



**WHRDMENA
COALITION**

**Women Human Rights Defenders
in Middle East and North Africa** www.whrdmena.org

CSW Communications Procedure
Human Rights Section
UN Women
220 East 42nd Street, 17th Floor
New York, NY 10017 USA
Via Email: cp-csw@unwomen.org

27 July 2018

Re: Communication on the need for the Government of Saudi Arabia to end the discriminatory male guardianship system and the arrests of women human rights defenders

Dear Commission Members,

Pursuant to the Economic and Social Council resolution 76 (V) of 5 August 1947, as amended by the Council in resolution 304 I (XI) of 14 and 17 July 1950¹, Equality Now submits this communication² on the discriminatory system of male guardianship in Saudi Arabia and the recent arrests of women's rights defenders by the Saudi authorities.

Equality Now is an international human rights organization working to protect and promote the rights of women and girls worldwide. This communication is with reference to Equality Now's Action³ *Women's Rights Defenders in Saudi Arabia arrested and accused of "treason"*, calling on the Saudi government to immediately release and stop arresting women's rights defenders, including those associated with them, and to enable all women to exercise their fundamental rights as provided for under international law, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Sustainable Development Goals and the Beijing Platform for Action.

The Regional Coalition of Women Human Rights Defenders is a group of human rights organizations, collectives and individuals in the Middle East and North Africa (MENA) region working to promote human rights. The Coalition is committed to amplifying the voices of women human rights defenders (WHRDs) through taking collective actions, building regional and international solidarity, and providing WHRDs with various tools and resources. The Coalition has 52 members from across the MENA region, ranging from grassroots collectives, individual WHRDs and to large local and regional organizations.

¹ The Economic and Social Council has reaffirmed the mandate of the Commission on the Status of Women to receive communications on the status of women in its resolutions 1983/27 of 26 May 1983, 1992/19 of 30 July 1992, 1993/11 of 27 July 1993 and decision 2002/235 of 24 July 2002.

² Equality Now hereby waives any claim of confidentiality to which we may be entitled in the communications process.

³ Equality Now Action:

https://www.equalitynow.org/women_s_rights_defenders_in_saudi_arabia_arrested_and_accused_of_treason

Since 15 May 2018, the Saudi authorities have arrested women activists including - Loujain al Hathloul, Hussa El Sheikh, Aisha El Man'a, Aziza al-Youssef, Madiha El 'Alroush, Walaa al-Shubar and a number of men, including lawyers and others who support their activism. Whilst Hussa El Sheikh, Aisha El Man'a, and Madiha El'Alroush have since been released, the remaining activists are still incarcerated and are being held incommunicado. More recently, the Saudi government has arrested Nouf Abed El Azziz, Maya Al Zahrani and Dr. Hatoon Fassi. The activists have long campaigned for equality and the protection of women's rights, including the lifting of the driving ban, ending the discriminatory male guardianship system, and protecting victims of domestic violence by attempting to register a non-profit organisation to establish a shelter.

On 2 June 2018, the Saudi State Security issued a statement which implied that the targeted activists may be charged with treason and that more people will be arrested if found to have been associated with them. The government has been simultaneously undertaking a media campaign with the intention of slandering their reputation by labelling them traitors to the State, claiming they pose a threat to the stability of the Kingdom. The actions by the Saudi Government to target these women's rights defenders is yet another attempt to create a fearful environment where freedom of expression is not tolerated and any voices which are critical of the State are eliminated.

In March 2018,⁴ the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about the subjection of women human rights defenders in Saudi Arabia to various forms of harassment, violence and intimidation by law enforcement officials, as well as detention. It called upon Saudi Arabia to refrain from any reprisals against women human rights defenders and to "ensure that any sanctions against women who peacefully exercise their right to freedom of expression and association are immediately discontinued", adding that the 2014 Counter-Terrorism Act, 2007 Cyber Crime Act and the 2011 Web Publishing Act should "not be invoked abusively", as they have been in these recent arrests, in order to criminalize women's rights defenders. It is also worth raising that Loujain Al Hathloul, who attended the CEDAW session and took the opportunity to express her concerns and fears over the human rights situation in Saudi Arabia, was arrested shortly after her return to Saudi Arabia. This is a clear act of reprisal against her by the Saudi authorities.

