

# SAUDI ARABIA

## CONDEMNED TO SILENCE THE SITUATION OF WOMEN HUMAN RIGHTS DEFENDERS



January 2018



This project is funded by the EU



REPUBLIQUE  
ET CANTON  
DE GENEVE

POST TENEBRAS LUX



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OMCT and FIDH are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society. This study was produced notably within the framework of ProtectDefenders.eu.

OMCT and FIDH would like to thank the Republic and Canton of Geneva, the Agence Française de Développement (AFD) and the European Union for making the publication of this study possible. The contents of this report are the sole responsibility of OMCT and FIDH and shall under no circumstances be interpreted as reflecting the views of these organisations.

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**Dépôt légal janvier 2018** FIDH (English ed.) ISSN 2225-1804– Fichier informatique conforme à la loi du 6 janvier 1978 (Déclaration N° 330 675)

**Cover photo:** A Saudi student taking notes as she attends a medical gathering at King Fahd Medical City in Riyadh, October 23, 2007 ©AFP PHOTO/HASSAN AMMAR

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# TABLE OF CONTENTS

|  |    |
|--|----|
| Executive summary  | 4  |
| Introduction: objectives and methodology of the study  | 5  |
| 1 – A paradoxical socio-political context: from repression to announcements of reforms   | 6  |
| 1.1. Growing crackdown on voices of dissent  | 6  |
| 1.2. Dynastic handover in progress   | 7  |
| 1.3. Vision 2030 Plan: announced for effect or a genuine desire for change?  | 7  |
| 1.4. Saudi Arabia's ambition to increase its presence on the international stage as a way of imposing its highly personal vision of human rights | 8  |
| 1.5. Women's rights, an exploited political issue  | 9  |
| Focus : Women condemned to remaining minors? Male guardianship: the legal and ideological basis for the subjugation of women                     | 11 |
| 2 - A legal framework criminalising the defence of human rights  | 14 |
| 2.1. A legal framework based on a restrictive reading of Sharia and the use of legal texts for repressive purposes                               | 15 |
| 2.1.1. Basic Law: "The State protects human rights in accordance with Islamic Sharia Law".   | 15 |
| 2.1.2. The concept of "wali al-amr": banning any challenge to the authority and primacy of the patriarchal regime                                | 16 |
| 2.1.3. Fatwa and other texts handed down by the Council of the Ulemas.   | 17 |
| 2.1.4. Abuse of laws aimed at tackling criminality   | 18 |
| Law on Cybercrimes.  | 18 |
| Law on Printed Materials and Publication   | 18 |
| Draft Law banning inciting religious hatred.   | 19 |
| Anti-Terrorism Law   | 19 |
| 2.2. The Specialized Criminal Court, an instrument for repressing human rights defenders   | 20 |
| 3 - Women's difficult fight for empowerment in a circumscribed environment   | 22 |
| 3.1. Confronted with a tightly circumscribed human rights environment...   | 22 |
| 3.1.1. Civil society organisations subject to a regime offering few safeguards.  | 22 |
| 3.1.2. The "Saudi Human Rights Association", a "government" body   | 23 |
| 3.1.3. Crushing any resolve to create an independent organisation.   | 24 |
| 3.2. ... women human rights defenders take to cyberspace   | 25 |
| 3.2.1. Campaigns that start with individual cases and develop into emblematic causes.  | 26 |
| Focus point: The movement in support of women's right to drive: an encouraging sign  | 30 |
| 3.2.2. Virtual activism limited by a lack of women's rights organisations  | 31 |
| 4 - Still fragile women's rights movement subject to severe crackdown  | 32 |
| 4.1. Mariam Al-Otaibi: an anti-male guardianship activist accused of disobedience  | 32 |
| 4.2. Alaa Al-Anazi: action against domestic violence impeded by the threat of fresh legal proceedings  | 34 |
| 4.3. Loujain Al-Hathloul: defending the right to drive whatever the cost   | 35 |
| 4.4. Aziza Al-Yousef: a key figure in women's fight for their rights   | 36 |
| 4.5. Nassima Al-Sadah: hampered in her efforts to register an organisation   | 37 |
| 4.6. Samar Badawi: victim of violence and now iconic figure in the fight for human rights  | 38 |
| 4.7. Naimah Al-Matrod: a pro-reform activist in jail   | 40 |
| Conclusion and recommendations   | 41 |

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## Executive summary

For several years, the issue of women's rights in Saudi Arabia has regularly made the headlines in the international press due, in particular, to the unprecedented scale of public mobilisation on this issue that has developed within the country, the importance of the issue on the international agenda and the announcement by the Saudi Government of large-scale reforms. But **aside from the announcement of symbolic reforms** - such as allowing women access to sports stadiums and granting them the right to drive in September 2017 - **women continue to see their rights significantly restricted in Saudi Arabia**, which enforces a strict form of Sunni Islam, known as Wahhabism.<sup>1</sup>

Since 2016, the country has experienced **significant and unprecedented mobilisation by women in defence of their most basic rights**, particularly as a result of the opportunities afforded by social media. The latter are fully exploited in campaigns that include the demand for the right to drive, to be protected against all forms of violence and also for the end to the male guardianship system, the ideological and legal basis to the subjugation of women and gender inequality.

While **the movement to defend women's rights** has been unable to develop a structure due to the repression it continues to face, it **has benefited from a slowly maturing "proto-civil society"** of women activists, which has informally established itself and which, although undeniably fragile, is nonetheless dynamic. The movement further benefited from periodic positive impetus under the reign of former King Abdallah, as well as the announcement of societal reforms made by the current Crown Prince. However, not only is progress slow in this area, but also there is no sign of any qualitative leap forward.

Furthermore, the promises of reform issued by Saudi leaders continue to be at odds with the actual reality of the human rights situation in the country. While the difficulties and obstacles that the reforms may face should not be brushed aside, it is clear that, since King Salman ben Abdelaziz and his son Crown Prince Mohamed ben Salman assumed the responsibilities of ruling, the Government has continued to crack down severely on any form of dissent or any action interpreted as such. Since 2011, in response to concerns prompted by the Arab Spring, **the Saudi Government has effectively stepped up its efforts to quash any voices of dissent** and, in particular, to silence human rights defenders, who have been calling for major reforms to a system founded on respect for authority. The crackdown on any attempt to establish a movement or set up an organisation has been particularly severe. Dozens of defenders, bloggers, lawyers and demonstrators are serving long prison sentences having been accused of "terrorism", "inciting public disorder", "attempting to overthrow the Government or the authority of the King", "attempting to influence public opinion" or "creating an unlicensed organisation".

In this ultra-repressive environment, **women who adopt the stance of activists** and attempt to collectively establish their demands **in turn face reprisals**.

In light of this, the question of women's rights and the fate reserved for women human rights defenders are particularly symbolic of the contradictions within Saudi society and constitute an excellent indicator of the human rights situation in the country.

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<sup>1</sup> Wahhabism is a Hanbalite Sunni religious movement advocating what they consider to be "the return to practices existing within the Muslim community at the time of Prophet Mohammad and his first successors or caliphs". According to the Wahhabi doctrine, there is only one interpretation possible of religious texts and Islamic pluralism does not exist.

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## Introduction: objectives and methodology

In a paradoxical context of announcements of reform that would improve women's rights and systematic repression of human rights defenders in Saudi Arabia, in particular women human rights defenders, FIDH and the World Organisation Against Torture (OMCT), in the framework of their partnership, the Observatory for the Protection of Human Rights Defenders (the Observatory), wished to review the current state of the women's rights movement in Saudi Arabia, the main areas in which it operates and the difficulties encountered by its key players.

Faced with the practical impossibility of dispatching an international fact-finding mission, due, in particular, to reprisals against any defender who cooperates with foreign organisations and to the authorities' refusal to enter into dialogue with international bodies, the Observatory then decided to carry out a study based on in-depth documentary research conducted on Saudi news and institutional websites and more than a dozen long-distance interviews led from April to July 2017 with figures from Saudi civil society - activists, researchers and journalists - living in different towns and cities in the country or abroad, to obtain information directly from the field.<sup>2</sup>

This report does not intend to give a complete picture of the situation of human rights defenders in Saudi Arabia, but attempts to illustrate the situation of Saudi civil society via the issue of women.

The Observatory would like to thank all those interviewed in the context of this study.

### Definition

The term "human rights defender" refers to any individual who, individually or in association with others, acts peacefully in the name of individuals or groups to promote, defend and protect the human rights and fundamental freedoms recognised by the Universal Declaration of Human Rights and guaranteed by various international instruments. As a result of their active commitment, defenders run the risk of, or are subject to, reprisals, harassment and violations of their rights.

On December 9, 1998, the United Nations (UN) General Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).<sup>3</sup> While not in itself a legally binding instrument, the Declaration sets out a series of rights and principles founded on human rights norms enshrined in other international instruments, which are themselves legally binding, such as the International Covenant on Civil and Political Rights. It also sets out a certain number of specific obligations on States as well as on each individual as regards promoting and protecting human rights.

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<sup>2</sup> To protect interviewees, most of their names will not be divulged to avoid any reprisals against them.

<sup>3</sup> See the Declaration: <https://www.un.org/ruleoflaw/files/N9977089.pdf> and Commentary on the Declaration: <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>

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# 1 – A paradoxical socio-political context: from repression to announcements of reforms

## 1.1. Growing crackdown on voices of dissent

In May 2015, four months after his accession to the throne, King Salman ben Abdelaziz declared that his Government ensured Saudi citizens' right to freedom of expression. Yet, in contradiction with this declaration of intent, the **crackdown on voices of dissent has intensified** since he came to the throne, directed particularly against human rights defenders, activists, intellectuals, journalists and bloggers. While certain figures in civil society have been able to publicly express their commitment to the key principles of human rights, **pointing the finger of responsibility for human rights violations at the authorities** (such as the Home Office, the judicial system or religious bodies) **remains a line that cannot be crossed**. The same applies to condemning specific measures such as decrees, or the existence of political prisoners. **To cross the line exposes the perpetrator to prosecution before the Specialized Criminal Court and to a hefty punishment**, such as imprisonment and even public flogging or the death penalty.

Between September 9 and the beginning of October 2017, the authorities arrested almost 70 people, most of them preachers but also judges, bloggers and journalists.<sup>4</sup> In early November 2017, a few hours after setting up an anti-corruption commission, more than 50 key figures among the Saudi ruling family and business world, and dozens less known, were arrested under the pretext of fighting corruption. A dramatic increase has likewise been seen in death sentences and executions, with 158 executions carried out in 2015 and 154 in 2016.<sup>5</sup>

In a report published in November 2016, Human Rights Watch noted that *"Saudi courts have tried, convicted, and sentenced at least twenty prominent activists and dissidents [...] to exceptionally long prison sentences of 10 to 15 years based solely on peaceful criticism. [...] Since 2014 Saudi authorities have tried nearly all peaceful dissidents in the Specialized Criminal Court [set up by a specific anti-terrorism law]"*.<sup>6</sup>

Since, the trials and sentencing targeting human rights defenders have continued at the same rate, like the arrest of defender **Issa Al-Nukhaifi** in December 2016 for protesting against the displacement of populations on the border with Yemen.<sup>7</sup> This clearly shows that the King's promises when he accessed the throne are far from being translated into action.

Similarly, in January 2017, **Essam Koshak** and **Ahmed Al-Mushaikhis** were arrested respectively for having tweeted on corruption and freedom of expression in Saudi Arabia, and having demanded the release of political prisoners held without charge.<sup>8</sup>

In the same month, **Nadhir Al-Majed** was sentenced to seven years in prison for taking part in demonstrations calling for an end to discrimination against the Shiite minority in the country.<sup>9</sup>

In August 2017, **Abdelaziz Al-Shubaili**, member of the Saudi Civil and Political Rights Association (ACPRA, *Hazm* in Arabic), an organisation created in 2009 and which has seen all of its known members criminalised since 2011, was retried and sentenced to eight years in prison for "inciting public opinion".<sup>10</sup>

Finally, in November 2017, **Naimah Al-Matrod** was sentenced to six years in prison after she took part in the peaceful protest movement in Saudi Arabia's Eastern coast, which demands economic,

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4 See the Saudi 'Prisoners of Conscience' Twitter account: <https://twitter.com/m3takl>

5 See Amnesty International, *The Death Penalty in 2016: Facts and Figures*: <https://www.amnesty.org/en/latest/news/2017/04/death-penalty-2016-facts-and-figures/>

6 See Human Rights Watch Report, *140 characters, Online activists jailed and harassed in the Arab Gulf States*, 2016: [https://features.hrw.org/features/HRW\\_2016\\_reports/140\\_Characters/index.html](https://features.hrw.org/features/HRW_2016_reports/140_Characters/index.html)

7 See Gulf Centre for Human Rights (GCHR), *Saudi Arabia: Human rights defender Issa Al-Nukhaifi arrested*, December 20, 2016: <http://www.gc4hr.org/news/view/1450>

8 See Observatory Urgent Appeal SAU 001/0117/OBS 003, published on January 12, 2017.

9 See Human Rights Watch, *Saudi Arabia: Intensified Repression of Writers, Activists; Rising Arrests, Prosecutions*, February 6, 2017: <https://www.hrw.org/news/2017/02/06/saudi-arabia-intensified-repression-writers-activists>

10 Ibid.



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social and politic reforms and calls for the release of political prisoners together with democratic reforms. To date, it is the only documented case of detention of a women human rights defender (see below Section 4.7).

This repression, in particular the criminalisation of women human rights defenders, is contrary to Articles 9, 10, 19 and 20 of the Universal Declaration of Human Rights (UDHR) and the UN Declaration on Human Rights Defenders. In 2016, the UN Working Group on Arbitrary Detention asked Saudi authorities to release nine human rights defenders with links to ACPRA.<sup>11</sup>

## 1.2. Dynastic handover in progress

Saudi Arabia is at a particular phase of its history. **The present-day dynastic handover is of greater significance than previous transition phases**, as it involves a generational changeover, passing from the generation of the founding King's sons, who are all in their eighties, to his grandsons' generation and, in this case, the thirty-year-old **Crown Prince Mohamed ben Salman**. The latter **is preparing to take over his role by taking strong action and announcing a host of impending reforms**, including his Vision 2030 Plan on socio-economic transformation, which should, according to his statements to the Western press, be accompanied by radical social reforms. For Saudi defenders and international partners it is therefore a matter of seizing this opportunity and supporting this potential momentum.

## 1.3. Vision 2030 Plan: announced for effect or a genuine desire for change?

**The socio-economic development plan entitled Vision 2030<sup>12</sup>**, which is intended to free the country from its dependence on oil by establishing an industry and service-based economy rather than one based on oil revenues, **is helping put women's status back in the spotlight**. The plan includes creating a more liberal economy, attracting foreign investors and increasing the employment rate among Saudis, including women. The plan also states that the economy must *"provide opportunities for everyone - men and women, young and old - so that they may contribute to the best of their abilities"*.<sup>13</sup> It goes on to state that Saudi Arabia *"will continue to develop their talents, invest in their productive capabilities and enable them to strengthen their future and contribute to the development of our society and economy"*<sup>14</sup>, and that one of the objectives involves increasing *"women's participation in the workforce from 22% to 30%"*.<sup>15</sup>

Ahead of its official announcement, **the Vision 2030 Plan gave rise to a flurry of communications** from Mohamed ben Salman, Deputy Crown Prince at the time.

On January 4, 2016, he gave an interview to the British weekly journal *The Economist*. He was asked if the ambitious reforms envisaged did not require a reshaping of the Saudi social contract. As part of his reply, the Prince said: *"We have our values: it is important to us, the participation in decision making; it is important to us to have our freedom of expression; it is important to us to have human rights."*<sup>16</sup>

Again, on April 4, 2016, the Prince gave a lengthy interview to the US press agency *Bloomberg*, outlining the main principles of the future reforms.<sup>17</sup> Questioned on whether, in the context of the plan, women would be granted more rights, the prince replied: *"I just want to remind the world that American women had to wait long to get their right to vote. So we need time. We have taken many steps [...] What is left is that, for the future, we support women, and I don't think there are obstacles we can't overcome."*

On the international scene, Philip Alston, UN Special Rapporteur on Extreme Poverty and Human

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<sup>11</sup> See UN Working Group on Arbitrary Detention, *One year on: UN group renews call for Saudi Arabia to release human rights activists*, November 17, 2016: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20886&LangID=E>

<sup>12</sup> See <http://vision2030.gov.sa/en/node>.

<sup>13</sup> Point 2.1.3 of the Vision 2030 Plan.

<sup>14</sup> Ibid.

<sup>15</sup> Point 2.1.4 of the Vision 2030 Plan.

<sup>16</sup> See *The Economist*, *Transcript: Interview with Muhammad bin Salman*, January 6, 2016: [http://www.economist.com/saudi\\_interview](http://www.economist.com/saudi_interview).

<sup>17</sup> See US press agency *Bloomberg*, *Saudi Arabia's Deputy Crown Prince Outlines Plans: Transcript*, April 4, 2016: <https://www.bloomberg.com/news/articles/2016-04-04/saudi-arabia-s-deputy-crown-prince-outlines-plans-transcript>

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Rights, following an official visit to the country on January 19, 2017, considered that *"The Saudi Government's bold and ambitious plans to transform its economy provide a unique opportunity to improve the human rights of women and the poor. Despite the plethora of serious human rights issues in Saudi Arabia, the radically new approach reflected in Vision 2030, the National Transformation Program 2020 and the Fiscal Balance Program, recognizes the need to encourage full participation of women in the labour market, which will drive the cultural changes needed to enable women to become both more economically productive and more independent."* In addition, Mr Alston *'urged the authorities to use Vision 2030 to enhance gender equality, especially for women in the poorer segments of society. [...] But he also noted that economic imperatives, as well as increasing demands by Saudi women, have led to a number of improvements in recent years.'*<sup>18</sup>

**Those interviewed during the study have, however, expressed doubts as to the intentions of the author of the Vision 2030 Plan, namely Mohamed ben Salman.** They are concerned that he is in fact **seeking to use the Vision 2030 Plan solely to cultivate his reformist image**, including among the country's liberal elite. Likewise, French researcher and expert in the region, Stéphane Lacroix, points out that Mohamed ben Salman continues to need the support of part of the national public opinion, in particular women and the youth, to consolidate his power within the reigning family.

