



Plenary sitting

B8-0121/2019

12.2.2019

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

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

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on behalf of the GUE/NGL Group

B8-0121/2019

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

The European Parliament,

- having regard to its previous resolutions on Saudi Arabia, in particular to those on Saudi Arabia, its relations with the EU and its role in the Middle East and North Africa of March 2014, the one on the case of Raif Badawi of 12 February 2015, the one on the case of Ali Mohammed al-Nimr of 8 October 2015 and notably to the one on the situation of women's rights defenders in Saudi Arabia of 31 May 2018 and the one on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul of 25 October 2018,
- having regard to the Universal Declaration of Human Rights, in particular to its Article 19 which protects freedom of opinion and expression, and to its Article 5 which provides that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment,
- having regard to the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),
- having regard to the International Covenant on Civil and Political Rights (ICCPR) and to the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the International Convention for the Protection of All Persons from Enforced Disappearance,
- having regard to Saudi Arabia's membership of the UN Human Rights Council and of the Commission on the Status of Women, as well as its recent membership of the Executive Council of the UN Commission on the Status of Women, which has started in January 2019,
- having regard to the Concluding observations by the Committee of CEDAW on the combined third and fourth periodic reports of Saudi Arabia of 9 March 2018,
- having regard to the Arab Charter on Human Rights, in which Article 32(1) guarantees the right to information and to freedom of opinion and expression, and Article 8 prohibits physical or psychological torture or cruel, degrading, humiliating or inhuman treatment,
- having regard to the Compilation on Saudi Arabia of 30 August 2018 by the Office of the United Nations High Commissioner for Human Rights ahead of the thirty-first session of the Working Group on the Universal Periodic Review by the Human Rights Council that took place from 5 to 16 November 2018,
- having regard to the report of the Working Group on the Universal Periodic Review of Saudi Arabia during the fortieth session of the UN Human Rights Council published on 26

December 2018,

- having regard to the International Labour Organisation Conventions, in particular to the Convention concerning Migration for Employment (number 97) and to the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (number 143),

- having regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the UN General Assembly resolution 45/158 of 18 December 1990,

- having regard to its previous resolutions on the situation in Yemen adopted on 25 February 2016 and 30 November 2017, and also to the ones of 4 October and 25 October 2018 calling for an EU arms embargo against Saudi Arabia,

- having regard to Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, and to the European Parliament resolution of 14 November 2018 on arms exports: implementation of Common Position 2008/944/CFSP (2018/2157(INI)),

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

- having regard to Rule 135 of its Rules of Procedure,

On the situation women's rights defenders in Saudi Arabia

a. whereas women's rights are systematically violated in Saudi Arabia, as women are considered inferior to men and subjected to the male guardianship system, which implies that Saudi women are deprived of even the most basic control over their lives;

b. whereas since Crown Prince Mohammed bin Salman came to power in June 2017, many human rights defenders including women, have been arbitrarily detained, or unjustly sentenced to lengthy prison terms simply for exercising their right to freedom of expression; whereas the Saudi authorities have been increasingly using counter-terrorism and anti cyber-crime laws to censor, harass, detain, and sentence individuals to death;

c. whereas as of today Loujain al-Hathloul, Eman al-Nafjan, Aziza al-Yousef, Samar Badawi, Nassima al-Sada, Nouf Abdulaziz, Mayaa al-Zahrani, Shadan al-Anezi and other women human rights defenders remain in detention for campaigning for the end of the driving ban without formal charges, most of them since May 2018, as well as other women academics and women's rights advocates such as Dr Hatoon al-Fassi, Dr Ruqayyah al-Mharib and Dr Abir Namankani rights, or family members of activists such as Amal al-Harbi;

d. whereas in the Saudi deeply patriarchal society women human rights defenders are facing particularly increasing gender-based risks that require gender-sensitive and inter-sectional protection and support; whereas according to testimonies at least ten of these human rights

defenders, including Loujain al-Hathloul, were ill-treated, sexually abused, and subjected to torture, including beatings, electric shocks and flogging, leaving some of them unable to walk or stand properly;

e. whereas in November 2017, woman human rights defender Naimah Al-Matrod was sentenced to six years in prison following her participation in the peaceful protest movement on the country's east coast, linked to human rights economic, social and political demands;

f. whereas other human rights defenders such as Abdulaziz al-Mish'al, Mohammad al-Rabe'a, Mohammad al-Bajadi, and Khalid al-Omeir, remain also in detention without charges;