Whilst we note that some efforts have been undertaken to eliminate discrimination against women in Saudi Arabia, such as the lifting of the driving ban⁵ on 24 June 2018⁶, enabling women to vote in municipal elections and granting women access to public sporting events, as long as the discriminatory male guardianship system continues to exist and permeate all facets of women's and girls' lives, real and genuine progress and comprehensive equality will not be achieved. As reiterated by the CEDAW, the male guardianship system subjects women's and girls' enjoyment of most of their rights under the Convention to authorization by a male guardian and all discriminatory provisions in national legislation should be repealed, in accordance with Articles 1 and 2 of the Convention and Targets 5.1 and 10.3 of the Sustainable Development Goals.

We appreciate the recent condemnation by UN experts⁷ and the European Parliament⁸ concerning the ongoing repression of women's rights defenders. However, it is imperative that the international community continues to call on Saudi Arabia for the immediate and unconditional release of those who have been arrested to date and the cessation of further arrests of women's rights

⁴ CEDAW Concluding Observations on the combined third and fourth periodic reports of Saudi Arabia, CEDAW/C/SAU/CO/3-4, 9 March 2018

⁵ See our Call for Action on giving Saudi women equal access to driving:

<https://www.equalitynow.org/give-saudi-women-equal-access-to-driving>

⁶ Further to the Supreme Order of 26 September 2017 which allows the issuance of driving licenses on equal terms to women and men. However, it is important to note that despite the lifting of the ban, women have been encountering several obstacles which are preventing the realization of their right to drive, including the high cost of driver's licenses and other fees compared to what men pay, as well as limited access to driving schools for women which are only in Jeddah, Riyadh and Al Shariqia.

⁷ Saudi Arabia must immediately free women human rights defenders held in crackdown, say UN experts, at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23270&LangID=E>

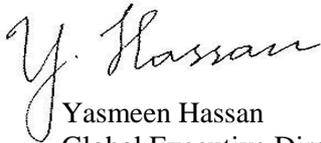
⁸ European Parliament Joint Motion for a Resolution on the situation of women's rights defenders in Saudi Arabia (2018/2712(RSP)) of 30 May 2018.

defenders. In light of Saudi Arabia's new ambitious economic reform agenda, Vision 2030, and the rhetorical support for empowering women and promoting gender equality by the Saudi Crown Prince Mohammad bin Salman Al Saud during his international visits, it is imperative that this is matched with genuine reform towards the elimination of all forms of discrimination against women and girls.

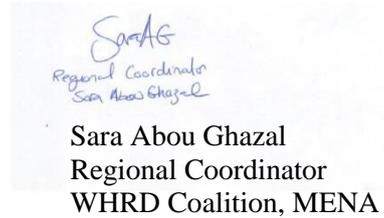
By this communication, Equality Now requests that the Commission call upon the Saudi government to dismantle the discriminatory male guardianship system as it violates the human rights of women in both private and public domains and hinders women's full participation as equal citizens in society. We also request that the Commission call upon the Saudi authorities to unconditionally and immediately release all women's rights activists who were exercising their right to freedom of expression and conducting peaceful work in the promotion and protection of women's rights. Equality Now urges the Commission to refer the matter to the Economic and Social Council with a recommendation that it take action to ensure an end to the male guardianship system and underscores the call by UN experts⁹ on 27 June 2018 for Saudi Arabia to end the clampdown on human rights defenders.

Thank you for your attention and we look forward to hearing from you.

Sincerely,



Yasmeen Hassan
Global Executive Director
Equality Now



Sara Abou Ghazal
Regional Coordinator
WHRD Coalition, MENA

⁹ Ibid 7