**It may also be viewed as somewhat regrettable that a utilitarian notion of women has been brought to the fore**, viewing them more as a means to improve the country's economy than as legal entities, who ought to be able to exercise rights that are equal to those of their male counterparts.

#### 1.4. Saudi Arabia's ambition to increase its presence on the international stage as a way of imposing its highly personal vision of human rights

At the same time, Saudi Arabia has chosen to consolidate its presence on the regional and international stages in order to strengthen its position as a key player in the region.

**At the regional level, it is exerting pressure on neighbouring countries and is actively contributing to repression and the rolling back of freedoms in these countries.** Thus, it is involved in military intervention in Yemen, where it is accused by the United Nations of committing war crimes. It has maintained armed forces in Bahrain since the crackdown on demonstrations against the regime in 2011. It continues to blockade Qatar for reasons that also relate to issues of freedom of expression.<sup>19</sup> In Kuwait as well as in Bahrain and the United Arab Emirates, several bloggers, journalists, intellectuals and political figures have been arrested and/or sentenced to imprisonment under laws that punish criticism of *"leaders of friendly countries"*, i.e. the King of Saudi Arabia.<sup>20</sup>

**At the international level, choosing to increase Saudi Arabia's involvement translates as being active within international institutions and, more specifically, within human rights bodies.** Its election to the United Nations Human Rights Council in 2013, extended in 2016, followed by its appointment in April 2017 as a member of the Commission on the Status of Women (CSW), responsible for promoting gender equality and empowering women, has revealed this ambition to world public opinion.

**Saudi Arabia's participation within these UN bodies has roused controversy**, as a result of the considerable gap which exists between the reality of the Saudi human rights situation on the one hand, and the human rights and particularly women's rights enshrined in the 1948 Universal Declaration of Human Rights on the other. These rights are binding on Saudi Arabia as an active member of UN bodies. Furthermore, **Saudi Arabia has still not ratified a significant number of key international human rights conventions**, including in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. In addition, it has made substantive reservations to several conventions it has ratified, such as the Convention on the Elimination of Discrimination Against Women (CEDAW). In 2008,

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<sup>18</sup> See Preliminary Findings of the Special Rapporteur on Extreme Poverty and Human Rights, January 19, 2017: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21099&LangID=E>

<sup>19</sup> The issue of freedom of expression does not just concern the demand for the closure of the Qatari television channel *Al-Jazeera*, but also media outlets such as *Al-Araby Al-Jadid*, which have enabled Saudi critical voices to speak out since the closure or takeover of certain Saudi websites, some of which had flourished under the Arab Spring.

<sup>20</sup> See Human Rights Watch Report, *140 Characters – Online activists harassed and jailed in Arab Gulf States*, 2016: [https://features.hrw.org/features/HRW\\_2016\\_reports/140\\_Characters/#en](https://features.hrw.org/features/HRW_2016_reports/140_Characters/#en)



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the CEDAW Committee said it was "concerned about the general reservation made upon ratification of the Convention by the State party, which is drawn so widely that it is contrary to the object and purpose of the Convention", and as such contrary to international law.<sup>21</sup>

**This increased participation in international human rights bodies may have a positive effect as a result of the exchanges and debates that it prompts**, the possibility for Saudi defenders to remind their government of the commitments made in this context and also the setting up of co-operative technical training programmes.

**However**, it is clear that **Saudi Arabia is actively engaged** not in transposing international standards into its national law but **mostly in promoting its own preconceptions within these bodies, to the detriment of the principle of the universality of human rights**. Thus, its representative in Geneva, Faysal Trad, regularly supports - or puts forward, initiatives aimed at reducing the scope in which certain rights apply, particularly the rights of LGBTI people, religious freedom, freedom of opinion and expression, etc. In addition, it promotes a Declaration on Human Rights in Islam, which places a certain interpretation of Islamic law – that of the Saudi authorities – at the top of a hierarchy of norms. This Declaration comprises several provisions that discriminate against women and denies some fundamental freedoms such as religious freedom.<sup>22</sup>

Furthermore, the statements issued by certain members of the Saudi Human Rights Commission, the Saudi Government national body responsible for human rights, on the country's television channels simply confirm this vision, which involves denying the universal nature of human rights.<sup>23</sup>

**Saudi Arabia's position today within intergovernmental bodies in charge of the promotion and protection of human rights is problematical in view of Saudi Arabia's poor human rights record**, whether inside the country or in the region. How can the international community accept the leadership of a country with such record, without undermining the whole system? How can it allow this country to play a role within these bodies while the latter fails to comply with its rules? It is urgent for Saudi Arabia to implement the commitments made when ratifying several international human rights treaties into tangible reforms, towards a greater respect for human rights in the country.

### 1.5. Women's rights, an exploited political issue

**In Saudi Arabia, women hold an inferior legal status to men**: women's status as minors; the recently lifted ban on driving; the practice of repudiation; etc. In 2008, the CEDAW Committee invited Saudi Arabia to adopt immediate measures to end the practice of male guardianship, in particular via awareness raising campaigns. Nearly ten years later and although the CEDAW Committee will re-examine the country in February 2018, this discriminatory regime is still in place. Thus, Saudi Arabia stands out globally in the drastic limitations it imposes on women's rights, including in the simplest, everyday activities. Furthermore, most of the restrictions are not provided by law, but based on customary practices.

Nonetheless, in the face of the economic need to break free from an oil-only economy and the aspirations of a young population that uses social networks more widely, the authorities have declared that they wish to gradually make some concessions. Thus, the **question of women's rights occupies a particular place in the national debate** and in the way the country is judged from outside. **Some public debates**, as well as the rare advances in women's rights – which may be limited in scope, but which nonetheless represent important elements in the empowerment of Saudi women, – **are exploited** by the regime **with the aim of confining debate to less sensitive subjects** as regards women's rights, the male guardian system and the practice of repudiation, and also human rights, such as political repression or violations resulting from the war in Yemen. They are also exploited to improve the country's reputation on the international stage. As a Saudi academic explains:

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21 See CEDAW Concluding Comments on Saudi Arabia, UN Document CEDAW/C/SAU/CO/2, April 8, 2008: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SAU/CO/2&Lang=Fr](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/SAU/CO/2&Lang=Fr)

22 This Declaration was adopted in Cairo in 2005 by the Organisation of the Islamic Conference.

23 For example, the Saudi Human Rights Commission in May 2017 reaffirmed that women must still obtain permission from their male guardian to travel abroad and to obtain a passport. See MzMz website, *Human rights, these cases are not affected by the royal decree allowing women [to benefit] from services without the agreement of their wali al-amr*, May 5, 2017 (in Arabic): <http://mz-mz.net/730027/>

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"For twenty years the country's leaders have not wanted to settle the question [of women's right to drive]. [...] The Saudi media exploit this subject to limit debate of ideas in the Kingdom to this one matter. [...] Each time voices are raised to demand genuine political reforms, the question of a woman's right to drive resurfaces, eclipsing all other debate. This leads one to think that the controversy is relaunched simply as a diversion. [What's more, this subject makes] society appear backward [and causes reform to be blocked]. It is precisely in villages and in the countryside – by definition the most conservative areas in the country – where many women already drive [pushed to do so out of geographical necessity], without worrying about whether or not it is a mark of conservatism."<sup>24</sup>

When the **Royal Decree authorising women to drive** was issued in September 2017, the regime communicated widely on the subject and the measure prompted numerous reactions, such as that of US President Donald Trump, who greeted the decision and described it as "positive progress", and of the United Nations General Secretary Antonio Guterres, who presented the decision as "an important step in the right direction".<sup>25</sup> In addition, it is certainly no mere chance that the long-awaited publication of this decree happened three days before a crucial Human Rights Council vote on the conflict in Yemen.

Likewise, on numerous occasions, the regime has seized the opportunity to communicate internationally on the **appointment of women to prominent posts**: about thirty women appointed to the *Majlis al-Shura* in 2013, a woman appointed Deputy Secretary of State for Education in 2009 and to head up the Stock Exchange in 2017, as well as the first participation by women in municipal council elections in 2015, as both voters and candidates, etc.

According to a Saudi journalist, these appointments are largely viewed as "*showcase measures*", while at the same time "*there have not been many legal changes*" benefiting women and while the status of women, for example on the question of repudiation, is evolving only "*very slowly*".<sup>26</sup>

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<sup>24</sup> See Badr Al-Ibrahim, on the Saudi website *Al-Maqaal.com* (deactivated for several years, probably by coercion), *Women driving and priorities for reform*, September 26, 2013 (in Arabic): <https://www.almqaal.com/?p=2995>

<sup>25</sup> See <https://twitter.com/antonioguterres/status/912831976083771392>

<sup>26</sup> See Badr Al-Rached, on the Qatari website *Al-Araby Al-Jadid*, *Laws against women*, April 20, 2017 (in Arabic): <https://www.alaraby.co.uk/opinion/2017/4/19/AB-1>

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## Focus point:

Women condemned to remaining minors? Male guardianship: the legal and ideological basis for women's subjugation

One of the principal forms of discrimination against Saudi women lies in the system of male guardianship (*wali al-amr* in Arabic<sup>27</sup>). Saudi Arabia has not, in fact, legally defined an age of majority for women. In other words, **they remain minors for life**. In particular, this means that they are dependent on male members of their family, leading to numerous restrictions and prohibitions being placed on them.

Guardianship is generally exercised by the father or husband, but in the case of single women in particular it may also be another male member of the family who does so. Formal permission from the guardian is required to carry out a large number of activities and procedures.

To date, women have therefore always been formally obliged to obtain authorisation from their guardian before taking a range of steps such as obtaining a passport<sup>28</sup>, travelling abroad<sup>29</sup> or getting married, although this obligation is not provided by any law or regulation.

In fact, **numerous other restrictions exist** for everyday actions, as a result of specific internal regulations applied by some government bodies as well as of cultural practices. It is therefore common in prisons for women not to be released except in the presence of their *wali al-amr*. This poses a particularly serious problem, as women find themselves at the mercy of their *wali al-amr* to be able to actually leave prison. If the latter refuses to attend, the woman remains *de facto* in prison beyond the term of her sentence.<sup>30</sup> Women may also encounter major difficulties in renting an apartment<sup>31</sup>, opening a bank account<sup>32</sup>, enrolling at a university or a training centre, or accessing justice<sup>33</sup> and even be employed without the agreement of their *wali al-amr*, with disparities existing between regions and towns. For instance, "*the Employment Ministry says that he does not lay down the rule of a wali al-amr's agreement for a woman to take up employment, but many employers require such an agreement, in writing, and the minister does not intervene to correct this injustice.*"<sup>34</sup> Again, none of these practices are prescribed by any legislation or regulation.

It seems that, in principle, public hospitals do not ask for a *wali al-amr's* authorisation for surgical interventions<sup>35</sup>, but such authorisation continues to be required nonetheless in the private sector, including for caesareans and abortions.<sup>36</sup>

Similarly, members of the Council of Senior Scholars [*Ulema*], whose opinions are closely observed, consider that, by virtue of the principle of male guardianship, 'a woman does not have the right to leave home' without her husband's permission.<sup>37</sup> Nonetheless, it is important to note that a *fatwa* does not have a legal force itself, and only a legal act adopted by the competent authorities, such a royal or ministerial decree, may be legally challenged.

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27 See Section 2.1.2. below.

28 See website of the Ministry of the Interior, Passport Service: "*As regards children under 21 years of age as well as women (holders of identity cards), registration is done electronically via the intermediary of the server account [dedicated for the purpose] by the wali al-amr*" (in Arabic). Another procedure is available and requires the presence 'of the applicant in person or of the wali al-amr of women or children under 21 years of age' (in Arabic).

29 According to the Ministry of Interior Passport Service website: "*Women as well as children under 21 years of age must obtain a declaration [authorisation] to travel from their wali al-amr*" (in Arabic): <http://www.gdp.gov.sa/sites/pgd/ar-SA/Procedures/SaudiProcedures/TravelConditionsProcedures/Pages/default.aspx>

30 See <https://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>

31 According to numerous testimonies, like that of defender Nassima Al-Sadah (in Arabic): <https://www.youtube.com/watch?v=zHWEGWsl1w&t=9s>

32 See Human Rights Watch Report, *Boxed In, Women and Saudi Arabia's Male Guardianship System*, July 16, 2016 (in English and Arabic): <https://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>

33 A woman may not enter a police station unless accompanied by her *wali al-amr* and may have difficulty entering a court unless accompanied by a male member of her family or *mahram*. See *Ittijahat* programme on the Saudi TV channel *Khalijiya*, with guest Nassima Al-Sadah, as from 0hr 41min 40sec and 1hr 6min 44sec.

34 *Ibid.*

35 See *Ittijahat* programme on the Saudi TV channel *Khalijiya*, with Saudi journalist Nadia Al-Boudair, October 30, 2016 (in Arabic): <https://www.youtube.com/watch?v=zHWEGWsl1w&t=9s> (with guest, human rights defender Nassima Al-Sadah, as from 1hr 05min).

36 The defender Aziza Al-Youssef tells of the case of a woman whose life was in danger but the hospital demanded that she bring the *wali al-amr's* authorisation to perform a caesarean. It proved impossible to get hold of her husband, who was not interested as he had repudiated his wife. See *Ittijahat* programme on the Saudi TV channel *Khalijiya*, as from 0hr 27min. Also see alternative link with extracts of the programme subtitled in English: <https://www.memri.org/tv/saudi-activists-defy-guardianship-women-tv-debate-state-still-considers-women-be-inferior> (0hr 1min 10sec).

37 See The English-language Saudi daily newspaper *Saudi Gazette*, *Saudi woman can't travel with her father without hubby's nod*, April 9, 2016: <http://saudigazette.com.sa/article/160897/Saudi-woman-cant-travel-with-her-father-without-hubbys-nod>

On all these questions, women's rights defenders demand that the public authorities take responsibility and do not content themselves with saying that no law exists explicitly requiring the agreement of a *wali al-amr*. They call for women to have an option for recourse, and demand that the Government sanctions those who impose such discriminatory practices.

**Whether these forms of discrimination are imposed by official texts or persist in practice through the ignorance of legislation or the inaction of the public authorities, they all constitute violations of the CEDAW.** The male guardianship system in particular violates the principle of the equality of women and men before the law, the principle of equality in the matter of legal capacity and the right to non-discrimination in multiple areas, including among others marriage, education, employment, health, free movement, etc.

### *Legal insecurity*

What is more, **this area is shrouded in legal uncertainty**. A woman may find that her guardian is not the person she thought he was, or may be the victim of strife between male members of the family who dispute the title,<sup>38</sup> potentially for financial reasons with the status of *wali al-amr* serving as a means to extort money from a woman.

Moreover, Saudi major media reported in April 2017 that the Employment Ministry had backtracked on the right of women to work by once again obliging them to obtain the agreement of their guardians to be able to do so.<sup>39</sup> This information was denied two days later by other Saudi newspapers.<sup>40</sup>

Developments on this matter also depend on texts issued by the Council of the Ulemas, as shown above.

These contradictions and U-turns reveal the confusion that lies between the different levels that draw up the legal and social norms, with those that fall to the official religious institutions on the one hand, and those that fall to the modern machinery of State on the other. This is not conducive to clarifying the position of the public authorities as regards defending the principle of gender equality.

Credit must naturally be given for some progress, particularly since the reign of deceased King Abdallah, notably on the issue of women's electoral and voting rights. However, not only is this progress still slow and inadequate but, as the defender Nassima Al-Sadah says, there is also no sign of a "*qualitative leap forward*" to fundamentally change things.<sup>41</sup>

### *A reform of male guardianship in the making?*

**A Royal Circular, signed on April 18, 2017**, has signalled the beginning of a response to the campaign to abolish male guardianship.<sup>42</sup> The circular asks that government bodies do not demand the authorisation of the male guardian in the absence of any legal basis to do so, that they supply a list of procedures requiring the agreement of the *wali al-amr*, and do so within three months, that is by July 18.<sup>43</sup> In addition, this circular asks the Saudi Human Rights Commission to inform the public on international treaties ratified by Saudi Arabia and to raise awareness on their content, in particular with respect to women's rights. If the circular were to be fully implemented, it would trigger significant improvements for women's rights. Nonetheless, to date, it is not clear whether authorities wish to engage in a genuine reform process aiming at a greater compliance with their obligations regarding women's right as set out by the CEDAW.

Interestingly, it was the Saudi Human Rights Commission that reacted almost immediately to

38 See the legal expert Mouadh Al-Jandar, in the programme *Ittijahat* of Nadia Al-Budair, on the Saudi TV channel *Khalijiya*, April 9, 2017 (in Arabic): <https://www.youtube.com/watch?v=qOj1rWII60>

39 See the Saudi daily newspaper *Al-Hayat* available worldwide, *Saudi decision concerning shopping centres. The Employment Ministry rescinds the non-conditionality of the agreement of the wali al-amr for women in work*, April 21, 2017 (in Arabic): <http://www.alhayat.com/Articles/21421879/>

40 See for example the Saudi daily newspaper *Okaz*, *Women in work and the wali al-amr's agreement*, April 23, 2017 (in Arabic): <http://okaz.com.sa/article/1541804/>

41 See Nassima Al-Sadah, on the *Ittijahat* programme on the *Khalijia* TV channel, October 30, 2016: <https://www.youtube.com/watch?v=zHWEgWsl1w&t=9s> (1hr 06min)

42 See Section 3.2 below.

43 See Human Rights Watch, *Saudi Arabia: 'Unofficial' guardianship rules banned*, May 9, 2017: <https://www.hrw.org/news/2017/05/09/saudi-arabia-unofficial-guardianship-rules-banned>

reaffirm that women should still obtain the authorisation of their male guardian to travel abroad and to obtain a passport<sup>44</sup> as well as to marry, although no legislation or regulation imposes this obligation.

