

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief; Special Rapporteur on violence against women, its causes and consequences and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 31/16, 32/19 and 15/23.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged kidnapping and possible harm of Ms. **Amnah AlJuaid**, in connection with policies discriminating against women in the Kingdom of Saudi Arabia.

According to the information received:

Amnah AlJuaid, a 20 year old Saudi woman, was subjected to a pattern of physical violence and emotional abuse at home, inflicted by her father and brother. Her father also forced her to leave her job, coerced her into entering into a marriage contract with her paternal cousin, withdrew her from her university studies, and attempted to keep her confined in the family home. He confiscated his daughter's passport to prevent her from escaping the situation by leaving the country, as she had intended to do.

The abuse was motivated at least in part by the fact that Amnah AlJuaid self-defines as atheist.

Ms. AlJuaid ran away from her home in 2016 and took shelter with a friend. Her father informed the police that she was missing and hired a private detective to track her down, who followed and harassed Ms. AlJuaid's friends demanding information on where she was hidden. Some were detained by the police for questioning.

On 25 October 2017, a pre-recorded video was posted on Ms. AlJuaid's personal Twitter account in which she said that, if the video had been posted, it meant that she had been harmed or kidnapped by her father. A previous post had stated that the account was being posted to by Ms. AlJuaid's friends in accordance with a

prior agreement in case she disappeared. Since that time Ms. AlJuaid's whereabouts remain unknown.

Ms. AlJuaid did not report her abuse because she expected that such a report would result in her commitment to a state women's reformatory, from which she would not be able to be released without the consent of a male guardian. Family abductions are not enumerated as a crime punishable under Saudi Arabia's 2013 law on domestic violence, which also allows male guardians to raise charges against women, possibly leading to their commitment to these reformatories, for acts of "disobedience."

The discriminatory male guardianship system remains intact in Saudi Arabia despite Government pledges to abolish it. Under this system, Saudi Arabian law reportedly forbids women from obtaining a passport, marrying, travelling, or accessing higher education without the approval of a male guardian, usually a husband, father, brother, or son. Authorities have also failed to prevent some employers from requiring male guardians to approve the hiring of adult female relatives or some hospitals from requiring the approval of a male guardian for certain medical procedures for women.

The guardianship system hinders the reporting and prosecution of domestic violence in Saudi Arabia. Women are often unable to make reports of abuse to the police without the participation of a guardian, even when that guardian is the abuser that they seek to report. Police and shelters return women to abusive guardians.

Grave concern is expressed at the allegations that Ms. AlJuaid has been subject to kidnapping and/or violence, at least in part as a result of her expression as an atheist, exercising her right to freedom of religion or belief. Further grave concern is expressed at the allegations of forced marriage and at a perpetuated system that provides no recourse for abuse victims resulting in a lack of access to their human rights.

Without making any judgement as to the accuracy of the information made available to us, the above allegations appear to be in contravention with international law, in particular article 2 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), ratified by the Kingdom of Saudi Arabia on 7 September 2000, which obligates States to take legislative and other measures to eliminate discrimination against women in all its forms, including acts of discrimination carried out by private actors.

In this connection we would like to recall to your Excellency's Government's attention that the current concept of guardianship in Saudi Arabia impairs the realization of CEDAW articles 2 (f), 5 (a), 11, 12, 13, 15, and 16, as well as articles 1, 2, 7, 12 and

23 of the Universal Declaration of Human Rights (UDHR), and to note the CEDAW Committee's concern in its most recent review of Saudi Arabia that the system of guardianship "severely limits women's exercise of their rights under the Convention" (CEDAW/C/SAU/CO/2, para 15). We are further concerned that reservations to critical articles in CEDAW and Saudi Arabia's general reservation to the treaty cast serious doubt on its overall compliance with women's human rights.

We would like to recall your Excellency's Government's acceptance during its first Universal Periodic Review of several recommendations that the guardianship system be abolished (A/HRC/11/23/Add.1, para 33), and to further recall that during the most recent cycle of the Universal Periodic Review 13 Member States made recommendations relating to the abolition of the guardianship system (A/HRC/25/3, para 138.100-112) which were largely endorsed by your Excellency's Government (A/HRC/25/3/Add.1, para 12).

Further, we would like to call the attention of your Excellency's Government to the United Nations Declaration on the Elimination of Violence against Women, particularly Article 4 (d & f) which calls on States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. We would also note that in its General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, the CEDAW Committee confirms that the failure of a State party to take all appropriate measures to prevent acts of gender-based violence against women constitutes a human rights violation. (CEDAW/C/GC/35, para. 24(b)).

Finally, we would like to call your Excellency's Government's attention to Article 18 of the UDHR, which states that everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, [...], as well as Article 30 of the Arab Charter on Human Rights, ratified by Saudi Arabia on 15 April 2009, which similarly guarantees the right to freedom of thought, conscience and religion.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of Ms. AlJuaid in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide in-depth information, and if available the results, concerning any investigation that may have been opened into Ms. AlJuaid's kidnapping.
3. Please provide information regarding the role of law enforcement in Ms. AlJuaid's father's efforts to find her after her flight from the family home.
4. Please indicate what measures have been taken to ensure that domestic violence victims in Saudi Arabia are able to safely report their abuse without fear of reprisal, particularly when alleging abuse at the hands of designated male guardians.
5. Please indicate what steps the Government is taking to follow through on its commitments to end the discriminatory male guardianship system.
6. Please provide information on the measures taken to guarantee and protect the rights to freedom of opinion and expression, and freedom of thought, conscience, religion or belief, including the rights of individuals and human rights defenders with dissenting opinions and those who disagree with a single tradition, that are in compliance with international norms and standards.

While awaiting a reply, in view of the seriousness of the allegations and the urgency of the matter, we urge that all necessary interim measures be taken to investigate the whereabouts of Ms. AlJuaid, to address the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Dubravka Šimonovic
Special Rapporteur on violence against women, its causes and consequences

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Chair-Rapporteur of the Working Group on the issue of discrimination against women in
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