



TEXTS ADOPTED

P8_TA(2019)0117

Women's rights defenders in Saudi Arabia

European Parliament resolution of 14 February 2019 on women's rights defenders in Saudi Arabia (2019/2564(RSP))

The European Parliament,

- having regard to its previous resolutions on Saudi Arabia, in particular those of 11 March 2014 on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa¹, of 12 February 2015 on the case of Mr Raif Badawi, Saudi Arabia², of 8 October 2015 on the case of Ali Mohammed al-Nimr³, of 31 May 2018 on the situation of women's rights defenders in Saudi Arabia⁴, and of 25 October 2018 on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul⁵,
- having regard to the statements of 29 May 2018 by the Spokesperson for the UN High Commissioner for Human Rights on recent arrests in Saudi Arabia, and of 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 of 12 October 2018 by several UN Special Rapporteurs calling for the immediate release of all women's rights defenders,
- having regard to the report by the Office of the United Nations High Commissioner for Human Rights (OHCHR) of 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

¹ OJ C 378, 9.11.2017, p. 64.

² OJ C 310, 25.8.2016, p. 29.

³ OJ C 349, 17.10.2017, p. 34.

⁴ Texts adopted, P8_TA(2018)0232.

⁵ Texts adopted, P8_TA(2018)0434.

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 opening speech of the VP/HR at the 5th EU-League of Arab States ministerial meeting stating: ‘and let me say that cooperation between Europe and the Arab world was never so important and, I believe, has never been so necessary’,
 - having regard to the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW),
 - 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 anti-harassment bill approved by the Saudi Shura Council on 28 May 2018,
 - having regard to the Universal Periodic Review (UPR) of Saudi Arabia of November 2018,
 - having regard to the Reporters Without Borders 2018 World Press Freedom Index ranking Saudi Arabia 169th of 180 countries,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
 - having regard to the International Covenant on Economic, Social and Cultural Rights (ICESCR) 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 the awarding of the Sakharov Prize for Freedom of Thought and Expression to the Saudi blogger Raif Badawi in 2015,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas activists arrested by the Saudi authorities for their women's rights activism 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, Shadan al-Anezi, Abir Namankani, Amal al-Harbi and Hatoon al-Fassi, all of whom are women's rights activists, as well as male supporters of the movement, including Mohammed al-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; whereas some 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;

- B. whereas human rights defender Israa al-Ghomgham, from the region of Qatif, is still facing arbitrary detention; whereas the death penalty imposed on her has recently been dropped, but unspecified charges are still being levelled against her; whereas there are concerns about Ms al-Ghomgham's physical and mental wellbeing;
- C. whereas reports maintain that Saudi interrogators have tortured, maltreated and sexually abused at least three of the women activists detained in May 2018; whereas family members of the women activists, such as the parents of Loujain al-Hathloul, are subject to travel bans;
- D. whereas Saudi Arabia's Ministry of Media has dismissed the allegations of torture of detainees in the Kingdom as baseless reports;
- 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 2018, during which time her parents report that she was tortured;
- 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;
- G. whereas Loujain al-Hathloul has been nominated for the 2019 Nobel Peace Prize;
- H. whereas Saudi Arabia still has some of the tightest restrictions imposed on women, in spite of recent government reforms aimed at boosting women's rights in the employment sector; whereas the Saudi political and social system remains discriminatory, effectively making women into 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;
- I. 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, under which women's enjoyment of the majority of their rights under CEDAW is subject to authorisation by a male guardian;
- J. 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;
- K. whereas Saudi Arabia's general reservation to 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 thereof;
- L. 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;

- M. whereas the Vision 2030 reform agenda, which aims to bring about the economic and social transformation of the country, including through 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 CEDAW; whereas, however, the recent wave of arrests and alleged torture of women's rights activists runs counter to this aim, and may distract from the reform agenda; whereas the Vision 2030 decree lacks a proper legal framework;
 - N. 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;
 - O. 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 impose 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;
 - P. whereas Saudi Arabia's UN Human Development Index value for 2018 is 0.853 – positioning it 39th out of 188 countries and territories; whereas Saudi Arabia has a UN Gender Inequality Index value of 0.234, ranking it 39th out of 189 countries in the 2017 index; whereas the country has a UN Gender Development Index (GDI) of 0.877 (ranked 39th in the world);
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 activists, 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 these women's rights defenders and all human rights defenders, lawyers, journalists and other prisoners of conscience detained and sentenced merely for exercising their right to freedom of expression and for their peaceful human rights work, and to allow international independent monitors to meet with detained women human rights defenders;
 3. Urges the Saudi authorities to facilitate the access of independent medical doctors to the detainees; 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 means of UN General Assembly Resolution 43/173 of 9 December 1988;
 4. Insists that independent monitors should include observers from the EU Delegation to Saudi Arabia 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;