**If this circular does not question gender inequality**, it does seem to signal the beginning of a more conservative restrictive approach towards the requirement for authorisation.

The circular was greeted with a mixture of scepticism and careful optimism. Speaking anonymously, a woman defender considered that *"it is pretty inadequate and quite vague."* For her part, Loujain Al-Hathloul declared in a video posted online on the Arab Feminist<sup>45</sup> Youtube account on July 18, 2017 that: *"The problem is that it does not bring about the necessary change being demanded. However, it will change things in the lives of many women."* She goes on to add that she hopes that it is just a first step: *"We hope that this circular will be followed by the abolition by the regime [of male guardianship] and the introduction into law of an age of majority for women."* She also considers that the circular should at least, in theory, put an end to the practice of keeping women in prison when they cannot be handed over to their *wali al-amr*. As she explains, there is nothing in the prison regulations to indicate that a prison administration must impose this condition.

On July 13, 2017, the Ministry of Education responded to this circular by asking *"all sectors not to request that a woman obtain the agreement of the wali al-amr in order to offer services or conclude procedures that concern her, except where a regulatory basis for this exists"*.<sup>46</sup> However, it is not clear, for example, whether universities can still ask the *wali al-amr* to stipulate the hours when the girl or woman student under his guardianship has the right to leave the campus.

Overall, in reality the circular *"will not change much in current practices"*, reckoned one Saudi woman defender.<sup>47</sup> *"This decree contributes nothing to the matter on which we have been mobilising for a year, in that the State sides with a violent father [or brother] rather than with the young woman who is the victim, as in the case of Mariam Al-Otaibi"*, added Hala Al-Dosari.

It is also regrettable that **this circular does not include the establishment of a mechanism to oversee and punish such practice out of the legal provisions, nor mentions practices followed in the private sphere**. Thus, private individuals – for example employers, landlords of rented properties, private hospital facilities, etc. – may still demand that women produce the authorisation of their *wali al-amr* in practice without fear of being sanctioned, even though, according to some testimonies, authorities are inclined to limit this practice.<sup>48</sup>

**While this circular has prompted hope in the women human rights defenders' community, more than six months after its publication in reality little has actually changed and some fear that it will remain a dead letter.**

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In 2009, the United Nations Special Rapporteur on Violence Against Women, its Causes and Consequences, Ms. Yakin Ertürk, noted that *"pressures for change, particularly in the past two decades, have resulted in modest reforms which have nonetheless had significant implications for women's rights"*.<sup>49</sup>

Nonetheless, **all commentators question the regime's real willingness to implement substantial reforms in favour of human rights and to engage in the effective implementation of CEDAW's provisions by abolishing male guardianship. Indeed, the promised reforms from Saudi leaders once again conflict with the reality of the human rights situation in the country. As long as the Kingdom of Saudi Arabia does not adopt an approach based on human rights and the recognition of their universality, allowing for the participation of all civil society actors, including women human rights defenders, women's rights will continue to be subjected to shifting political and economic tides and to the opportunism of the regime.**

44 See MzMz website, *Human rights, these cases are not affected by the royal decree allowing women [to benefit] from services without the agreement of their wali al-amr*, May 5, 2017 (in Arabic): <http://mz-mz.net/730027/>

45 See <https://www.youtube.com/watch?v=kHNb0tpWsLo&feature=youtu.be>

46 See the website *Anha*, *Circular from the Ministry of Education on not asking women for the agreement of their wali al-amr in order to access services*, July 13, 2017 (in Arabic): <http://www.an7a.com/305854/>

47 Anonymous testimony.

48 See Human Rights Watch, *Saudi Arabia: 'Unofficial' guardianship rules banned*, May 9, 2017: <https://www.hrw.org/news/2017/05/09/saudi-arabia-unofficial-guardianship-rules-banned>

49 See Report of the Special Rapporteur on Violence against Women, its Causes and Consequence, Ms. Yakin Ertürk, Mission to Saudi Arabia, UN Document A/HRC/11/6/Add.3, April 14, 2009: [http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.Add.3\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.Add.3_en.pdf)



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## 2. A legal framework criminalising the defence of human rights

The legal framework in place in Saudi Arabia is unfavourable towards the pursuit of campaigning activities to promote and protect human rights. This is all the more true in the case of defending women's rights and promoting gender equality, as illustrated below. Respect for fundamental rights and freedoms, such as freedoms of association, expression and peaceful assembly and the right to effective recourse, is not guaranteed by law. Worse, exercising these rights and freedoms is hampered by explicitly repressive laws combined with vague provisions, which are open to discretionary interpretation by those responsible for overseeing their enforcement. **Authorities view the promotion of human rights as a threat to public order** and even a terrorist activity. In addition, the margin for manoeuvre for women defenders is extremely limited and constrained particularly by the concept of the *wali al-amr*.

### 2.1. A legal framework based on a restrictive reading of Sharia and the use of legal texts for repressive purposes

Saudi law is stuffed with vague concepts that leave judges with an extremely wide margin for exercising their discretion and which are often used to criminalise individuals who are peacefully exercising their right to freedoms of expression, association and assembly, in violation of Articles 9, 10, 19 and 20 of the UDHR and the Declaration on Human Rights Defenders.

This is the case with offences that "*jeopardise the security of the State*" or "*damage the reputation of the State*" and whose constituent elements are not specified. It is, moreover, prohibited to "*cause harm*" to figures of authority (*wali al-amr*), which *de facto* also rules out criticising both political leaders - particularly those in the royal family whose members hold virtually all the important executive posts in government - and also members of the official clergy.

While written Saudi laws are often quite vague, it should be noted that the essence of the law is not codified but is based on *Sharia*. **Sharia** is a collection of doctrinal, social, cultural and relational norms and rules found in various texts, principally the Qur'an and the Prophetic Tradition (the *Sunnah*), comprised of "hadiths", collections of deeds and words credited to the Prophet Muhammad and his companions. It **regulates both the public and private aspects of the life** of a Muslim, as well as interactions within society. It is applied particularly but not solely to family and criminal law. The Specialized Criminal Court, set up by a specific anti-terrorism law, also refers to the uncodified corpus of *Sharia* to support its decisions. It should be noted however that in October 2017, the King has created a council responsible for overseeing the use of hadiths. Some hope that this new mechanism will take into account international human rights standards in its work.

On the basis of *Sharia*, accusations of "*apostasy*", "*atheism*", "*insulting religion*" and "*harming religious figures*" offences that carry the death penalty, are regularly directed against dissidents and *de facto* serve to silence critics.

Thus, the journalist and poet **Hamza Kashgari** was arrested in 2012 for "*apostasy*" as a result of a series of tweets, which he said he had posted to stimulate debate on human rights.<sup>50</sup> He tried to flee to New Zealand but, on the request of the Saudi authorities, was intercepted during a stopover in Malaysia and then extradited to Saudi Arabia. He faced the death penalty. His case aroused and polarised Saudi public opinion, with some intellectual heavyweights mobilising extensively in his favour. Likewise, it was promoted widely in the media by international human rights organisations. Hamza Kashgari was finally freed in October 2013 after 20 months in jail.

Similarly, blogger and intellectual **Raif Badawi** was arrested in 2012 and initially accused of

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<sup>50</sup> Here is an unofficial translation of the three tweets for which he was prosecuted:

- "On your birthday, I will not bow down before you. I will not kiss your hand. I will shake it as I would shake the hand of an equal and will smile at you as you will smile at me. I will speak to you as a friend and nothing more".

- "On your birthday, I will find you every way I turn. I will say that I have loved aspects of you, hated others and not understood many more".

- "On your birthday, I will say that I have loved the rebel in you, that you have always been a source of inspiration for me and that I do not like the aura of sanctity that surrounds you. I will not pray for you".





.....  
homeland, pride in that homeland and in its history."<sup>60</sup>

By drawing on this imprecisely defined corpus of *Sharia* and the use made of it by both religious and political authorities in the country, the way is left open both to practices that run counter to international human rights norms and also to the means of silencing any critics.

Furthermore, Article 12 of the Basic Law states that "*consolidating national unity is a duty and the State forbids anything that may promote disunity, disorder and division.*"

In Article 39, the Basic Law adds that: "*the media, circulation of printed material and all other means of expression shall maintain considerate discourse and abide by State regulations. They shall contribute to educating the Ummah [the community] and to supporting its unity. Anything which may lead to discord<sup>61</sup> or division or may compromise the State's security and external relations or may adversely affect human dignity or rights shall be banned as set out by law.*"<sup>62</sup>

**These provisions shed light on the lack of tolerance in the country towards any discourse that deviates from the official line.** There is no room for a plurality and diversity of voices.

The Basic Law contains no mention, however, of the role and rights of civil society, the right to freedom of expression or freedom of association.<sup>63</sup>

Lastly, Article 48 concludes that: "*the courts shall apply to cases before them the provisions of Islamic Sharia, as indicated by the Qur'an and the Sunnah, and whatever laws not in conflict with the Qur'an and the Sunnah which the authorities may promulgate.*"

### 2.1.2. The concept of wali al-amr: banning any challenge to the authority and primacy of the patriarchal regime

According to the Saudi view of *Sharia*, **the concept of the wali al-amr occupies a central place within the legal system.** The *wali al-amr* is the term that applies to a figure of authority within a family and a figure of political authority equally. Thus, the father is the *wali al-amr* of his children, the husband that of his wife or wives and the King that of his subjects.

Hussein Al-Tamimi, Director of one of the branches<sup>64</sup> of the Committee for the Promotion of Virtue and the Prevention of Vice [religious police], explained during a meeting about "intellectual security" in April 2016 that<sup>65</sup>:

- Islam prohibits challenging figures of authority, insulting them, adversely affecting their dignity.
- Islam prohibits rebelling and contradicting figures of authority.
- No opposition to figures of authority is allowed, even if they are committing transgressions.
- Islam states that a prompt response must be given to requests from figures of authority.
- Obedience to God, to the Prophet and to figures of authority is a sign of piety.

This is a recurrent theme developed on many successive occasions by preachers too. But it is not just a matter of moral considerations. **The duty to obey the authorities being justified by Sharia therefore carries the force of law.**

This applies as well before the Specialized Criminal Court. The charge read out during the trial of lawyer and human rights defender **Waleed Abou Al-Khair**, former Director of the Monitor of Human Rights in Saudi Arabia (MHRSA), included the offence of "*rebellion against the wali al-amr*", even though in the end he was sentenced to 15 years in prison on the basis of other offences in June 2014.<sup>66</sup>

Likewise, human rights defender **Mariam Al-Otaibi** was arrested in April 2017 for having diso-

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60 Ibid, Article 9.

61 In Arabic: *fitna*.

62 Ibid, Article 39.

63 At most it is stipulated in Article 27 that "*the State shall encourage bodies [mu'assassât, i.e. institutions and/or bodies and/or organisations] and individuals to contribute to charitable works.*"

64 Section on fieldwork affairs.

65 See the Saudi daily newspaper *Al-Riyadh*, *Members of the Committee [of the Ulemas]: the revolt against the walis al-amr is an extremist cause*, April 17, 2016 (in Arabic): <http://www.alriyadh.com/1147585>

66 See Observatory Press Release, *Saudi Arabia: The UN finds the detention of Waleed Abu Al-Khair and eight other human rights defenders arbitrary; and calls for their immediate and unconditional release and for reparations*, December 2, 2015.

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The Observatory

Saudi Arabia: Condemned to silence - The situation of women human rights defenders

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beyed her *wali al-amr*, namely her father.<sup>67</sup>

This concept, as with many Saudi laws, is also sufficiently vague and elastic to leave judges plenty of scope for interpretation, thereby justifying the criminalisation of the legitimate expression of dissenting views.

**While the central place of the wali al-amr plays a significant part in suppressing any voices of dissent**, this is doubly the case for women human rights defenders questioning the established order for the reason that they are women. Thus, they are exposed to prosecution for having challenged as much their male guardian as figures of political authority.

Whereas the concept of male guardianship over women is not legally prescribed, it is widely implemented by the authorities and seriously restricts the exercise by women of their rights as guaranteed under the CEDAW, in particular with respect to legal capacity and matters related to personal status. **This notion contributes to the prevalence of a strict patriarchal ideology and the persistence of discriminatory cultural norms, customs and traditions towards women, which seriously undermine the realisation of their fundamental rights.**

### 2.1.3. Fatwa and other texts handed down by the Council of the Ulemas

**The fatwa handed down by the Council of the Ulemas**, the country's official supreme religious body, comprising 19 members appointed by Royal Decree and presided over by the country's Grand *Mufti*, **are also a source of Saudi law** and can therefore provide the basis for criminal proceedings. As the Saudi legal system is based on *Sharia*, the Committee in effect has religious and legal competences and its texts can have the force of law.

Thus, the Council of the Ulemas published a declaration<sup>68</sup> on March 6, 2011, at a point when the Arab world was a hotbed of unrest and against the background of the Tunisian and Egyptian uprisings, which stated in particular that:

- It is forbidden to publish threatening statements, to incite division and to petition.
- The Kingdom does not and will not allow ideas from East or West to undermine its Islamic identity.
- Demonstrations are banned.
- God has given the nation's inhabitants the benefit of their consensus around their leaders, based on observance of the Book and the *Sunnah*.<sup>69</sup>

This does not concern matters of theology. This text has the force of law, as was demonstrated by the judgement handed down on June 8, 2016 by the Specialized Criminal Court against Abdelaziz Al-Shubaili. The court accepted the charge that he had contravened this declaration by the Council of the Ulemas, as a result of his activities on social media and within ACPRA.<sup>70</sup> The same ruling against Abdelaziz Al-Shubaili by the Specialized Criminal Court referred to another text by the Council of the Ulemas: "*The Islamic religion commands unity [ijtima]. God commanded it in his Book and has forbidden disunity and division into parties [...]*". The Specialized Criminal Court also quoted a text by Mohamed Abd Al-Wahhab, the man behind the country's religious doctrine, as well as the '*Sheikh ul-Islam*' Ibn Taymiya, a thirteenth century theologian. Furthermore, criticising the Council of the Ulemas may be a charge levelled by the Specialized Criminal Court, as in its judgement against Abdelaziz Al-Shubaili.

In the indictment against lawyer Waleed Abou Al-Khair, the court went even further: "*What the accused did by trying to sow division [fitna] and distort facts by targeting figures of authority [wali al-amr] and State religious, judicial and security institutions and by [...] berating the imams, leaves no doubt as to its being a case of malfeasance and transgression.*"

Similarly, journalist **Alaa Brinji** was sentenced by the Specialized Criminal Court on March 24, 2016 to five years in prison for a series of messages on Twitter supporting human rights and also

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<sup>67</sup> For more details, see Section 4.1. below.

<sup>68</sup> This is a declaration and not a formal *fatwa* as such, but the declaration was nonetheless cited in a ruling by the Specialized Criminal Court.

<sup>69</sup> See the Saudi daily newspaper *Al-Riyadh*, *The Committee of the Ulemas: Reform cannot be successfully achieved through demonstrations and methods which promote divisions [fitan] and cause disunity [tufarriq al-jama'a]*, March 7, 2011 (in Arabic): <http://www.alriyadh.com/611507>.

<sup>70</sup> Abdelaziz Al-Shubaili was sentenced to eight years in prison because of his activities on social media and within ACPRA. See above.



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professor was convicted by the Specialized Criminal Court of "*undermining the walis al-amr, denigrating the State and its Basic Law, casting doubt on the Sunnah [...] and on the Senior Ulemas.*"<sup>79</sup> There are numerous examples of convictions by the Specialized Criminal Court following tweets, whether concerning posts that "*undermine public order*" (fine equivalent to €25,000 in March 2017)<sup>80</sup>, "*call for a so-called constitutional regime*" (four years in prison in December 2015)<sup>81</sup>, "*calling on Twitter to demonstrate*" (penalty of five years in prison in December 2015)<sup>82</sup>, or "*spread disorder*" (twelve years in prison in March 2017).<sup>83</sup>

#### Draft Law banning inciting religious hatred

For some considerable time, there have been calls from within Saudi Arabia and abroad for the Saudi authorities to combat the inciting of sectarian, religious and ethnic hatred in particular. A legal text on this issue was presented to the *Majlis al-Shura*.<sup>84</sup>

The April 2017 version of the text as reported in the Saudi press<sup>85</sup> has four objectives:

1 - On combating inciting hatred: "*To protect the social fabric from the dangers of discrimination between individuals and categories of society, in terms of rights and duties, for ethnic, tribal, regional, [school of religious law], sectarian reasons or for reasons of intellectual or political categorisation.*"

2 - On combating extremism: "*To tackle trends in radicalism and terrorism*" and "*To reinforce Islamic values and combat extremism.*"

3 - On the sanctification of religious symbols: "*To ban attacks on places of worship, attacks on sacred historical objects or symbols that form part of civilisation's identity.*"

4 - On preserving national unity: "*To guard the State against [...] the dangers, challenges and attempts to stir up disorder and division*" and "*To safeguard national security in line with the current political situation.*"

This final point shows that this law, were it to come into effect, would not only repress the inciting of religious hatred but would also criminalise the legitimate and peaceful exercising of freedom of expression.