On women's rights in Saudi Arabia

g. whereas Saudi women are subjected to discrimination in public life and public space; whereas harmful practices – including child and forced marriage, the compulsory dress code for women and polygamy – persist in the country;

h. whereas beyond the announcement of symbolic reforms such as stadium access and the right to drive implemented on 24 June 2018, women continue to be restricted in their rights in Saudi Arabia; whereas the few advances such as the right to vote in local elections in 2015, are instrumentalised by the regime in order to distract the attention of the international community from most problematic issues for women like the male guardianship system or other human rights violations in the country and war crimes committed by the Saudi Arabia in Yemen;

i. whereas the enactment of the Protection Against Abuses Act in 2013, which criminalises domestic violence and promotes the creation of shelters across the country, has not led to real progress in this area as gender-based violence against women, especially domestic and sexual violence remains widespread; whereas Saudi Arabia lacks a comprehensive legislation to criminalize all forms of gender-based violence against women, covering the criminalization of rape, including marital rape, sexual assault and sexual harassment;

j. whereas women, in particular young women and migrants, have very limited access to health, especially to sexual and reproductive health services; whereas they have very limited access to contraceptives and abortion is banned, except when the life of the pregnant woman or girl is considered to be in danger;

k. whereas according to the Committee on the Elimination of Discrimination against Women, Saudi Arabia's general reservation to the CEDAW is incompatible with the object and purpose of the Convention and impermissible under article 28 of the Convention;

l. whereas Saudi Arabia ranked 138 out of 144 countries in the The Global Gender Gap Report; whereas the Saudi regime is actively engaged in imposing its own preconceptions in the UN Human Rights Council and the Commission on the Status of Women by, inter alia, pushing for reducing the scope in which certain rights apply, including LGBTIQ rights and freedom of opinion and expression;

Widespread violations of human rights in Saudi Arabia

m. whereas the human rights situation in Saudi Arabia remains highly alarming, particularly with regard to the lack of democratic rights, discrimination against women, and the existence of corporal punishment and the death penalty;

n. whereas the Saudi authorities have intensified since 2011 the repression of any divergent voices in a paradoxical context of positive announcements in the field of human rights; whereas the crackdown of any divergent voice, including enforced disappearances and extrajudicial killings such as the one of Jamal Khashoggi, has continued to grow since the accession to power of Crown Prince Mohammed bin Salman, particularly against human rights defenders and including women activists, intellectuals, journalists and bloggers and more generally of all the defenders of the freedom of expression, freedom of religion or belief, of which Raïf Badawi is a symbol; whereas it has increased further since the end of 2017 under the pretext of 'fight against corruption' or the 'anti-terrorist' law;

o. whereas Saudi Arabia's 2014 counter-terrorism law contains an extremely broad definition of terrorism enabling the criminalisation of acts of peaceful expression and allowing the detention of individuals for up to 90 days without access to family members or legal counsel, thereby depriving them of legal safeguards against torture;

p. whereas Saudi Arabia has still not ratified a significant number of international conventions such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the 1951 Geneva Convention on the status of refugees or a number of ILO Conventions, including those on freedom of association and on migrant workers;

q. whereas the UN Committee against Torture has expressed its concern about the reported existence of secret places of detention and the absence of an independent institution to undertake regular and unannounced visits to all places of detention in Saudi Arabia; whereas the UN Working Group on Enforced Disappearances has expressed serious concern that increasing use is being made of enforced disappearances in recent years to extract evidence and finalise investigations outside the protection of the law and that this often involves coercion and torture;

