain divorces in exceedingly limited cases — such as with her husband’s consent or if he has harmed her;

11. Expresses concern over the new popular application ‘Absher’, a government web service with which male guardians can track women, specify when and how they can cross Saudi borders and get close to real-time SMS updates when they travel; Emphasises that Google and Apple host the app, while they have rules in place against apps that facilitate threats and harassments;

12. Welcomes the lift of the driving ban for women inside the Kingdom as part of the Vision 2030 agenda;

13. 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; urges also 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, as well as of all discriminatory provisions present in the legal system;

14. Calls on the Saudi authorities to ratify the International Covenant on Civil and Political Rights, lift the reservations made to the CEDAW and ratify the Optional Protocol to the 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 extend a standing invitation to all Special Procedures of the UN Human Rights Council to visit;

15. Calls on the Saudi authorities to allow independent press and media and ensure freedom of expression online and offline, association and peaceful assembly for all inhabitants of Saudi Arabia; condemns the repression of human rights defenders and protesters when they demonstrate peacefully; stresses that peaceful campaigning for basic legal rights or making critical remarks using social media are expressions of an indispensable right; urges the Saudi authorities to remove restrictions placed on human rights defenders which prohibit them from speaking out on social media and to international media;

16. Urges the Saudi government to repeal or substantially amend the 2014 counter-terror law and related legislation and to 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;
17. Calls on the Saudi authorities to declare an official moratorium on all executions with view to abolishing the death penalty;

18. Recalls that Saudi Arabia was elected to the UN Commission on the Status of Women with the support of some EU Member States;

19. Supports the creation of an ad hoc mission of DROI and FEMM to Saudi Arabia in order to meet with and assess the situation of the detained women human rights activists first hand;

20. Regrets the persistent silence and inaction of the EEAS and EU Member States on the cases of the women human rights defenders detained since May 2018;

21. Calls on the VP/HR, the EEAS and EU 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 in their dialogues with the Saudi authorities and to demand their release; pending their release, EU diplomats should call on Saudi authorities to guarantee their safety and to pursue full investigations on the reports of torture;

22. Calls on the VP/HR, the EEAS and EU Member States to raise the case and demand the release of Israa al-Ghomgham, her husband Mousa al-Hashim, and their four co-defendants Ahmed al-Matrood, Ali Ouwaisher, Khalid al-Ghanim and Mujtaba al-Muzain in their dialogues with the Saudi authorities; as well as to raise the case and demand the release of Sheikh Salman al-Awda;

23. Calls on the VP/HR, the EEAS and EU 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 rights defenders detained since May 2018;

24. Calls for the EEAS to adopt the use of restricted measures against Saudi Arabia in response to breaches of human rights, including asset freezes and visa bans; calls on the VP/HR, the European External Action Service (EEAS) and the Member States to ensure full implementation of the EU Guidelines on Human Rights Defenders, and to expand their protection and support for human rights defenders, particularly women human rights defenders;

25. Calls for 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; calls for the EU, at the next Human Rights Council and at the Commission on the Status of Women, to raise the issue of membership of states with questionable human rights records, including as regards respect for women’s rights and gender equality; calls for the EU to propose at the UN Human Rights Council the appointment of a Special Rapporteur on human rights in Saudi Arabia;
26. Reminds EU Member States, including Spain, France and the United Kingdom that their continued arms deals with Saudi Arabia run in contravention to the EU Common Position on Arms exports; is alarmed by the use of these weapons and cyber surveillance technology by Saudi Arabian authorities against citizens, including women human rights defenders, both within Saudi Arabia and the surrounding region;

27. Reiterates its call on the Council to reach a common position in order to impose an EU-wide arms embargo on Saudi Arabia and to respect Common Position 2008/944/CFSP; calls for an embargo on the export of surveillance systems and other dual-use items that may be used in Saudi Arabia for the purposes of repression;

28. Urges the VP/HR, the EEAS and the Member States to continue conducting a dialogue with Saudi Arabia on human rights, fundamental freedoms and the troubling role of the country in the region; expresses its readiness to hold a constructive and open dialogue with the Saudi authorities, including parliamentarians, on the implementation of their international human rights commitments; calls for an exchange of expertise on justice and legal matters in order to strengthen the protection of individual rights in Saudi Arabia;

29. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the UN Secretary-General, the UN High Commissioner for Human Rights, the Commission on the Status of Women, the UN Human Rights Council, H.M. King Salman bin Abdulaziz Al Saud and 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.