#### Anti-Terrorism Law

The Anti-Terrorism Law<sup>86</sup> was adopted by Decree no. 63 of the Council of Ministers on 13/2/1435 (December 16, 2013) and came into force on January 3, 2014. It was then amended on November 1, 2017, but failed to respond to the criticism expressed by UN human rights mechanisms, in particular regarding the definition of terrorism. Indeed, the new law adds definition of acts regarded as terrorism on the basis of vague, general and unclear concepts, which will allow authorities to continue accusing and condemning any dissenting voice for acts protected by international human rights law, including the right to express an opinion on human rights, peacefully protest or create an association<sup>87</sup>.

The law also stipulates that it is the "*Specialized Criminal Court that is responsible for ruling on crimes described in this text*" (Article 8).

The new 2017 provisions do not narrow down the definition of terrorism to violent acts. All actions committed with the aim of "overturning public order", "undermining the security of society and the stability of the State", "exposing national unity to danger", can also fall under the scope of the anti-terrorism law. The law adds that "acts aimed at changing the political regime in the

79 Ibid.

80 See the Saudi daily newspaper *Al-Riyadh*, *Sentencing of a 'citizen' to a fine of 100,000 riyals and the closure of his Twitter account*, March 16, 2017 (in Arabic): <http://www.alriyadh.com/1578423>

81 See *Al-Riyadh*, *Four years in prison for a newspaper columnist for inciting unrest [fitna]*, December 21, 2015 (in Arabic): <http://www.alriyadh.com/1111997>

82 See *Al-Riyadh*, *Five years in prison for a citizen who called for a demonstration via Twitter*, December 18, 2015 (in Arabic): <http://www.alriyadh.com/1111065>

83 See *Al-Riyadh*, *Twelve years in prison for a citizen for having undermined security and sown unrest*, March 8, 2017 (in Arabic): <http://www.alriyadh.com/1576282>

84 This is the official consultative body of Saudi Arabia. This assembly cannot vote on or enforce laws, as that power is reserved to the monarch; it has limited powers including putting forward laws to the King. The assembly is made up of 150 members, all appointed for four years by the King and it represents the country's sole legislative body.

85 See the Saudi daily newspaper *Al-Makka*, *The consultative council [Shura] refers the law on combating incitement to hatred for scrutiny*, March 25, 2017 (in Arabic): <http://makkahnewspaper.com/article/597817/>

86 See the Saudi website *Al-Sakina*, *The text of the law on terrorist crimes in Saudi Arabia*, February 4, 2014 (in Arabic): <http://www.assakina.com/news/news2/37418.html>

87 See Al Qst, *Criticising the King and crown Prince is a terrorist offence*, November 13, 2017: <https://alqst.org/eng/new-saudi-terrorism-law-still-deeply-flawed-wide-open-abuse/>







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In addition, as highlighted by the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism following his country visit in 2017, various violations of the right to a fair trial tarnish proceedings conducted before the Specialised Criminal Court: arbitrary arrests, violation of the right to be informed of the charge, violation of the right to legal counsel, the absence of independent medical examinations, the practice of incommunicado or secret detention, and the admission of evidence obtained by torture.<sup>93</sup>

All ACPRA members prosecuted since March 2011 by the Saudi justice system have been tried by this court. Several of them have been accused of belonging to and having created and managed or worked for "a non-registered organisation" – a human rights organisation – and of having conducted other activities to promote human rights. These so-called violations of Saudi law have nothing to do with the mandate of a court responsible for countering terrorism.<sup>94</sup>

Other defenders have been similarly prosecuted before this court, including journalist Alaa Brinji for posting tweets<sup>95</sup>, and lawyer Waleed Abou Al-Khair for having contributed, in particular, to the creation of a human rights organisation.

Likewise, the defender **Mohamed Al-Otaibi**, extradited by Qatar in May 2017, has been appearing before this court since mid July 2017 for his role in an organisation and the publication of statements likely to harm the reputation of the Kingdom, as well as for working with international human rights organisations.

Several women human rights defenders, notably **Mariam Al-Otaibi**, accused of breach of the peace for her campaigning for the abolition of the male guardianship system, and **Loujain Al-Hathloul**, accused of stirring up public opinion for simply driving her car, narrowly missed being tried for terrorism. Both fear proceedings against them may be re-instigated at any time.

According to the Saudi newspaper *Al-Riyadh* on January 3, 2016, "the latest figures indicate that the Specialized Criminal Court [...] has since its creation [...] examined 104 cases [...] and the number of accused stands at 2,610."<sup>96</sup> The same newspaper wrote in May 2013 that the court had "sentenced no fewer than 2,145 people."<sup>97</sup> Given these figures, it may be concluded that the court has a particularly high conviction rate.

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**Saudi Arabia has a particularly repressive legal system that is regularly used to obstruct the legitimate exercising of fundamental freedoms by human rights defenders. On the one hand, the law is based on the principle of respect for a certain interpretation of religious law, which is intended, in truth, to protect the interests of the ruling powers by silencing any voice that deviates from the line fixed by those powers. On the other hand, Saudi law, and particularly the arsenal of criminal laws adopted in recent years in the context of combating serious crimes, such as terrorism and cybercrime, is full of vague concepts and their interpretation also relies on the principle of respect for authority. For as long as the independence of the judiciary is not guaranteed, it will be possible to use the system to repress human rights defenders.**

.....  
93 See Press Release of the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, May 5, 2017: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?>

94 More than ten activists have reportedly been targeted and prosecuted. Several are currently serving lengthy prison sentences. See Amnesty International Report, *Saudi Arabia's ACPRA: How the kingdom silences its human rights activists*, October 10, 2014: <https://www.amnesty.org/en/documents/mde23/025/2014/en/>

95 See Amnesty International, *Saudi Arabia: Journalist sentenced to five years in prison for tweets latest victim of crackdown*, March 25, 2016: <https://www.amnesty.org/en/press-releases/2016/03/saudi-arabia-journalist-sentenced-to-five-years-in-prison-for-tweets-latest-victim-of-ruthless-crackdown/>

96 See the Saudi daily newspaper *Al-Riyadh*, *13 judges have worked on death penalty convictions at three levels of jurisdiction*, January 3, 2016 (in Arabic): <http://www.alriyadh.com/1115891>

97 See *Al-Riyadh*, *Ministry of Justice: Specialized Court issues judgements in the case of 2,145 people accused of supporting terrorism*, May 5, 2013 (in Arabic): <http://www.alriyadh.com/832244>

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## 3. Women's difficult fight for empowerment in a circumscribed environment

### 3.1. Confronted with a tightly circumscribed human rights environment...

**The little progress made towards gender equality and in favour of women's rights hides a growing repression** aimed at stifling any differing views and any attempts at establishing a movement or creating an organisation **in a country where freedom of association is virtually non-existent.**

#### 3.1.1. Civil society organisations subjected to a regime offering few safeguards

While legislation governing organisations is supposed to ensure that the right to freedom of association exists and can be exercised, the decree relating to organisations is in contrast aimed at suppressing any exercising of this right and does not guarantee to protect civil society players against the potentially repressive content of the texts set out above.<sup>98</sup>

**The legal framework regulating civil society organisations is fixed by the Law on Associations and Foundations** of December 6, 2015<sup>99</sup>, which is supposed to guarantee "*citizen participation in the running and development of society*" by allowing the first-ever creation, management and supervision of organisations by civil society. The new law did not come into effect until March 17, 2016 and the enforcement decrees were not published until April 14, 2016.

**This text** contains a great many vague provisions, however, enabling restrictions to be placed on registering organisations. It also **grants extensive discretionary powers** to the Government, which can dissolve any organisation viewed as "*harming national unity*". The text goes on to specify that no "*organisation has the right to exercise any activity while it has not completed all the procedures*" for its creation (Article 8, paragraph 4).

The law lists a large number of areas in which an organisation may operate<sup>100</sup>, but **the list does not include the legal, political or human rights spheres**. When applying to register an organisation, the choice has to be made from a pre-established list of spheres of activity in which defending human rights or women's rights does not appear; nor does any potentially related activity. **Furthermore, the law limits organisations' activities by means of imprecise restrictions that are subject to interpretation**, which give judges plenty of scope and allow them to go as far as to restrict the right to exercise freedom of association and to condemn dissenting voices. Organisations are obliged to respect "*Sharia, public order, good morals, national unity*" and "*any other regulation*" (Article 8, paragraph 2, and Article 21, paragraph 8).

**The legislation subjects organisations to significant government interference in their internal affairs.** The Ministry of Social Affairs can therefore suspend or dissolve an organisation which "*exceeds the limits of its sphere*", "*seriously contravenes*" the enforcement decree or "*contravenes the rules of Sharia, public order, good morals or commits any act that harms national unity*" (Article 23, paragraph 1 b and e).

The framework in which organisations may operate is restated for a third time: "*Organisations [...] do not have the right to act outside the framework of the objectives which have been defined for them or to conduct activities likely to disrupt public order or incite division among citizens*" (Article 39, paragraph 3).

Overall, **the law grants the Ministry of Social Affairs a major role. It is responsible in particular for authorising associations and organisations and of supervising their activities** (Article 4).

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<sup>98</sup> See Section 2.1.

<sup>99</sup> See Law on Associations and Foundations, adopted by Royal Decree No. M/8, 19.2.1437H of December 1, 2015. In Arabic, '*Nidham al-jam'iyat wa al-muassassat al-ahliya*': <https://boe.gov.sa/ViewSystemDetails.aspx?lang=ar&VersionID=353&SystemID=374>; alternative link (in Arabic): <https://sd.mlsd.gov.sa/ar/قولهالالتاسيسولامتايومجالامظنحوائلالوالتاسيسال>

See also the profile of Saudi Arabia on the website of the International Center for Not for Profit Law (ICNL): <http://www.icnl.org/research/monitor/saudi-arabia.html>

<sup>100</sup> List of the spheres mentioned: involving activities that are "*charitable, mutual support, religious, social, cultural, health, environmental, educational, teaching, scientific, professional, artistic, youth, tourism, etc. or consumer protection, or any other civil activity as understood by the Ministry of Social Affairs*" (Article 1).

Moreover, "all supervisory bodies must agree to the creation of associations and organisations coming within their area of expertise in order for all authorisation procedures to be completed" (Article 5).

Organisations must hold at least one general meeting per year and must "inform the Ministry of Social Affairs and supervisory bodies" of such a meeting, being aware that the Ministry and said bodies may delegate someone to attend (Article 13, paragraph 2). Likewise, the Ministry of Social Affairs may call an extraordinary general meeting (Article 13, paragraph 4). It may also "send a delegate to be present at the holding of the election" of members of the organisation's bureau (Article 18, paragraph 2), and may "annul the results of the election" if it considers that the regulations have been breached (Article 18, paragraph 3). It may also "remove the elected [association bureau] and appoint a provisional one" in the event that "the number of its members does not reach a quorum for whatever reason", or if the association bureau "contravenes any element whatsoever of the regulations" (Article 19, paragraph 1).

Lastly, according to this law, foreign organisations and foundations are banned from opening branches in Saudi Arabia. The text forbids Saudi organisations from forging relations with international organisations: they are prohibited from "receiving foreign aid without the prior agreement of the Ministry of Social Affairs" (Article 21, paragraph 12), nor do they have the right "to sign contracts or agreements with States or international organisations and institutions, except with the prior agreement of the Ministry of Social Affairs and expert bodies" (Article 39, paragraph 2).

As a defender who was contacted anonymously during the study explained: "It is difficult to work as a defender because of the lack of any legal framework in which to do so. We cannot form an association, and so feel extremely isolated. It means we lose a lot of people: some are in prison, others in exile, while others chose to drop out and get forgotten so as not to suffer repression. Large numbers of others continue on anonymous Twitter accounts. Instead of giving us legal protection, the State lays down laws that criminalise us. These laws are a weapon that can be drawn at any moment against us. The simple fact of talking to a foreign journalist can result in prosecution and being tried before the Specialized Criminal Court under the Anti-Terrorism Law. We are living constantly in terror of this sword of Damocles."

**Several aspects of these provisions are contrary to the right to freedom of association** as protected under Article 20 of the UDHR and Article 22 of the International Covenant on Civil and Political Rights.<sup>101</sup> Under the current circumstances, **the right to freedom of association is not effective in Saudi Arabia.**

### 3.1.2. The "Saudi Human Rights Association", a "government" body

Alongside the Saudi Human Rights Commission,<sup>102</sup> which is a government body, there exists the Saudi Human Rights Association,<sup>103</sup> which is, in theory, a civil society organisation. It was created in 2004 before the 2015 Law on Associations and Foundations, and operates on the basis of its own set of regulations. It is reportedly funded exclusively from income from an initial donation of 100,000,000 riyals (approximately 23,000,000 euros) made by the king, in order to furnish the organisation with a regular income and ensure its financial independence.<sup>104</sup>

It defines its objectives as follows: "To defend human rights in line with Sharia, the Basic Law [of Saudi Arabia], the regulations in force and international agreements and charters provided these do not conflict with Sharia."<sup>105</sup>

In May 2014, its President, Muflih Al-Qahtani, stressed its civil society foundations<sup>106</sup> and the fact that "by royal command it is a wholly independent organisation."<sup>107</sup> The same Muflih Al-Qahtani

101 For more information on good practices concerning freedom of association, see UN Special Rapporteur on the Right to Freedom of Association and Peaceful Assembly, UN Document A/HRC/20/27, May 21, 2012.

102 See Commission website (in Arabic): <http://www.hrc.gov.sa/>

103 See Association website (in Arabic *Al-Jama'iyah li Al-Huquq Al-Insan*): <http://nshr.org.sa/>

104 According to the President of the Human Rights Association, Muflih Al-Qahtani in the programme *Ya Halla* on the Saudi TV channel *Khalijiya* (in Arabic): <https://www.youtube.com/watch?v=CMbHxk6NAIY>

105 See Association website (in Arabic): [http://nshr.org.sa/?page\\_id=52](http://nshr.org.sa/?page_id=52)

106 According to the President Muflih Al-Qahtani in the programme *Ya Halla* on the Saudi TV channel *Khalijiya* (in Arabic): <https://www.youtube.com/watch?v=CMbHxk6NAIY>

107 Ibid (approx. 16<sup>th</sup> minute): <https://www.youtube.com/watch?v=CMbHxk6NAIY>

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also presented it as *"a middle way between the government sector and civil society"*.<sup>108</sup> But Muflih Al-Qahtani also pursues a career as a high-ranking civil servant in higher education, as the Minister for Education appointed him in 2013<sup>109</sup> as Dean of the faculty of law and political sciences at King Saud University<sup>110</sup>, a post he still occupies today.

Furthermore, on the home page of its website, the Association highlights its *"allegiance to His Royal Highness Prince Mohamed ben Salman, on the occasion of his accession to the position of crown prince."*<sup>111</sup>

The Association was also invited to meet top-level international dignitaries on an official visit to the Kingdom, such as Ben Emmerson, the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, in May 2017<sup>112</sup> and Ambassadors from Western countries, such as the Swedish Ambassador on May 13, 2017.<sup>113</sup> It therefore plays the role of an organisation representing the country, like a government-organised non-governmental organisation (GONGO).

The Association is not highly regarded by Saudi defenders. In 2014, severe criticism was expressed on the Saudi TV channel *Khalijiya*<sup>114</sup> by the Saudi intellectual Aql Al-Bahli, who has never concealed the fact he is close to ACPRA. In his opinion, the Association *"was created to "nationalise" the issue of human rights [i.e. to delegitimize foreign discourse on the matter]. [Yet] people have been imprisoned for having spoken about human rights [outside the context of this Association]. No one believed it was going to be independent. [...] Because it was created on the back of an envelope."*<sup>115</sup> *I was one of those who asked that people were included who had previously been active in the sphere [of human rights] but this wasn't done."*<sup>116</sup>

Similarly, Saudi defender Yahiya Al-Assiri, President of the organisation *Al Qst*, which is not recognised in Saudi Arabia and which operates in exile, does not consider it to be an independent body. According to him, **it is a fig leaf used to cover up the real human rights situation in the country:** *"If someone is arrested for having criticised the human rights situation in the country, this organisation deals with the case but in a purely formal and procedural way. It may say that it has gone to inquire about the individual, but in reality it will, at most, have spoken to the director of the prison where the defender in question is being held, without speaking to the latter to find out his or her version of the facts or conditions of detention."*<sup>117</sup>

**Everything therefore leads one to believe that this Association was set up by the Saudi authorities to give the illusion that a positive framework exists for civil society organisations and to overshadow any independent voice within civil society.**

### 3.1.3. Crushing any resolve to create an independent organisation

As a Saudi activist notes anonymously for reasons of security:

*"I looked at the list of organisations published on the Ministry website. Many are involved in charity work and there are also some concerned with the environment or with supporting people with*

.....  
108 Cited by the Saudi satellite TV channel *Al-Arabiya*, November 19, 2010 (in Arabic): <https://www.alarabiya.net/articles/2010/11/19/126632.html>

109 See the Saudi newspaper *Al-Riyadh*, *Muflih Al-Qahtani Dean of the University of Law and Political Sciences*, November 13, 2013 (in Arabic): <http://www.alriyadh.com/883683>

110 See website of King Saud University: (in Arabic) <https://clps.ksu.edu.sa/ar>

111 See website of the Association (in Arabic): <http://nshr.org.sa/?news>

112 See Preliminary Findings of the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism following his visit to Saudi Arabia, May 4, 2017: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21584&LangID=E>

113 See the Saudi newspaper *Al-Riyadh*, *The Human Rights Association welcomes the Swedish ambassador to the Kingdom*, May 14, 2017 (in Arabic): <http://www.alriyadh.com/1594064>

114 This Saudi TV channel belongs to the MBC media group, which is itself in the hands of Walid bin Talal, a prince of the Saudi ruling family. However, the prince occupies a position apart within the ruling family, as a result of power relations and political positioning. More importantly, his channel occupies a special place within the media landscape. It is one of the rare Saudi platforms to allow a few dissenting voices to be heard. Those voices cannot speak freely, the proof being that a flagship programme *Fi Al-Samim* [To the Point] was dropped following the appearance on air of Zouheir Al-Kutubi, who was subsequently sentenced to a prison term. Similarly, it should be noted that Aql Al-Bahli makes these statements about the Human Rights Association in a context that continues to be marked by the post-Arab Spring, when the authorities leave few outlets for opinion to be expressed. He continues to be a regular guest on the channel but has shown himself far more prudent since the new King Salman published his political line.