r. whereas the practice of states abducting individuals beyond their own borders, with or without the acquiescence of the host state, is being used to repress political dissent or allegedly fight terrorism; whereas all states are obliged under international human rights law to take all measures to prevent torture, enforced disappearances and other serious human rights violations, to investigate allegations of acts constituting these crimes, and to bring to justice those suspected of committing them;

s. whereas Saudi Arabia prescribes punishments for a host of crimes, such as the death penalty for blasphemy, murder, acts of homosexuality, theft or treason, and death by stoning for adultery or amputation for banditry; whereas the prohibition of torture and cruel, inhuman or degrading treatment or punishment is not just included in all international and regional human rights instruments, but constitutes a rule of customary international law which is thus binding on all states, independent of whether they have ratified the relevant instruments;

t. whereas Saudi Arabia is one of the five top executing countries in the world and the death penalty is still applied for a wide variety of crimes; whereas between 2014 and 2017, the

official average number of executions per year was at least 126; whereas public executions take place and those executed can be crucified and publicly displayed;

u. whereas migrant domestic workers continue to be highly vulnerable to abuses including economic and physical abuse, the confiscation of their passports by their employers so they cannot travel or return to their countries and the persistence in practice of the kafalah system which further increases the risk of dependence and exploitation making it difficult to change employers even in case of abuse; whereas the treatment of many immigrant workers is deeply worrying, in particular of those working in the building sector or as domestic workers where working conditions are similar to slavery and include child labour; whereas around 500 000 undocumented Indonesian domestic workers are currently facing a situation of extreme vulnerability in Saudi Arabia;

v. whereas refugee and asylum-seeking women are often deprived of basic services and are at increased risk of gender-based violence, sexual exploitation and forced labour, as well as arbitrary detention and refoulement;

w. whereas the Saudi-led coalition – supported by the United States, the United Arab Emirates, Bahrain, Kuwait, Jordan or Sudan – is the leading cause of death for Yemeni civilians, and is responsible for a dramatic humanitarian crisis in Yemen; whereas this coalition has committed serious violations of humanitarian law, including the bombing of hospitals and schools, which have resulted in the deaths of thousands of civilians, mostly women and children; whereas the United Nations has accused Saudi Arabia of committing war crimes in Yemen;

x. whereas the CEDAW in its concluding observations on Saudi Arabia expressed concern at credible and consistent information that the country, through its military operations in Yemen, is responsible for violations of the rights of Yemeni women and girls; in particular, the Committee expressed its deep concern about information “that a large number of women and girls have been killed and injured as a result of indiscriminate air strikes by the State party-led coalition on civilian areas and camps for internally displaced persons and that many women and girls in Yemen face life-threatening levels of malnutrition and thousands are currently at risk of dying from diseases, owing to the dire humanitarian crisis and the imposition by all belligerents of obstacles to the delivery of humanitarian assistance”;

y. whereas, in addition to the strong support given by the US, Saudi Arabia also counts on the support of many EU Member States – notably France, Spain or the United Kingdom – which have strong political relations with Saudi Arabia pertaining in particular to security and defence; whereas the EU is Saudi Arabia’s largest trading partner accounting for more than 16 % of total trade; whereas a large number of EU companies are investors in the Saudi economy, especially in the country’s petroleum industry, and Saudi Arabia is an important market for the export of EU industrial goods in areas such as defence, transport, automotive, medical and chemical exports; whereas Saudi Arabia is the second largest importer of weapons worldwide and around 60 % of the weapons it imports are produced in the EU; whereas arms exports and transfers have an undeniable impact on human rights and human security, on socio-economic development and on democracy; whereas EU Common Position 2008/944/CFSP is a legally binding framework on arms exports which clearly prohibits exports to countries like Saudi Arabia because of their human rights violations and involvement in the war in Yemen;

z. whereas the Gulf Monarchies have accumulated deep deficits for nearly five years because of the decline in the price of oil; whereas the "Vision 2030", the of project of Crown Prince Mohammed Ben Salman, who is supposed to liberate the country from its dependence on oil, is above all a project deregulating and liberalizing the economy for the benefit of foreign investors and elites of the country.