5. Insists that the Saudi Authorities put an end to all forms of harassment, including at judicial level, against Loujain al-Hathloul, Aziza al-Yousef, Eman al-Nafjan, Nouf Abdulaziz, Mayaa al-Zahrani, Samar Badawi, Nassima al-Sada, Shadan al-Anezi, Abir Namankani, Amal al-Harbi, Hatoon al-Fassi, Israa Al-Ghomgham, Mohammed al-Rabea and all other human rights defenders in the country, so that they are able to carry out their work without unjustified hindrance or fear of reprisals against them and their families;
6. 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;
7. Urges Saudi Arabia to publicly guarantee the safety of all detained activists, allow the detained women access to lawyers and family members, provide evidence of their wellbeing, and release those jailed solely for peacefully advocating reform;
8. Praises and supports the Saudi women's rights defenders who are seeking equal and fair treatment in their society and those who have defended human rights despite the difficulties they have to face;
9. Is deeply concerned about the prevalence of gender-based violence in Saudi Arabia, which remains largely underreported and undocumented, and which has been justified citing retrograde 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 female genital mutilation, rape, including marital rape, sexual assault and sexual harassment, and to remove all the obstacles women face in their access to justice; expresses profound disquiet about the reports of a prevailing practice of child marriage;
10. 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 one's residency, marriage, filing complaints with the justice system, and leaving state-run shelters for abused women and 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;
11. Notes the recent adoption of a law under which Saudi women can be notified by text message if they are being 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 their husband's consent or if their husband has harmed them;
12. Expresses concern over the government web services 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;
13. Welcomes the lifting of the driving ban for women inside the Kingdom as part of the Vision 2030 agenda;

14. 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, as well as of all discriminatory provisions present in the legal system, including in areas such as inheritance;
15. 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 extend a standing invitation to all Special Procedures of the UN Human Rights Council to visit the country;
16. Stresses that the exercise of the rights to freedom of expression and of peaceful association and assembly are protected under international human rights law; calls on the Saudi authorities to allow independent press and media and ensure freedom of expression online and offline, as well as freedom of association and peaceful assembly for all inhabitants of Saudi Arabia; urges the Saudi authorities to remove the restrictions placed on human rights defenders, which prohibit them from speaking out on social media and to the international media;
17. Calls on the Saudi authorities to introduce an immediate moratorium on the use of the death penalty as a step towards its abolition; calls for a review of all death sentences to ensure that the trials preceding them adhered to international standards;
18. Recommends sending an ad-hoc delegation from the Subcommittee on Human Rights (DROI) and the Committee on Women's Rights and Gender Equality (FEMM) before the end of the current mandate to Saudi Arabia in order to visit the imprisoned women and hold the necessary meetings with the Saudi authorities;
19. Takes note of the EU-Saudi engagement and encourages further dialogue;
20. Regrets the inefficient statements by the European External Action Service (EEAS) and the Member States on the cases of the women human rights defenders detained since May 2018;
21. Calls on the VP/HR, the EEAS and the Member States to bring up the cases 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; insists that, pending their release, EU diplomats should call on the Saudi authorities to guarantee their safety and to pursue full investigations into the reports of torture;
22. Calls for the Commission and Parliament to look into the lack of listings of Saudi Arabia within the EU transparency register;
23. Calls on the VP/HR, the EEAS and the Member States to bring up the cases 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 and to demand their release; calls, furthermore, for the case of Sheikh Salman al-Awda to be brought up and for his release to be demanded;

24. Calls on the VP/HR, the EEAS and the 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, in relation to the Saudi women's rights defenders detained since May 2018;
25. Calls for a European Parliament resolution to be tabled 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 in relation to respect for women's rights and gender equality; calls for the EU to propose the appointment of a Special Rapporteur on Human Rights in Saudi Arabia at the UN Human Rights Council;
26. 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 the VP/HR and all Commissioners, systematically raise the case of Raif Badawi in their contacts with their Saudi counterparts, and request to meet with him during their visits to the country; commits to stepping up its efforts in support of his release; calls on its President to travel to Riyadh in order to bring up the case of the Sakharov Prize laureates directly with the authorities;
27. Calls on the VP/HR, the 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; calls on the VP/HR to report on the current state of military and security cooperation between the Member States and the Saudi regime;
28. Reiterates its call for 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/CFSP¹; 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 the repression of its citizens, including women human rights defenders; is alarmed by the use of these weapons and of cyber surveillance technology by the Saudi Arabian authorities; reminds the Member States that their continued arms deals with Saudi Arabia are in contravention of the EU's common position on arms exports; calls for the EEAS to propose, and for the Council to adopt, the use of restricted measures against Saudi Arabia in response to breaches of human rights, including asset freezes and visa bans;
29. 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

¹ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, OJ L 335, 13.12.2008, p. 99.

and legal matters in order to strengthen the protection of individual rights in Saudi Arabia;

30. 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.