115 Literally: 'It was cooked up in the night' [*tubbikhat bi al-leyl*].

116 On the Saudi TV channel *Khalijiya* (in Arabic): <https://www.youtube.com/watch?v=CMbHxk6NAIY> (at approx. 10 min 30 sec)

117 Private interview.

.....  
*Alzheimer's and potentially with helping women who have been repudiated. But organisations defending women's rights and even human rights do not exist."*

The same observation is made by *Al Qst*, whose members living in Saudi Arabia remain anonymous for reasons of security, with only those living in exile showing themselves publicly: "*Several attempts have been made by other activists to form organisations and organise peaceful meetings, but all have come up against obstruction by the Government.*"<sup>118</sup>

In the face of the sole existing organisation, given the authorities' blessing and created on their initiative, there have been attempts to set up genuinely independent human rights organisations.

The best-known example is that of **ACPRA**, established in 2009 by a dozen activists and closed down by the Saudi authorities in 2013.<sup>119</sup> Between 2011 and 2017, all known members were tried and sentenced in turn to heavy prison terms ranging from seven to fifteen years, with some of them also sentenced to flogging.<sup>120</sup> Those believed to still be held today are **Dr Abdulkareem Yousef Al-Khoder, Abdulrahman Hamid Al-Hamid, Abdullah H. Al-Hamid, Issa Hamid Al-Hamid, Dr Mohammad Fahad Al-Qahtani, Abdulaziz Al-Shubaily, Omar Al-Said and Saleh Al-Ashwan.**<sup>121</sup> It should be noted that most of the convictions accused them of "*creating an unauthorised organisation*"<sup>122</sup>, although the first Saudi law dealing with the creation of organisations dates from 2015.

Waleed Abou Al-Khair was likewise convicted by the Specialized Criminal Court, in June 2014, and sentenced to fifteen years for, among other things, "*creating an unauthorised organisation*".<sup>123</sup>

Furthermore, less than a month after the first position papers were published on social networks by the Human Rights Union, created in 2013, by **Mohamed Al-Otaibi** and **Abdullah Al-Attawi** with three other people<sup>124</sup>, a criminal enquiry was launched against them. In spite of everything, they applied to have the organisation regularised in 2015, following the publication of the Law on Associations and Foundations. Their application was rejected and proceedings against them upheld. Mohamed Al-Otaibi managed nonetheless to flee to Qatar, where he was living since February 2017. On his way to Norway where he had been granted refugee status, he was arrested at the airport in Doha (Qatar) on May 24, 2017 and handed over to the Saudi authorities.<sup>125</sup> He has been in prison ever since.

Abdullah Al-Attawi is also awaiting trial before the Specialized Criminal Court for, among other things, "*creating an informal organisation*".<sup>126</sup>

### 3.2. ... women human rights defenders take to cyberspace

While the authorities continue to refer regularly to the conservatism of society, initiatives within civil society demanding more rights for women are increasing. **Women academics, activists and ordinary citizens are taking over public space to demand their rights and equality.** Things are gradually beginning to move in response. Political rights have been a particular major battleground for women. In 2015, they secured the right to vote and to run for municipal elections. Modest progress was also seen in 2017 on the guardianship system and the right to drive.

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<sup>118</sup> See *Al Qst, Freedom of assembly and association*, March 14, 2014 (in English and Arabic): <https://alqst.org/eng/freedom-of-assembly-and-association/>

<sup>119</sup> See Amnesty International Report, *Saudi Arabia's ACPRA: How the Kingdom silences its human rights activists*, October 2014: <https://www.amnesty.org/en/documents/MDE23/025/2014/en/>

<sup>120</sup> See Amnesty International, *Saudi Arabia increases ruthless sentence in unfair trial of human rights defender to 11 years*, December 1, 2016: <https://www.amnesty.org/en/latest/news/2016/12/saudi-arabia-increases-ruthless-sentence-in-unfair-trial-of-human-rights-defender-to-11-years/>

<sup>121</sup> In addition, **Sheikh Sulaiman Al-Rashudi**, former judge and ACPRA's President, was released on December 12, 2017. He had been detained since December 12, 2012 and was sentenced to 15 years in prison on November 11, 2011. To date, reasons for his early release are unknown.

<sup>122</sup> See Amnesty International, *Saudi Arabia: Counter-terror court sentences human rights activist in relentless onslaught against civil society*, April 14, 2016: <https://www.amnesty.org/en/latest/news/2016/04/saudi-arabia-issa-al-hamid-sentenced-to-nine-years/>

<sup>123</sup> See above.

<sup>124</sup> Including **Abdallah Fayçal Badra**. See European Saudi Organisation for Human Rights, *Saudi Arabia pursues human rights defenders: Al-Atawi and Al-Otaibi tried two years after the end of the investigation*, November 21, 2016 (in Arabic): <http://www.esohr.org/?p=539>. See also Human Rights Watch, *Saudi Arabia: Prosecution for forming human rights group, Short-lived organization closed under pressure in 2013*, November 15, 2016: <https://www.hrw.org/news/2016/11/15/saudi-arabia-prosecution-forming-human-rights-group>

<sup>125</sup> See Amnesty International, *Qatar: Activist at risk of torture after deportation to Saudi Arabia*, May 4, 2017: <https://www.amnesty.org/en/latest/news/2017/05/qatar-activist-at-risk-of-torture-after-deportation-to-saudi-arabia/>

<sup>126</sup> See European Saudi Organisation for Human Rights, *Saudi Arabia pursues human rights defenders: Al-Atawi and Al-Otaibi tried two years after the end of the investigation*, November 21, 2016 (in Arabic): <http://www.esohr.org/?p=539>



While a growing number of Saudi men and women are campaigning in defence of human rights, they can only take action **via often anonymous social networking accounts**: acting as part of an organisation continues to be significantly hampered and criminalised.

**Unprecedented mobilisation on social networks** has been witnessed in Saudi Arabia since summer 2016. According to Hala Al-Dosari, it is part of a "*virtual quest for citizenship*" by Saudi men and women, which has continued to grow since the Arab Spring in 2011.<sup>127</sup>

Furthermore, she believes that different initiatives have been organised around a nucleus of activists that formed out of a campaign on women's right to drive in 2006, and that this has not stopped developing via the medium of social networks, particularly *Twitter* but also *Snapchat*, *Telegram* and *Whatsapp*.<sup>128</sup>

This is also the view of Aziza Al-Youssef, who explained that, since 2013, there have been specific initiatives against the guardianship system to which women are subject, but that none have enjoyed the same success as those launched since summer 2016, which have continued to mushroom.<sup>129</sup>

Testimonies, expressions of solidarity and alerts on cases of women activists on whom the regime has cracked down are multiplying around these initiatives. In this way, social media was extensively mobilised to uncover what had happened to **Alaa Al-Anazi**.<sup>130</sup>

A similar case concerns Ashwaq and Areej Hamoud Al-Harbi, aged 28 and 30 years. They left for Turkey but were arrested by the Turkish police at the request of the Saudi authorities, having been denounced as terrorists by their father. According to the testimony of both young women, they risked being killed if handed back to their family. Once the affair became known, the hashtag **#SaveAshwaqAndAreej** was launched<sup>131</sup> and shared via other hashtags on May 16, 2017. The extent and effectiveness of this mobilising via social networks is revealed through the fact that this one case alone received thousands of messages of support in just a few hours.<sup>132</sup>

Saudi media has occasionally shown empathy when reporting on these initiatives. This is particularly the case with the major titles in the written media, reputedly the most liberal bastions of the pro-regime elites, and also with certain TV channels. But the initiatives have also been severely criticised by official religious establishment figures. Thus, the Kingdom's Grand Mufti Abdelaziz Al-Sheikh considered one of the most symbolic of these initiatives – namely that against male guardianship – to be a "*crime*".<sup>133</sup> Similarly, the imam preaching on Friday at the Grand Mosque of Mecca, Saoud Shuraim, described it as "*contrary to God's law*"<sup>134</sup>, which is equivalent to criminalising those behind the initiative, according to the thinking of the institution to which he belongs.

### 3.2.1. Campaigns that start with individual cases and develop into emblematic causes

**From 2016, dozens of incidents concerning individuals have succeeded in mobilising huge audiences within social networks using a tweet or hashtag**, to the extent that these have become standard bearers for major causes relating to conditions for women in Saudi Arabia, such as guardianship or behaviour and violence towards women.

**#SaudiWomenWeDemandAnEndtoGuardianship**<sup>135</sup>

At the beginning of July 2016, the hashtag **#SaudiWomenWeDemandAnEndtoGuardianship** was

127 See Hala Al-Dosari, *Saudi Arabia's Virtual Quest for Citizenship and Identity; Between Islamists and Autocrats Essay Series*, The Washington Institute for Near East Politics, October 2016: <http://www.washingtoninstitute.org/policy-analysis/view/saudi-arabias-virtual-quest-for-citizenship-and-identity>

128 Private interview with Hala Al-Dosari, May 2017.

129 See Aziza Al-Youssef in the programme *Ittijahat* on the Saudi TV channel *Khalijia*, October 30, 2016 (in Arabic): <https://www.youtube.com/watch?v=zHWEgWsl1w&t=8s> (at 9 min 50 sec)

130 See his profile below, Section 4.2.

131 See <https://twitter.com/hashtag/SaveAshwaqAndAreej?src=hash>

132 Almost 1,500 per hour just five to six hours after its launch.

133 See video (in Arabic): <https://www.youtube.com/watch?v=5rvhSBkhXMU>

134 See the Lebanese website *A-Raseef22*, *Who is Mariam Al-Otaibi who is taking up the minds of the Saudis?*, September 4, 2016 (in Arabic): <http://raseef22.com/life/2016/11/04/دعوساللابالغشيتالابيبعيتعالميرمدمنم>

135 See on Twitter **#Sa'oudiyat, nutālib bi-isqat al-wilaya**: <https://twitter.com/hashtag/دعوساللابالغشيتالابيبعيتعالميرمدمنم>



launched on Twitter.<sup>136</sup> It met with an enormous success and led, in September 2016, to a petition<sup>137</sup> signed by thousands of people and demanding the abolition of male guardianship.<sup>138</sup> According to **Aziza Al-Youssef**, one of the instigators of this initiative, the number of signatures approached 30,000 but many, out of caution and fear of being exposed to legal and/or social pressures, signed using an assumed name or just their first name. As a result, only 14,700 signatures, giving the signatories' full names, were retained.<sup>139</sup>

On September 25, another well-known activist, **Hatoun Al-Fassi**, sent a telegram with the same message to the Royal Palace.<sup>140</sup>

For Saudi women rights defenders, the launch of this campaign was an opportunity to give fresh impetus to the announcements of change formulated by the authorities when the Vision 2030 Plan was launched. In July 2016, Human Rights Watch also issued its latest report on women's rights, which concluded that the situation for women had not fundamentally changed in recent years.<sup>141</sup>

An activist was detained for several months in the wake of this campaign and was only released after publicly apologising.<sup>142</sup> A male campaigner was similarly arrested and sentenced in December 2016 by the court in Dammam to one year in prison and a fine of 30,000 riyals [a little over 7,000 euros] for tweets and for having placed leaflets in support of the campaign in various locations, including mosques.<sup>143</sup> He reportedly accepted the facts. His conviction was based on the Law on Cybercrime, as he was accused of being "*at the head of a vast network of cyber activists*".<sup>144</sup>

#### *#ResistingByWalking*<sup>145</sup>

On March 28, 2017, **Manahil Al-Otaibi**<sup>146</sup>, a student from Al Qasim, reputedly a highly conservative region in the centre of the Kingdom, posted a video showing herself walking along the street in silence.<sup>147</sup> She did so because she wanted to condemn the fact that she was obliged to walk to university when she suffered from arthritis of the knee.<sup>148</sup>

Two days later, on March 30, 2017<sup>149</sup>, her initiative was taken up by **Mariam Al-Hubail**<sup>150</sup>, teacher in Al-Ahsa, who launched the hashtag with the following tweet<sup>151</sup>:

"[This hashtag must serve to] *encourage women to go out alone into the street, whether on an errand or to take a walk, to document the way they are treated by official bodies or in [shops and shopping centres] and to survey the places where they refuse to serve women.*"<sup>152</sup>

Mariam Al-Hubail had already published articles on the issue of women's rights<sup>153</sup>, the over-

136 The very first tweet reportedly dates from July 29, 2016, on an anonymous account @fai99989: <https://twitter.com/fai99989/status/75911112818249729>: According to information from the initiative's Youtube account, "*Women are unfairly treated, their dignity is trampled on, they are stripped of their rights and they must be protected from the tyranny of men in general by ending the regime of guardianship [wali al-amr]*" (in Arabic): [https://www.youtube.com/watch?v=CpYaIB0Dk\\_Y](https://www.youtube.com/watch?v=CpYaIB0Dk_Y)

137 See the petition in Arabic and English: <http://www.thepetitionsite.com/fr/561/850/825/abolish-the-male-guardianship-system>

138 See Human Rights Watch, *Saudi Arabia: 'Unofficial' Guardianship Rules Banned*, May 9, 2017: <https://www.hrw.org/ar/news/2017/05/09/303429>

139 See Aziza Al-Youssef, guest on the programme *Ittijahat* on the TV channel *Khalijiya*, October 30, 2016 (in Arabic): <https://www.youtube.com/watch?v=zHWEGWsl1w&t=8s> (at approx. 11 min)

140 See Twitter account: <https://twitter.com/search?f=tweets&q=>

141 See Human Rights Watch Report, *Boxed In, Women and Saudi Arabia's Male Guardianship System*, July 16, 2016: <https://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>

142 Ibid.

143 Al Thani, Al-Qosseibi, Amir Saad Al Jalaoui and Al-Khalidiya Al-Kabir mosques, promenade of Al-Malik Fayçal mosque, Al-Kut cemetery and al-Soweiq Souk.

144 See Saudi newspaper *Okaz*, *Accused given one year in prison and a fine of 30,000 for tweets [on] the fall of the [system of] male guardianship of women*, December 27, 2016 (in Arabic): <http://okaz.com.sa/article/1517255/>

145 See <https://twitter.com/hashtag/src=hash>

146 See her Twitter account: [https://twitter.com/1994\\_thefreedom](https://twitter.com/1994_thefreedom)

147 See the tweet: [https://twitter.com/1994\\_thefreedom/status/846740678356946944](https://twitter.com/1994_thefreedom/status/846740678356946944)

148 See *Les Observateurs*, *#ResistingByWalking, Saudi Women condemn male guardianship*, April 7, 2017 (in French and Arabic): <http://observers.france24.com/fr/20170407-video-arabie-saoudite-droit-femme>

149 See the website *Al-Amal News*, *Young Saudi women use novel means to resist the reality served up to them*, April 3, 2017 (in Arabic): <http://alamalnews.org/829/ع/شوروفملمعاولانمواقيتادوعستاياتف/mobile=>

150 See her Twitter: @ms\_freespeech

151 See the tweet: [https://mobile.twitter.com/ms\\_freespeech/status/84745625605490278](https://mobile.twitter.com/ms_freespeech/status/84745625605490278)

152 *Les Observateurs*, *Les Observateurs, #ResistingByWalking, Saudi Women condemn male guardianship*, April 7, 2017 (in French): <http://observers.france24.com/fr/20170407-video-arabie-saoudite-droit-femme>

153 See the Saudi website *Al-Tagreer*, at the time when it could still be considered part of the liberal, independent media (the website has been shutdown since summer 2017): <http://altagreer.com/>

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whelming volume of prohibitions imposed on students in universities for women<sup>154</sup>, consumer protection<sup>155</sup> and the Law on Associations for example.<sup>156</sup>

*#That'sWhyWeDefendRights*<sup>157</sup>

The hashtag *#That'sWhyWeDefendRights* was launched on June 16, 2017 by two tweets from the exiled Saudi defender **Taha Al-Hajji**, who explained its purpose<sup>158</sup>:

*"[This hashtag must serve] activists in describing the human rights situation in Saudi Arabia, in explaining the reason for their commitment and in documenting the harassment they suffer."*

*"There are violations that must be stopped despite the dangers, difficulties and high price that must be paid, because we must enjoy these rights uncontested."*

According to other defenders who took part in the launch, *"almost 9,000 people participated in the campaign, sharing more than 15,000 tweets with this hashtag. However, many of the accounts are anonymous because they don't feel protected. This makes it difficult to involve them further in our work."*<sup>159</sup>

But the campaign continues to be widely relayed by several defenders, such as Aziza Al-Youssef, Hala Al-Dosari and Loujain Al-Hathloul. It is also supported by *Al Qst*.<sup>160</sup>

*#IAmMyOwnGuardian*<sup>161</sup>

The campaign *#IAmMyOwnGuardian* was launched on September 29, 2016 as an extension of the campaign *#SaudiWomenWeDemandAnEndtoGuardianship*. The first tweet read as follows:

*"This initiative calls on the women who have been dismissed from their jobs or have had to interrupt their studies because of their wali al-amr and who want recourse to justice against the educational bodies or their leaders in the cities of Riyadh and Taif to get in touch by privately messaging our official Twitter account @endguardianship."*<sup>162</sup>

This hashtag is special in that the first tweets of the @endguardianship account called, above all, for a structured approach and networking<sup>163</sup>, with the idea of organising workshops<sup>164</sup>, leading campaigns on rights education<sup>165</sup> and launching initiatives for collective justice.