1. Strongly condemns the detention of the women human rights defenders who campaigned for the lifting of the driving ban, as well as of all peaceful human rights defenders, journalists, lawyers and activist; is deeply worried at the reports of systematic torture against several of them, including Loujain al-Hathloul; expresses its full solidarity with these courageous women and men fighting for women's rights;

2. Is deeply concerned about the situation of women in Saudi Arabia; denounces the continued, systemic discrimination against women and girls in the country and deplores the glaring disconnect between the encouraging announcements of reform by the Saudi regime and the reality on the ground, as most recently illustrated by the brutal crackdown on women's rights defenders in the recent months who are being repressed for campaigning for women's rights in one of the most misogynistic system worldwide;

3. Urges Saudi authorities to provide independent international monitors with access to all detained human rights defenders, lawyers, journalists and activists, including women human rights defenders Loujain al-Hathloul, Eman al-Nafjan, Aziza al-Yousef, Samar Badawi, Nassima al-Sada, Shadan al-Anezi, Nouf Abdulaziz, Mayaa al-Zahrani and Amal al-Harbi; is convinced that independent monitors should include UN human rights mandate-holders, such as the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

4. Calls on the Saudi authorities to immediately and unconditionally release all human rights defenders, lawyers, journalists and activists who are being detained solely for their peaceful work;

5. Strongly condemns the widespread human rights violations committed by the Kingdom of Saudi Arabia, and calls on the Saudi authorities to stop the current imposition of corporal punishment against individuals who have been sentenced, including flogging/lashing and amputation; urges Saudi Arabia to bring its national law closer to international human rights standards and to halt the unacceptable punishment of Raif Badawi and to immediately release him;

6. Expresses its deepest concern at the situation of the young woman Israa al Ghomgham and her husband Moussa al-Hasshem who were seeking the death penalty and who are still facing long prison sentence simply for participating in peaceful demonstrations in the Eastern Province; expresses its relief at the reports that Saudi Arabia's public prosecutor is no longer seeking the death penalty for her; nevertheless urges on the Saudi prosecutors to drop their call for the death penalty against four other defendants facing trial alongside Israa al-Ghomgham; condemns that at least four Saudi Arabian nationals are on death row for offences committed when they were under the age of 18;

7. Reiterates once again that all women and men "are born free and equal in dignity and

rights" and that no tradition, religion or culture can justify a system of patriarchal domination, subjugation of women, instrumentalisation, or the denial of their rights;

8. Deeply deplores the system of "male guardianship"; considers absurd that such practices, constituting a legal and ideological basis for women's subjection, continue to exist in the 21st century; calls, therefore, for effective measures to be taken to put an end to them as soon as possible;

9. Is deeply worried about the prevalence of gender-based violence in Saudi Arabia, which remains largely underreported and undocumented and justified with retrograde reasons such as the need to discipline women under men's guardianship; urges Saudi authorities to adopt comprehensive legislation to specifically define and criminalise all forms of gender-based violence against women, in particular female genital mutilation, rape, including marital rape, sexual assault and sexual harassment, and to remove all obstacles women face in their access to justice;

10. Expresses deep concern about the prevailing practice of child marriage; is deeply concerned about the situation of migrant female workers, who face an absolute lack of protection from Saudi authorities and who face continuous risks of violence and harassment;

11. Deplores the fact that despite the ratification in October 2004 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in practice Saudi women are still discriminated against in many ways, such as in their personal lives, in matters of employment, participation in public life, submission to men, widespread domestic violence, or through restrictions on their rights to free movement and the freedom to choose their partner; condemns the criminalisation of women who are victims of rape and sexual exploitation, in that they are not protected as victims but rather condemned as women in prostitution;

12. Calls on the Saudi authorities to ratify the International Covenant on Civil and Political Rights, to lift the reservations made to CEDAW and to ratify the Optional Protocol to the CEDAW in order to ensure that Saudi women can fully enjoy the rights enshrined in the Convention; urges Saudi to extend a standing invitation to the visit of all Special Procedures of the UN Human Rights Council;

13. Reiterates the inalienable right of women to dispose of their bodies in all circumstances and calls for the removal of all obstacles to access to sexual health and rights including contraception and the right to abortion;

14. Is convinced that women rights will not be respected effectively in Saudi Arabia as long as the country remains lacking of a comprehensive human rights-based approach as defined by international law, allowing the effective participation of all actors in society, including women;

15. Expresses its deepest concern at the cases lack of information and possible enforced disappearances of Saudi women who tried to leave the country without the permission of their male guardian;

16. Supports the concern by the National Human Rights Committee of Qatar on the situation

of Qatari citizens in Saudi Arabia, and supports its request to the Saudi authorities to disclose the location of and to ensure the release of the at least three reported forcibly detained Qatari citizens;

17. Urges the Saudi authorities to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance; reminds the Saudi authorities of their international obligations under international law, in particular regarding the prohibition of torture as most notably enshrined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Saudi Arabia has signed and ratified;

18. Reiterates its opposition to the death penalty in all cases, regardless of the nature of the crime; reiterates its call for the universal abolition of the death penalty and calls for an immediate moratorium on the carrying out of death sentences in Saudi Arabia; condemns the continued application of the death penalty for what are considered in the country to be a wide variety of crimes, including homosexuality, drug offences, apostasy, sorcery and witchcraft;

19. Calls on the Saudi authorities to abolish the kafalah system and to adopt other measures to improve the working conditions and treatment of immigrant workers, paying special attention to the situation of women working as domestic helpers, who are at particular risk of sexual violence, and to the eradication of child labour;

20. Condemns the fact that despite widespread human rights violations in Saudi Arabia, and despite the country's financing of terrorist groups, Saudi Arabia remains the main ally of the US and EU Member States in the region; deplores the double standards demonstrated by the EU in its hypocritical and preferential treatment of Saudi Arabia, which is motivated by the EU's economic and geostrategic interests and its dependence on oil; draws attention to the close and publicly notorious relationship that exists between some European governments, and in particular the Spanish royal family, and the Al Saud dynasty, as well as their shared interests;

21. Calls on the EU to put an end to its preferential relations with Saudi Arabia and to halt any trade agreement with this country while it continues to perpetrate widespread human rights violations;

22. Condemns the military intervention of Saudi Arabia and its allies in Yemen, and is deeply concerned about the humanitarian crisis in the country and, in particular, the blockade by the coalition forces that prevents the flow of humanitarian aid;

23. Deeply deplores the destabilising effects of arms sales by some EU Member States, such as Spain, the UK, France, Germany and Sweden, to the Kingdom of Saudi Arabia; again reiterates its call on all EU Member States to stop selling arms and military equipment to Saudi Arabia, given its serious breaches of international humanitarian law committed in Yemen; calls on the EU Member States to respect the Arms Trade Treaty of 2 April 2013 and the Common Position of the Council of the European Union of 8 December 2008;

24. Reminds the Saudi leadership of its pledge to 'uphold the highest standards in the promotion and protection of human rights' when it applied successfully for membership of the UN Human Rights Council in 2013; deeply deplores that some EU Member States voted in favour of this membership and also of Saudi Arabia's membership of the UN Commission

on the Status of Women despite the country's continuous violations of human rights, and of women's rights in particular;

25. Strongly opposes the policy of expulsions of migrants and refugees by Saudi Arabia; urges the Saudi authorities to respect the principle of non-refoulement and to speed up the adoption of an asylum policy and a gender-sensitive legislative framework in order to guarantee the security and protection of refugees and asylum-seekers whatever their status;

26. Is particularly concerned about the situation of refugee women and migrant women workers; calls for the extension of the application of the Labour Code to domestic workers and the adoption of a specific law regulating domestic employment, accompanied by adequate sanctions for employers engaging in abusive practices;

27. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the UN Secretary General, the Office of the UN High Commissioner for Human Rights, the Parliamentary Assembly of the Council of Europe, the Arab Human Rights Committee and the Kingdom of Saudi Arabia.