*#SaveDinaAl-Ali*<sup>166</sup>

This campaign was launched in defence of 24-year-old Dina Ali Lasloom, who had taken a flight to Australia to request asylum and to be able to live independently from her family. On April 10, 2017, during a stopover in the Philippines, she was intercepted by agents at Manila airport and forced to return to Saudi Arabia by members of her family, apparently with the cooperation of the Saudi embassy in the Philippines.<sup>167</sup>

Dina managed to talk to fellow-travellers the moment she realised what was going to happen,

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154 See the Lebanese website *Raseef22*, *Behind the walls of women's universities in Saudi Arabia*, March 8, 2016 (in Arabic): <http://raseef22.com/culture/2016/03/08/سلاي-في-قضاياالمرأةوالحقوقالانسانيةفيالسعودية>

155 See the Saudi website devoted to the issue of women *Noonpost*, *Investigation into the programme Israr [insistence] shows that responsibility does not achieve its objective*, November 4, 2015 (in Arabic): <http://www.noonpost.org/>

156 See the Qatari website *Al-Araby Al-Jadid*, which publishes numerous Saudi writers formerly with the website *Al-Tagreer* (see footnote 147), *Adoption of a law on civil society institutions in Saudi Arabia*, November 30, 2015 (in Arabic): <https://www.alaraby.co.uk/society/2015/11/30/>

157 See <https://twitter.com/hashtag/لوعافادناذه/لوعافادناذه?src=hash>

158 See his Twitter account: <https://twitter.com/tahaalhajji/status/875806218606043140>

159 Confidential interview with an individual who took part in the campaign launch.

160 See the website of the organisation *Al Qst*: <https://alqst.org/>

161 See on Twitter *#AnaWaliAmrNafsi*: <https://twitter.com/hashtag/اناولوانا?src=hash>

162 See information on the initiative's Youtube account: [https://www.youtube.com/watch?v=CpYaIB0Dk\\_Y](https://www.youtube.com/watch?v=CpYaIB0Dk_Y)

163 See <https://twitter.com/endguardianship/status/788094162759458816> and <https://twitter.com/endguardianship/status/788095296723152896>

164 See <https://twitter.com/endguardianship/status/788095458539409411>

165 See <https://twitter.com/endguardianship/status/788094823312097281>

166 See on Twitter *#SaveDinaAli*: <https://twitter.com/hashtag/SaveDinaAli>

167 See Human Rights Watch, *Fleeing woman returned to Saudi Arabia against her will*, April 14, 2017: <https://www.hrw.org/ar/news/2017/04/14/302316>

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saying in particular: "If I am taken back to my family, they will kill me." This information was immediately put out on social media in Saudi Arabia.

Activists launched a campaign of solidarity on social networks<sup>168</sup>, inviting people to form a welcoming committee at Riyadh airport where Dina's plane was due to land on the evening of April 12. **Alaa Al-Anazi** in particular responded to this initiative, which led to her being arrested (See below).

Saudi authorities attempted to hush up the affair, not only by arresting the male and female activists who wanted to witness Dina's return but also by denying the involvement of the Saudi State services in the affair, via the Spokesperson for the Saudi embassy in Manila, according to whom it was simply a "family matter".

Between Dina Ali Lasloom's forced return to Saudi Arabia and the writing up of this report, no news has emerged about her fate. She may possibly be being held in a women's prison.<sup>169</sup>

Several other campaigns have been launched in support of women whose human rights have been violated. These include, for example, the hashtag **#WeAreAllMariamAl-Otaibi**<sup>170</sup>, launched in defence of the activist Mariam Al-Otaibi, victim of violence at the hands of family members<sup>171</sup>; the hashtag **#WhereIsAlaaAlAnazi**<sup>172</sup>, launched in defence of Alaa Al-Anazi<sup>173</sup>, and the hashtag **#StopEnslavingSaudiWomen**<sup>174</sup>, which was reportedly launched by, among others, a young, 26-year-old Saudi woman who fled to the United States after being locked up by her family for 230 days.<sup>175</sup> Her case is emblematic of the phenomenon of Saudi women seeking political asylum abroad, as women highlighting the fate that Saudi women suffer in their country as a result of current discriminatory laws.<sup>176</sup>

Another initiative may equally be cited, although different in nature, as it is not aimed at calling for changes to the law. It is nonetheless considered as a valuable complement by women defenders.<sup>177</sup> The initiative in question is called "Know your rights"<sup>178</sup> (*a°riif, huqûqak*), and takes the form of a social networking app specifically aimed at informing women of the legal framework relating to family law and the status of individuals. According to Nisreen Issa, the lawyer who is the initiator<sup>179</sup>, it seeks to explain women's rights under existing laws.

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168 See <https://twitter.com/hashtag/whereisalaanazi?f=tweets&vertical=default&src=hash>

169 See Human Rights Watch, *Fleeing woman returned to Saudi Arabia against her will*, April 14, 2017: <https://www.hrw.org/ar/news/2017/04/14/302316>

170 See Twitter #Kulluna Mariam Al-Otaibi : [https://twitter.com/hashtag/كُلُّنَا\\_مَرِيَم\\_الْأُتَيْبِي?src=hash](https://twitter.com/hashtag/كُلُّنَا_مَرِيَم_الْأُتَيْبِي?src=hash)

171 For more information, see her profile below, Section 4.1.

172 See on Twitter #Where is Alaa Al-Anazi: <https://twitter.com/hashtag/WhereIsAlaaAnazi?src=hash>

173 For more information, see her profile below, Section 4.2.

174 See Twitter #StopEnslavingSaudiWomen: [https://twitter.com/hashtag/ان\\_سوف\\_نردم\\_القيولوان?src=hash](https://twitter.com/hashtag/ان_سوف_نردم_القيولوان?src=hash)

175 See the US newspaper The New York Times, *Cell phones in Hand, Saudi Women Challenge Notions of Male Control*, April 21, 2017: [https://www.nytimes.com/2017/04/21/world/middleeast/saudi-arabia-women-male-guardianship-activists-social-media.html?\\_r=0](https://www.nytimes.com/2017/04/21/world/middleeast/saudi-arabia-women-male-guardianship-activists-social-media.html?_r=0)

176 Different media, especially in the US, have made this phenomenon a talking-point, often presenting it as a mass movement. Reliable figures are not available, however, and those put forward by the media are hotly contested by Saudi commentators.

177 Among others, the woman defender Samar Badawi for example recommends it: <https://twitter.com/samarbadawi15/status/886921808472977408>

178 See <https://itunes.apple.com/us/app/كقووقح-ي-فرع/id1128209098?mt=8>

179 See the Lebanese website Raseef22, 'Know your rights': an app which enables Saudi women to legally defend themselves, December 6, 2016 (in Arabic): <http://raseef22.com/technology/2016/12/06/كقووقح-ي-فرع-كقووقح-ي-فرع>

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## Focus point:

The movement in support of women's right to drive: an encouraging sign

**Saudi Arabia was, until recently, the only country in the world to prohibit women from driving a car.** Since 1990, date of the first major mobilisation in favour of women's right to drive, there have been periodic calls for this right to be instated, notably in 2005, 2011 and 2013, followed by arrests and prosecutions.

Representatives of the Saudi authorities regularly explain that this ban, enforced by public servants, is in line with tradition and society's demands. In actual fact, it is based on a *fatwa* of October 1990 issued by the Council of the Ulemas and supported by a subsequent decree issued by the Ministry of the Interior.<sup>180</sup>

On April 25, 2016, during a major interview on Saudi television<sup>181</sup>, as well as during a press conference in front of international and national media, the Prince replied to a question posed by journalists on women's right to drive in the following terms<sup>182</sup>:

*"Society has, until today, remained unconvinced [of the need to give] women the right to drive and thinks that it would have very negative consequences. We affirm that it is a matter that wholly depends on Saudi society and that we cannot impose things on it that it does not wish. But in the future, changes will happen and we still hope that these changes will be positive."*

These answers clearly illustrate the attitude of the Saudi regime, one which involves hiding behind society and maintaining the illusion that it is society and not the State which is imposing the ban.

In May 2011, following action by pro-right-to-drive activists, the Ministry of Interior reaffirmed the validity of the ban.<sup>183</sup> *"We were not expecting such an uncompromising statement,"* explained **Aziza Al-Youssef**, who had taken part in the campaign.<sup>184</sup> *"All that could be read and heard in the media gave the impression that we were moving towards a solution to this controversy, which has lasted for more than twenty years."*<sup>185</sup>

On September 26, 2017, King Salman ben Abdelaziz finally signed a decree authorising women to obtain driving licences. The licences will be issued without the prior authorisation of a male guardian and the presence of a man in a vehicle driven by a woman will not be required. The text indicates that the authorisation must come into effect in June 2018. This progress, albeit limited, should enable women to secure greater independence, particularly as regards getting to work, without having to sacrifice a proportion of their salary to pay a driver.

Immediately after the announcement, however, the services of the Ministry of Interior contacted several women's rights activists to ask them not to comment on the new decree in the media.<sup>186</sup> This would seem to confirm that the Saudi authorities do not accept civil society's freedom of expression or the autonomy of political activists or human rights defenders, even when it appears compatible with the decisions of those in power.

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180 See the blog of the Saudi woman activist Manal Al-Sharif, *When will Saudi women drive?*, April 7 2014 (in Arabic): <https://manal-sharif.com/tag/قوسا.يقح.نم/> and the *Memri* website, *Women driving once more on the agenda in Saudi Arabia*, October 23, 2013 (in French): <http://memri.fr/2013/10/23/la-conduite-des-femmes-de-nouveau-a-lordre-du-jour-en-arabie-saoudite/>

181 Practice unheard of in the context of Saudi Arabia. Available on the TV news channel *Al-Arabiya*, April 25, 2016 (in Arabic): <https://www.youtube.com/watch?v=uhWfUK0aizw>

182 See from 3 min 30 sec, in response to an *AFP* journalist's question (in Arabic): <https://www.youtube.com/watch?v=gDGLHEgNoZI>

183 See the Saudi daily newspaper *Al-Riyadh*, *Emir Ahmed ben Abdelaziz: the decision to ban women from driving is still valid*, May 27, 2011 (in Arabic): <http://www.alriyadh.com/636071>

184 See her profile her profile below, Section 4.4.

185 See video by Aziza Al-Youssef, posted on Youtube on January 24, 2014 (in Arabic): <https://www.youtube.com/watch?v=KLV8zk3P1M0>

186 See Twitter accounts of Saudi women defenders: tweet by Hala Al-Dosari, September 28, 2017: [https://twitter.com/Hala\\_Aldosari/status/913378410633850885](https://twitter.com/Hala_Aldosari/status/913378410633850885); tweet by Maya Al-Amoudi, September 27, 2017: <https://twitter.com/maysaaX/status/913045695887806464>

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### 3.2.2. Virtual activism limited by a lack of women's rights organisations

**While the women's rights movement has been more vigorous than ever in recent years, it continues to operate in the private sphere, given the impossibility to create independent organisations.** Women rights defenders therefore meet in their own homes with their immediate social circle on a more or less regular basis. They also have to be careful not to talk about overtly political subjects such as those that touch on how the regime functions or on the political responsibilities of decision-makers, or anything that involves calling for reforms. As soon as a 'circle' acquires an audience that goes beyond its attendees and starts to talk politics in the strict sense of the term, its participants may be exposed to hefty prison sentences.

As a woman Saudi activist observed during an interview:

*"We have no framework for meeting, exchanging ideas, discussing, planning projects, compiling statistics or putting studies together. The Saudi women's movement needs to acquire theoretical foundations and needs a structure. In the current situation, everything happens in the online space, with disparate efforts. It is very easy for anyone to break up existing informal networks and to undo our work. In contrast, when there is a structure - as is the case for all feminist movements across the world - this provides organisational, theoretical and structural substance [making the work sustainable in the long term]. That's what we're lacking. We cannot, for example, organise a conference in Saudi Arabia on the issue of women. Activism is virtual: we meet in the online space, on Twitter, Whatsapp or others. But often, we don't know each other personally. If we wanted to meet in public<sup>187</sup>, that could expose us to prosecution. In practice, we don't meet much. I can meet with this person or that but we couldn't get together as a large group."*

**Any attempt at organising a public event is, moreover, impeded.** For example, when several women defenders wanted to organise a public conference in Qatif on November 24, 2016 entitled *"The end to male guardianship and the history of Saudi women's demands"*, the person organising the event received a call from the police a few days before the scheduled date, indicating that she would have to cancel the event.<sup>188</sup>

The same happens when women activists try to form an organisation. For example, **Nassima Al-Sadah** tried to create a women's rights organisation under the name *Noun* at the beginning of 2017, completing the online form on the dedicated government website. Normally she should have had a response within two months, but had still not heard by mid July 2017, seven months later.

**These examples** are not meant as an exhaustive list but do **show the tremendous difficulties and considerable risks involved in attempting to form human rights organisations** and, more specifically, women's rights organisations.

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**The gender equality and wider women's rights movement has benefited in recent years from a slowly maturing, informal proto-civil society of feminist activists, which is fragile but nonetheless dynamic. Its momentum comes from the aspirations of a modern youth and it is made possible through the opportunities afforded by social networks, focusing on several symbolic but no less significant causes. The movement has also profited from some impetus received during the reign of former King Abdallah, as well as announcements of societal reforms made by the current Crown Prince.**

**But these faint glimmerings of pro-feminist reforms are, at the same time, accompanied by an increasing crackdown on women defenders, who are subject to arrest, threats of prosecution before the Specialized Criminal Court and other forms of intimidation, and who continue to be denied the right to freedom of association.**

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<sup>187</sup> The Arabic word used is *'âm*, which means public, general or on a large scale.

<sup>188</sup> See the video (in Arabic): [https://www.youtube.com/watch?v=CpYaIBODk\\_Y](https://www.youtube.com/watch?v=CpYaIBODk_Y), interspersed with private interviews with Saudi sources.



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## 4. Still fragile women's rights movement subject to severe crackdown

Despite the risks posed, a certain number of Saudi women are, against all odds, taking action to defend human rights outside an organisational framework.

There are currently thousands of women cyber activists in Saudi Arabia. Many operate through anonymous accounts on social media for fear of reprisals. They have a thousand faces and, thanks to social networks, are able to meet, discuss and organise. Some women openly conduct their activities without hiding their identity. They give interviews or publish articles. They even go so far as to publicly state that they campaign for human rights. They include women with no previous history of activism, who are having to deal with untenable personal circumstances and who, in the face of State complicity, are driven to speak out on social media, to call for help, condemn discrimination and push for change. There are others whose activism is more structured and takes place within the human rights or feminist movement. Whatever the circumstances, **all these women take risks and find themselves in a highly vulnerable situation**, subject to family pressures, occasional arrest and threats of prosecution, notably before the Specialized Criminal Court. All bear the burden of repression imposed by the regime and, following the launch of legal proceedings against them, are aware that for years they will have the sword of Damocles hanging over their heads in order to render them silent.

Below are the profiles of a few of these women human rights defenders, who are prepared to face any challenge in the name of equal rights for all people, whatever their gender.

### 4.1. Mariam Al-Otaibi: an anti-male guardianship activist accused of disobedience



Mariam Nasser Khalaf Al-Otaibi, 29 years old, is originally from the city of Al-Rass, in the province of Al-Qassim, close to Riyadh. She is known to the Saudi public for her social media campaigning for women's rights.

Her story began in 2013, when two of her brothers were radicalised. One of them joined Daesh in Syria, where he was killed. The other brother then demanded that their father, in order to honour the 'martyr', should show strict discipline, particularly towards Mariam, who was opposed to her brother's radical discourse.

From that moment on, Mariam suffered verbal and physical violence at the hands of family members. She finally went to the police in her city to file a complaint against her brother, supported by a medical report as evidence of the violence. Her brother undertook

to treat her better. Back at home, Mariam was once again subjected to pressure aimed at forcing her to withdraw her complaint. This she did.

Shortly afterwards, she complained for a second time, but was once again taken back home. From then on, she turned to public opinion to act as her witness via her *Twitter* account.<sup>189</sup> She was, in addition, one of the most active contributors on the *#SaudiWomenWeDemandAnEndtoGuardianship* campaign on social media.

She provided proof of her identity and her story notably by publishing a photo of her passport and

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189 See her *Twitter* account: [https://twitter.com/MERIAM\\_AL3TEEBE](https://twitter.com/MERIAM_AL3TEEBE)

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her identity card. Her brother believed that for a woman to show her face uncovered in full view of everyone was a shameless act. He demanded that Mariam withdraw her complaint. This she refused to do. He urged his father to file in turn a complaint against Mariam for disobedience.

In November 2016, she received a call from the Al-Rass police, purportedly about her complaint. When the police arrived, she was arrested and imprisoned for the complaint of disobedience that her father had subsequently filed. The news set *Twitter* alight. Public opinion seized on the affair. After a few days, she was freed, but had to return to the family home.

Six months later she succeeded in finding accommodation and a job as a cashier in Riyadh, which should allow her to be independent. She announced it on *Twitter*, saying that she would never return to the family home.

A week later, on April 17, 2017, she was arrested by the police at her workplace. Her apartment was searched, her personal belongings seized, including her mobile and her computer. Her arrest came following a complaint filed by her father for running away and disobedience. She spent several days in Al-Malaz prison in Riyadh waiting the outcome of the police investigation.

Several days after, she learned that she was being accused of "breach of the peace" as a result of her human rights activism via *Twitter*. The body responsible for the case (file no. 41529) was the Riyadh Unit for Cases of Breach of the Peace. Mariam's name became a rallying cry on social networks under the hashtag *#WeAreAllMariamAl-Otaibi*.<sup>190</sup>

In mid-July, the Public Prosecutor announced that she would be released due to a lack of evidence against her.<sup>191</sup> After being held for 104 days in Al-Malaz prison in Riyadh, she was released on bail on July 30, 2017. The remarkable fact is her *wali al-amr* was not present for her release.<sup>192</sup>

Another Saudi woman activist, **Manal Al-Sharif**, one of the pioneers of the campaign for women's right to drive<sup>193</sup>, commented on Mariam's story<sup>194</sup>: "*I was stunned to see how the Human Rights Commission [government body] abandoned her and how all the doors she knocked on remained closed. Everywhere people were saying that her case was a family matter and that no one could intervene to help her.*"

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190 See the hashtag *#kulluna Maria Al-Otaibi* [we are all Mariam Al-Otaibi]: <https://twitter.com/hashtag/يبيبتعلالمرمنازللك?f=tweets&vertical=default&src=hash>

191 See the daily newspaper *Al-Makkah*, *The woman released by the order of the Prosecutor: the decision safeguarded my freedom*, July 16, 2017 (in Arabic): <http://makkahnewspaper.com/article/608164>

192 See *EremNews* website, *Saudi Arabia releases the activist Mariam Al-Otaibi four months after her arrest*, July 30, 2017 (in Arabic): <https://www.ereemnews.com/news/arab-world/saudi-arabia/931982>

193 Manal Al-Sharif had initiated a campaign for women's right to drive in May 2011. She filmed herself driving then posted the video on Youtube. On May 21, 2011, she was arrested by the police and held for ten days. She had to undertake to give up any such activities.

194 See the blog of Saudi woman activist Manal Al-Sharif (in Arabic): <https://manal-alsharif.com/2017/05/12/ةلاماكبيبتعلالمرمنازللك/>

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## 4.2. Alaa Al-Anazi: action against domestic violence impeded by the threat of fresh legal proceedings



**Alaa Al-Anazi**, a 24-year-old medical student, has described herself as a "*human rights activist* [huqûqiya]" on social media, using the opportunities it affords to speak out publicly.<sup>195</sup>

Alaa Al-Anazi forged links with other women activists as part of a campaign for women's right to drive in 2006.<sup>196</sup> She also took part in the campaign against male guardianship<sup>197</sup> and against domestic violence. In the wake of a particularly high-profile case in which a woman died after being beaten by her husband on March 19, 2017, Alaa Al-Anazi spoke out in the media<sup>198</sup> to call for stricter laws against domestic violence. She also condemned the fact that "*those in charge have not dealt with a single case* [of domestic violence in general]" and that, on the contrary, it was "*ordinary people*" who were the only

ones dealing with it.

Her story is closely linked to that of Dina Ali Lasloom.<sup>199</sup> When Alaa Al-Anazi arrived at Riyadh airport on April 12, 2017 to document Dina's arrival, she was arrested, along with a man who had come for the same reason.<sup>200</sup>

The police accused her of wanting to bear witness to Dina's arrival by publishing photos on social networks such as *WhatsApp*, and of doing so in order to spread her ideas.

Alaa was held for seven days in Riyadh in a hostel for young women<sup>201</sup> before being released on April 17, following the intervention of her father who provided bail.<sup>202</sup> However, she still lives with the feeling of being watched by the authorities and of having a sword hanging over her head in the form of a potential charge that could materialise at any time, should she begin speaking out publicly again.<sup>203</sup>

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195 She explained that those women and men who seized the opportunities afforded by social media to make known cases of human rights abuse were '*huqûqi*' (human rights activists). See, the Arabic programme 'Gulf Discussions' [*Hadith Al-Khalij*] on the *Al-Hurra* TV channel, April 1, 2017 (in Arabic): <https://twitter.com/gulftalks/status/848210525314043904/video/1/>

Another link (in Arabic): <https://www.youtube.com/watch?v=ExNdfT689Ks>

196 Ibid.

197 On Twitter, under the hashtag #SaudiWomenWeDemandAnEndtoGuardianship. Source *ibid*.

198 See the Arabic programme 'Gulf Discussions' [*Hadith Al-Khalij*] on the *Al-Hurra* TV channel, April 1, 2017 (in Arabic): <https://twitter.com/gulftalks/status/848210525314043904/video/1/>

Another link (in Arabic): <https://www.youtube.com/watch?v=ExNdfT689Ks>

199 See above for more information on Dina Ali Lasloom.

200 See *Anha* website, *The Riyadh police give details of the circumstances surrounding the arrest of a young man and a young woman who turned up at the airport to document the arrival of Dina from the Philippines*, April 14, 2017 (in Arabic): <http://www.an7a.com/293979/>

201 See the Saudi website *Eremnews*, *Release of Saudi woman Alaa Al-Anazi following detention linked to the Dian Ali affair*, April 18, 2017 (in Arabic): <http://www.ereemnews.com/entertainment/society/804480>

202 Private interview with Hala Al-Dosari.

203 Ibid.

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### 4.3. Loujain Al-Hathloul: defending the right to drive whatever the cost

**Loujain Al-Hathloul**, 28 years old, came to prominence in October 2013 via a video posted on social media, showing her at the wheel of a car on the streets of Riyadh in the company of her father.

A year later, on December 1, 2014, she reoffended by driving herself to the Saudi/Emirates border. She actually holds an Emirati licence and, according to the regulations in force in countries within the Gulf Cooperation Council, driving licences from each of the member States are recognised everywhere, regardless of the holder's gender. She informed the public of her action via social media. On reaching the Saudi border, she was arrested and detained for 73 days.<sup>204</sup>



She then appeared before the Court in Dammam, as she described in January 2016 in an interview with the British newspaper *The Economist*:

*"First of all I was accused of driving a car as a woman, a charge that changed some weeks later to inciting public opinion, which then translated as an accusation of terrorism; they tried to send me to appear before the Specialized Criminal Court."*<sup>205</sup>

She escaped the Specialized Criminal Court, probably as a result of King Salman succeeding to the throne following the death of King Abdallah on January 23, 2015. Although she was not convicted, she was not cleared either. With her trial suspended, she lives in fear of its being re-opened at any time.

Furthermore, in December 2015, she stood as a candidate in the municipal elections of her city of Dammam. Her candidacy was not formally rejected, but her name did not appear on the ballot papers either. She has launched proceedings against the Saudi Council of State<sup>206</sup>, but the case is still pending.<sup>207</sup>

On June 4, 2017, she was again arrested at Dammam international airport. No reason was given and she was not granted permission to contact either a lawyer or her family.<sup>208</sup> She was finally released on June 7.<sup>209</sup> She does not know if charges may subsequently be brought against her and lives with the constant threat of further arrest or the resumption of the 2014-15 proceedings.

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204 See interview with Loujain Al-Hathloul in the programme *Ya Halla* on the Saudi TV channel *Khalijiya*, June 2016 (in Arabic): <https://www.youtube.com/watch?v=ARsKmVwt4nQ> (4<sup>th</sup> minute)

205 See the video (in English and Arabic): <https://www.youtube.com/watch?v=Zvle0LVdjaM>

206 Diwan al-madhalim.

207 Loujain Al-Hathloul explains this episode on the website of the Arab Gulf States Institute in Washington, *Setting the Agenda: Reflections of Saudi Women on the Campaign Trail*, February 8, 2016: <http://www.agsiw.org/setting-the-agenda-reflections-of-saudi-women-on-the-campaign-trail/?print>: "Well, the Government removed me from the final list of approved nominees without notice. I filed an objection the next day, and four days later I received a response, saying that the local council had no objection to my candidacy and that the council of appeals contacted the special authority to request documented proof that I wasn't qualified. After three days, the appeals council decided to reinstate me because they didn't have anything against me running. On December 10, my name was not yet on the website, but they told me verbally I would appear on the paper ballot. I trusted that because I had legal documents to back me up. I went to the voting centers on the election day. My name wasn't on the list. The employee there said that when they called the local council, they were told that I had already been informed about their decision to not bring me back. I thought, "How can this be when I have legal documentation, and I had checked with them two days before and they promised to put my name on the ballot?" Now I am suing the local council and the general council of the elections, since they did not apply the court order of reinstating me to the ballot list of candidates. I am also filing cases with the board of grievances, the commission of anti-corruption, and requesting an administrative investigation."

208 See Amnesty International, *Saudi Arabia detains rights activist who defied women's driving ban*, June 5, 2017: <https://www.amnesty.org/en/latest/news/2017/06/saudi-arabia-detains-rights-activist-who-defied-womens-driving-ban/>

209 Her release was announced by her husband Fahad Al-Butairi on Twitter: <https://twitter.com/Fahad/status/872454993328177152>



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#### 4.4. Aziza Al-Youssef: a key figure in women's fight for their rights



**Aziza Al-Youssef**, aged 58 years, was born in Deriya in the centre of the country but now lives in Jeddah. She herself states publicly that *"I consider myself a human rights activist"*.<sup>210</sup> She became involved in campaigning in 2009 as a result of the development of social media. She explicitly links her commitment to individual rights to a commitment to political rights [being treated as an independent citizen and not as a subject, free to speak and to take part in politics<sup>211</sup>].

Through her personal courage, she has, in the eyes of a number of other women defenders, become a key figure in women's fight for their rights. Nadine Al-Budair, presenter on the programme *Ittijahat* broadcast on the Saudi TV channel *Khalijiya*<sup>212</sup>, says that she is *"one of the most eminent people calling for an end to the male guardianship system"*.<sup>213</sup>

She has been a talking-point at every crucial stage in the fight. She was, therefore, one of the organisers of the 'Women at the Wheel' demonstration on June 7, 2011.<sup>214</sup> In 2012-13, she organised a campaign calling for an exemplary punishment for a Saudi preacher who had raped and killed his five-year-old daughter in 2012.<sup>215</sup> In 2013, she was arrested for having violated the ban on women driving.<sup>216</sup> An investigation was opened, but she was never formally charged.

But it is above all as a supporter of the campaign to abolish male guardianship<sup>217</sup> that she appears on the front line, even if she denies being its founder.

As a result of her activism, she is particularly exposed to all forms of pressure, including the threat of arrest at any moment.

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210 See the video: [https://www.youtube.com/watch?v=Q\\_13QOhSGxw](https://www.youtube.com/watch?v=Q_13QOhSGxw)

211 See the video (in Arabic): <https://www.youtube.com/watch?v=SyaLIBrz-q0>

212 This is a channel owned by 'liberal' Prince Waleed bin Talal, royal family maverick. The programme has welcomed a large number of women activists as guests as well as others calling for political and social reform.

213 See the video (in Arabic): <https://www.youtube.com/watch?v=zHWEGWsl1w&t=9s>

214 According to the report from Riyadh by Pierre Prier for French newspaper *Le Figaro*, *Text messaging to keep Saudi women on the leash*, (in French) November 23, 2012: <http://www.lefigaro.fr/international/2012/11/23/01003-20121123ARTFIG00511-des-sms-pour-tenir-les-saoudiennes-en-laisse.php>

215 See French newspaper *Le Monde*, *Saudi Arabia: A preacher sentenced to 8 years in prison for raping and murdering his daughter* (in French) October 8, 2013: [http://www.lemonde.fr/moyen-orient/article/2013/10/08/arabie-saoudite-un-predicateur-condamne-a-8-ans-de-prison-pour-le-viol-et-le-meurtre-de-sa-fille\\_3492071\\_1667081.html](http://www.lemonde.fr/moyen-orient/article/2013/10/08/arabie-saoudite-un-predicateur-condamne-a-8-ans-de-prison-pour-le-viol-et-le-meurtre-de-sa-fille_3492071_1667081.html)

216 See *BBC*, *Saudi women file petition to end male guardianship system*, September 26, 2016: <http://www.bbc.com/news/world-middle-east-37469860>

217 Via the hashtag on Twitter *#SaudiWomenWeDemandAnEndtoGuardianship* and *#IAmMyOwnGuardian*.



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#### 4.5. Nassima Al-Sadah: hampered in her efforts to register an organisation

**Nassima Al-Sadah**, aged 44 years, is "one of the most eminent combatants in the social sphere of women's rights in particular", according to the celebrated television presenter Nadine Al-Boudair.<sup>218</sup> She herself explains that part of campaigning work involves pleading her cause, even if that requires "*demonstrating courage and being ready to pay the price if necessary*".



She dates the start of her activism to around 2008-09. She was initially mainly concerned with defending workers' rights, the subject of her final thesis at university. She was also interested in children's rights. In December 2015, she stood as a candidate in the municipal elections, but suffered the same fate as Loujain Al-Hathloul (see her profile above): her name did not appear on the ballot papers. She filed a lawsuit against the Minister of the Interior, which is still unresolved.

She quite quickly focused her attention on defending women's rights. It was thus that she took part in the 2011 campaign on the right to drive.<sup>219</sup> In 2012, she published an article retracing the history of Saudi feminism since 1977, which explained that the fresh impetus of the Saudi women's struggle formed part of the context of the Arab Spring<sup>220</sup>, while deploring the excessive slowness of reform.

She nonetheless sees herself as resolutely optimistic and believes that mobilising civil society will ultimately bear fruit: "*Since the women's movement took over social networks in 2011, many things have changed including society's attitude,*" she explained. "*For example, no one any longer believes that the ban on women driving is down to society's conservatism; everyone agrees that it is the result of decisions by the State.*"<sup>221</sup>

More recently, at the start of 2017, she took the first steps towards forming a women's rights organisation under the name *Noun*, which stands for the letter N, as in *Niswa*, the Arabic for woman. Having still received no response, she has given up hope of seeing the process succeeding. However, one of the reasons she had when starting the process was precisely to show the limits of what is possible under the current state of legislation in Saudi Arabia.

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218 See preceding footnotes on the programme *Ittijahat* with Nadine Al-Boudair, on the Saudi TV channel *Khalijiya*, which played a considerable role in making these activists known to the Saudi public (in Arabic): <https://www.youtube.com/watch?v=zHWEGWsl1w&t=9s> (40 min 20 sec')

219 Ibid.

220 See the Saudi website *QatifNews*, *Whisperings in the ears of every woman activist*, March 1, 2012 (in Arabic): <https://www.qatifnews.com/index.php?show=news&action=article&id=36680>

221 See the video (in Arabic): <https://www.youtube.com/watch?v=zHWEGWsl1w&t=9s> (at approx. 1 hr)

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#### 4.6. Samar Badawi: victim of violence and now an iconic figure in the fight for human rights



**Samar Badawi**, aged 36 years, is one of the most iconic figures in the fight for Saudis' rights and not just the rights of women. Her story is first and foremost about family tragedy and seems to epitomise all Saudi society's contradictions, barriers and developments.

Samar was a victim of a violent father and first ran away when she was 13 years old.<sup>222</sup> When the family settled in the port city of Jeddah, she and her brother Raif discovered the city's youth and liberal circles. Her brother subsequently became one of the most famous prisoners of conscience in the world for having created the website *Free Saudi Liberals* and for being sentenced as a result to 10 years in prison and 1,000 lashes for "*insulting Islam*".

In 2008, Samar finally filed a complaint against her father for violence and fled to a women's refuge, which was supposed to protect her but which, to many women, seemed more like a prison. Her father filed a complaint against her in turn for disobedience and won his case. This earned Samar seven months in prison.<sup>223</sup>

It was in prison that she met the lawyer and human rights defender Waleed Abou Al-Khair, whom she married shortly afterwards.<sup>224</sup> This gave rise to further legal proceedings involving her father who tried, in vain, to oppose the marriage. Waleed Abou Al-Khair was also imprisoned, sentenced to 15 years in prison<sup>225</sup> for, among other things, "*creating an unauthorised organisation*", namely MHRSA, an organisation in which Samar Badawi also took part.

This family story received wide media coverage in the country, with her father even joining in and calling on Saudi public opinion as a witness against his children, whom he described as having fallen under the influence of "*powerful Jeddah liberals, lay people, manipulated by Iran, in cahoots with Shiites who are the enemy of the homeland*", all '*with the cooperation of foreign, purportedly human rights organisations*'.<sup>226</sup>

"*I am not the first Saudi woman to have filed a complaint against her father and to have succeeded in invalidating his authority as wali al-amr, but I am probably the first to have publicly spoken out about my case and my problems,*" she explained in March 2012.<sup>227</sup>

But she has not limited herself to defending her own case. On the contrary, her time in prison revealed to her that hers was not an isolated case and so she set about training herself in the field of human rights. When she left prison in 2010, she took part in a campaign to demand the release of political prisoners.

She was once again a talking-point in 2011, when she filed a complaint to demand that the Min-

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222 See her profile by Benjamin Barthe, published in the French newspaper *Le Monde* on May 5, 2015 (in French): [http://abonnes.lemonde.fr/proche-orient/article/2015/05/05/samar-badawi-l-effrontee-de-djedda\\_4627870\\_3218.html?h=11](http://abonnes.lemonde.fr/proche-orient/article/2015/05/05/samar-badawi-l-effrontee-de-djedda_4627870_3218.html?h=11)

223 On the Saudi TV channel 24, March 2015 (in Arabic): <https://www.youtube.com/watch?v=002s-nClLuQ&t=625s> (30 min 20 sec)

224 While her husband was in prison, she wrote an open letter to him: "*Know then, dear husband, that it is tyranny and oppression that have put you behind bars. In Saudi Arabia those who chose to rule in the name of Islam and Shari'a law have treated such jurisprudence as mere ink on paper. Those who claim to use religion to protect me are the very people who took away my safety and security, for within the kingdom those meant to be serving justice have decided that oppression should be a cause for celebration. So a word to them... To all those rulers and judges who have unfairly imprisoned the free, and enslaved the people, beware of the judgement you will receive from the heavens above. Woe to you who have terrorized the aggrieved out of pride. To my fellow Saudi Arabians I say that my husband has been imprisoned so that you could live free. He stood up to the tyrants to claim your rights; he faced up to his oppressors telling them he would not tolerate their repression.*" Quoted by Amnesty International: <https://www.amnesty.org/en/latest/news/2015/04/history-will-exalt-those-who-fought-for-freedom-letter-to-a-saudi-arabian-prison/>

225 See above.

226 Ibid.

227 Ibid: [https://www.youtube.com/watch?v=5nawMy3\\_ku8](https://www.youtube.com/watch?v=5nawMy3_ku8) (8<sup>th</sup> minute).

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ister of Municipal Affairs registers her on the electoral lists.<sup>228</sup> She then took part in the campaign for women's right to drive in 2011-12, driving herself and supporting other women. She then followed the example of activist Manal Al-Sharif<sup>229</sup>, who had filed a complaint against the Ministry of the Interior, saying that it ought to agree to issue her a driving licence.<sup>230</sup>

She spoke at length on this in March 2012, in the programme *Ittijahat* with Nadine Al-Boudair, on the Saudi TV channel *Khalijiya*, one of her last media appearances before the Ministry of the Interior forbade her, at the beginning of 2014, from speaking out publicly on the issue of human rights, appearing in the media and communicating with foreign organisations or diplomats, at the risk of being imprisoned or fined under the Anti-Terrorism Law.

She explained that her complaints remain unanswered, but believes she has had some success, since a short time after her complaint about the elections, the ruler at the time, the late King Abdallah, announced that thirty women were being appointed to the *Majlis al-Shura* and that the next municipal elections would be open to women as both voters and candidates.

She also explained that securing media coverage, including as part of human rights organisations, helps advance activists' demands. *"I think it is very useful for the world to see what Saudi women suffer. [...] But it's not a matter of what is called "foreign interference". I don't believe so. It is we who are making the difference and it is up to us to take the decisions."*

Because of her commitment and involvement, she has suffered regular police harassment. In addition to the ban imposed on her preventing her from speaking out publicly, she was also the target of a travel ban announced by the Ministry of the Interior in December 2014. She was arrested several times by the police, notably on January 12, 2016, when she was with her two-year-old daughter, and was subsequently brought before a prosecutor to be interrogated over her alleged role in maintaining the *Twitter* account of her husband and imprisoned defender Waleed Abou Al-Khair. She was not released until the following day. Once again, on February 15, 2017, she was summoned to the Jeddah bureau of investigation for an interrogation. The *"questions related to historic subjects concerning [her] activities in the field of human rights and civil rights, including the women's campaign against male guardianship."*<sup>231</sup>

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228 She talked about it in the programme *Ittijahat* on the Saudi TV channel *Khalijiya*, in March 2015 (in Arabic): [https://www.youtube.com/watch?v=5nawMy3\\_ku8](https://www.youtube.com/watch?v=5nawMy3_ku8) (44<sup>th</sup> minute)

229 Manal Al-Sharif is one of the pioneers in women's fight for their rights. Her fight has lost her custody of one of her children. She now lives in exile. She has just brought out a book in English in which she talks about her actions: *Daring to Drive*, Simon and Schuster, 2017, New York.

230 The programme *Ittijahat* on the Saudi TV channel *Khalijiya*, in March 2015 (in Arabic): [https://www.youtube.com/watch?v=5nawMy3\\_ku8](https://www.youtube.com/watch?v=5nawMy3_ku8)

231 See her *Twitter* account: <https://twitter.com/samarbadawi15/status/831821514819383297>: 'Today's investigation is related to previous issues about my human rights and civil activities including the women's campaign against male guardians.'

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## 4.7 Naimah Al-Matrod: a pro-reform activist in jail



**Naimah Abudllah Al-Matrod**, 43, nurse and blogger, is originally from Saihat, near Qatif, a eastern coastal city with a Shia majority. Since January 2011, a popular protest movement with economic, social and political demands has been taking place in the city. Since the beginning of this movement, Naimah Al-Matrod has been actively taking part in the peaceful protests. She has also documented and alerted via social media, human rights abuses committed by authorities against demonstrators and has called upon authorities to put an end to the repression of protest and to free prisoners of conscience.

On February 23, 2016, Naimah Al-Matrod was arrested at a check-point between Dammam and Saihat and detained for two days.

On April 13, 2016, she was summoned by the Dammam police for questioning and placed

in preventive detention. Since her health has deteriorated.

She was prosecuted for "disrupting the Government, justice and security" via social media, "negatively impacting social fabric", "creating chaos and inciting sectarian uprising" for taking part in the above-mentioned peaceful protest and for her posts on *Twitter* and *Facebook* calling for the release of political prisoners and for democratic reforms.

On April 10, 2017, her trial opened before the Specialised Criminal Court, which sentenced her to six years in prison and ordered a six years' travel ban against her on November 10, 2017. Her trial was held behind closed doors and she was not represented by a lawyer for the major part of the procedure<sup>232</sup>.

As of the end of December 2017, she was still detained at the intelligence services prison in Dammam.

Close to 200 demonstrators have been condemned since 2011 in this context, but Naimah is the first women to have been prosecuted, tried and sentenced because of her involvement in the protest movement.

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<sup>232</sup> See Gulf Center for Human Rights (GCHR), *Saudi Arabia: Internet activist Naimah Al-Matrod sentenced to six years in prison*, November 15, 2017: <http://www.gc4hr.org/news/view/1731>



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## Conclusion

The human rights situation in Saudi Arabia seems **paradoxical: on the one hand**, since 2016 there have been **momentous announcements on the societal reforms to come; on the other**, since 2011 there has been **an ongoing and unprecedented wave of repression** directed against human rights defenders. Reforms - or regular announcements of reforms - appear relating to one specific point or another, while nothing fundamental changes and serious human rights violations in law and in practice persist.

**The announcements kindle the hope in Saudi defenders** inside the country and in exile that the vast Vision 2030 reform plan represents effective momentum towards placing substantial social reform in favour of greater respect for the rights and freedoms of Saudis at the top of the agenda. However, the fear is that the author of the Plan, young Prince Mohamed ben Salman, is instead in the process of preparing for a reign in which unprecedented powers will be concentrated in his hands and an authoritarian approach will be taken to security. This would represent a backward step in relation to the fairly traditional monarchical practices that have until this point prevailed in Saudi Arabia.<sup>233</sup> **The spectre of an increased concentration of powers** is given credence in particular by recent reforms to the regulatory authority of the Prosecutor's Office, now under the authority of the King, despite calls from activists to increase the Prosecutor's independence from the executive.<sup>234</sup>

Whatever happens, **any actual reform** has generally been extremely **modest in how it applies in practice** (like the circular on the *wali al-amr*, which is a good illustration of the Saudi paradox), **or has even had no effect at all**, particularly on the matter of women's rights. **Women human rights defenders, in a highly vulnerable position as a result of their discriminatory status**, continue to be arrested and returned to their families when they try to flee abroad, despite the risk of violence or even murder, principally because of their attempt to question the basis of the patriarchy, enshrined within the supreme law of the Kingdom. They are prosecuted for offences including "disobedience", which apply only to women.

**Dozens of defenders**, activists, intellectuals, journalists and bloggers **are, moreover, suffering an unprecedented crackdown**, which has been stepped up since the accession to the throne of Salman ben Abdelaziz. Furthermore, the Specialized Criminal Court continues to judge cases that relate to dissident views, when it is supposed to deal only with cases of terrorism. Far from having been amended, **the Anti-Terrorism Law** continues to maintain the confusion between terrorism - an attack on the security of the State - and criticising the authorities, and **provides the legal justification for suppressing** any dissenting views. Defenders, who have sought to form an organisation, remain languishing in prison, commonly serving up to 15 years. This is not to mention the death penalty imposed for atheism or blasphemy. **All this is happening in the face of a deafening silence from the international community** and far from any potential media coverage.

**Saudi Arabia would gain credibility** within international bodies, particularly those responsible for human rights, **if it placed more trust in those very women and men who would be able to abide by many of the elements of the reforms announced** in the Vision 2030 Plan. The country should allow its civil society to develop a structure and should stop eroding the already somewhat relative freedom of expression, notably on social media.

In particular, **Saudi authorities should support the structuring of the women's rights movement** to enable women to play a full role in devising and implementing the announced reforms. This will only be possible by reforming the framework governing freedom of association and by drawing a line under repressive practices aimed at all those who call for greater freedom to exercise the most fundamental human rights in the Kingdom. It is only under these conditions that Saudi Arabia will become a credible player within UN bodies such as the Human Rights Council.

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233 See *New York Times*, *Saudi King's Son Plotted Effort to Oust His Rival*, July 18, 2017: <https://www.nytimes.com/2017/07/18/world/middleeast/saudi-arabia-mohammed-bin-nayef-mohammed-bin-salman.html?mcubz=1>

234 See *Saudi Press Agency*, *Publication of a series of royal decrees*, June 17, 2016 (in Arabic): <http://www.spa.gov.sa/viewfullstory.php?lang=ar&newsid=1640804#1640804>; *Al-Arabiya* information website in English, *Saudi King appoints new Public Prosecutor, new security director*, June 17, 2017: <https://english.alarabiya.net/en/News/gulf/2017/06/17/Saudi-appoints-new-public-prosecutor-and-a-new-director-of-public-security.html>; *Bloomberg*, *Saudi Minister says Prosecutor's move is part of a wider reforms*, June 19, 2017: <https://www.bloomberg.com/news/articles/2017-06-19/saudi-minister-says-prosecutor-s-move-is-part-of-wider-reforms>



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Against this background, **questions need to be asked about the authorities' genuine willingness to make progress on gender equality**, which cannot happen without a minimum space being created in which human rights defenders, and women human rights defenders in particular, can take action.

## Recommendations

In light of the findings presented in this report, and in order to strengthen protection for human rights defenders in Saudi Arabia, the Observatory makes the following recommendations to:

### The Government of Saudi Arabia to:

#### 1. End repression of human rights defenders and in particular:

- Under all circumstances, guarantee the physical and psychological integrity of detained human rights defenders and all human rights defenders in Saudi Arabia;
- Immediately and unconditionally release all human rights defenders detained, given that their detention is aimed at punishing legitimate human rights activities;
- Guarantee the right to a defence for all human rights defenders by removing obstacles to access to their lawyers;
- End all forms of judicial harassment against human rights defenders;
- End restrictions on their freedoms of movement (including the right to travel abroad), expression, association and peaceful assembly.

#### 2. Guarantee an open environment that is favourable to those wishing to engage in defending women's rights, and in particular:

- Adopt a Criminal Code that clearly defines acts liable to incur criminal responsibility in line with the rights enshrined in the Universal Declaration of Human Rights;
- Revise the Law on Associations and Foundations of December 1, 2015 to enable civil society organisations to work freely and independently without undue interference by the authorities:
  - Replace the procedure of prior authorisation by a notification procedure;
  - Authorise the creation of associations and foundations to promote and protect human rights;
  - Allow members of organisations the freedom to determine their articles of association, their structure and their activities and to take decisions without State interference;
  - Grant organisations and others the right to express their opinion, share information, exchange with the public and make recommendations to governments and to international human rights bodies;
  - Refrain from interfering in the internal affairs of organisations and respect the right to a private life. The authorities should therefore not have the right to overturn decisions and override the activities of an organisation linked to any condition; annul the election of members of an organisation's board; subject the validity of decisions of that board to the presence of a government representative at the meeting; demand that organisations submit reports prior to publication; or demand that organisations submit work plans for approval;
  - Authorise foreign funding and collaboration between Saudi organisations and organisations abroad.
- Abolish the male guardianship system;
- Guarantee the competence, independence and impartiality of the courts in Saudi Arabia;

- .....
- Revise the Anti-Terrorism Law as well as other criminal laws containing vague provisions to ensure they comply with international human rights norms and, in particular, prevent them from being used for the purposes of repressing human rights defenders;
  - Consult civil society, including human rights defenders, on the reforms to be carried out in the country;
  - Ratify the International Covenant on Civil and Political Rights;
  - Lift the reservations made to the CEDAW to allow Saudi women to fully enjoy their rights as enshrined in the Convention;
  - Ratify the Optional Protocol to the CEDAW;
  - Cooperate with and allow access to the country to players from the human rights system of protection: UN representatives, mechanisms and special procedures (notably the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on Violence against Women, its Causes and Consequences, the Working Group on the issue of Discrimination Against Women in Law and in Practice and the Working Group on Arbitrary Detention), international and regional NGOs.

**Third-party countries, including the European Union, to:**

- Strongly condemn human rights violations in Saudi Arabia and demand the release of all defenders detained in retaliation for their human rights work;
- Ensure that these efforts are made not simply through silent diplomacy but also by reacting publicly in a prompt and forceful manner;
- Meet with and express support for Saudi human rights defenders;
- Observe trials involving human rights defenders and publicly report back, if possibly jointly, on any violations and subjects of concern noted during hearings and ensure that such situations are followed up on in the context of their respective activities;
- Demand that the Saudi authorities cooperate with international and foreign NGOs and guarantee unfettered access to the country in order to promote human rights, including by observing trials.

**More specifically, the Gulf States and the Philippines, and more generally to all countries with extradition agreement entered with Saudi Arabia, to:**

- Desist from deporting or extraditing human rights defenders to Saudi Arabia.

**The European Union (EU) to:**

- Guarantee that EU Guidelines on Human Rights (notably concerning human rights defenders, violence and all forms of discrimination against women and girls and torture) are correctly implemented by the EU Delegation and Member States, and publicly report on their implementation;
- Develop joint messages and adopt full EU Council conclusions to contribute to a strategy with attendant reference indicators and timetables that leads to concrete undertakings on the part of Saudi Arabia and to advances on the ground;
- Include a discussion of human rights (including on the situation of human rights defenders and women's rights) as a permanent item on the agenda of the annual summit between the EU and the Gulf Cooperation Council (GCC).

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**The United Nations, in particular the UN Human Rights Council and its Special Procedures to:**

- Express their serious concerns over the continued harassment and imprisonment of people who exercise their right to freedom of expression, association and peaceful assembly, including human rights defenders, journalists and peaceful demonstrators, and ask the Saudi Government to release all those people detained for having simply carried out legitimate human rights activities;
- Systematically and publicly condemn the worsening situation of human rights defenders in the country;
- Ask the Saudi authorities to guarantee the physical and psychological integrity and the rights of all human rights defenders;
- Continue to pay particular attention to the protection of human rights defenders in Saudi Arabia, in accordance with the UN Declaration on Human Rights Defenders, and monitor implementation of the recommendations adopted on Saudi Arabia;
- Ask the Saudi Government to increase its cooperation with the Special Procedures of the Human Rights Council, including by responding favourably to repeated requests for a visit from the UN Special Rapporteurs on the Situation of Human Rights Defenders and on the Rights to Freedom of Peaceful Assembly and of Association.

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**Establishing the facts**

Investigative and trial observation missions

Through activities ranging from sending trial observers to organising international investigative missions, FIDH has developed rigorous and impartial procedures to establish facts and responsibility. Experts sent to the field give their time to FIDH on a voluntary basis. FIDH has conducted more than 1,500 missions in over 100 countries in the past 25 years. These activities reinforce FIDH's alert and advocacy campaigns.

**Supporting civil society**

Training and exchanges

FIDH organises numerous activities in partnership with its member organisations, in the countries in which they are based. The core aim is to strengthen the influence and capacity of human rights activists to boost changes at the local level.

**Mobilising the international community**

Permanent lobbying before intergovernmental bodies

FIDH supports its member organisations and local partners in their efforts before intergovernmental organisations. FIDH alerts international bodies to violations of human rights and refers individual cases to them. FIDH also takes part in the development of international legal instruments.

**Informing and reporting**

Mobilising public opinion

FIDH informs and mobilises public opinion. Press releases, press conferences, open letters to authorities, mission reports, urgent appeals, petitions, campaigns, website... FIDH makes full use of all means of communication to raise awareness of human rights violations.

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Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world.

**Assisting and supporting victims**

OMCT supports victims of torture to obtain justice and reparation, including rehabilitation. This support takes the form of legal, medical and social emergency assistance, submitting complaints to regional and international human rights mechanisms and urgent interventions. OMCT pays particular attention to certain categories of victims, such as women and children.

**Preventing torture and fighting against impunity**

Together with its local partners, OMCT advocates for the effective implementation, on the ground, of international standards against torture. OMCT is also working for the optimal use of international human rights mechanisms, in particular the United Nations Committee Against Torture, so that it can become more effective.

**Protecting human rights defenders**

Often those who defend human rights and fight against torture are threatened. That is why OMCT places their protection at the heart of its mission, through alerts, activities of prevention, advocacy and awareness-raising as well as direct support.

**Accompanying and strengthening organisations in the field**

OMCT provides its members with the tools and services that enable them to carry out their work and strengthen their capacity and effectiveness in the fight against torture. OMCT presence in Tunisia is part of its commitment to supporting civil society in the process of transition to the rule of law and respect for the absolute prohibition of torture.

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8 rue du Vieux-Billard - PO Box 21 - CH-1211 Geneva 8 - Switzerland  
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The Observatory  
for the Protection  
of Human Rights Defenders

## The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and OMCT

Created in 1997, the Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims.

The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With this aim, the Observatory seeks to establish:

- a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- international missions of investigation and solidarity;
- a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".

**To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:**

E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)

**FIDH** Tel: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80

**OMCT** Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29

**fidh**

**OMCT**  
SOS-Torture Network