

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on discrimination against women and girls

Ref.: AL SAU 1/2024
(Please use this reference in your reply)

27 March 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/4, 52/9 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the respective judicial and administrative harassment and criminalisation of two women human rights defenders, **Ms. Loujain al-Hathloul**, placed under a travel ban, and **Ms. Maryam Aloteebi (also known as Maryam al-Otaibi)**, charged and sentenced under Saudi Arabia's Anti-Cybercrime Law in relation to the exercise of her right to freedom of opinion and expression.

Loujain al-Hathloul, 35, is a woman human rights defender and activist who is well known for her support of the 'Women to Drive Movement' and for opposing Saudi Arabia's male guardianship laws. She was the subject of a joint urgent appeal sent by special procedures mandate holders to your Excellency's Government on 31 December 2014, UA SAU 15/2014. We thank your Excellency's Government for its reply dated 29 July 2015. Ms. Al-Hathloul was also the subject of a joint communication sent by special procedures mandate holders to your Excellency's Government on 14 June 2018, AL SAU 7/2018. We regret that no reply has been received to that communication yet.

Maryam Aloteebi, 36, is a woman human rights defender who has been prominent in the 'I am my Own Guardian' online campaign calling for an end to the male guardianship laws. She is the sister of Ms. Manahel al-Otaibi, who is currently in detention on charges under Saudi Arabia's Anti-Cybercrime Law of 2007 and who has had no contact with her family since November 2023. She is also the sister of Ms. Fouz al-Otaibi who is in exile and faces charges under the same Anti-Cybercrime Law. They were both the subject of a communication sent to your Excellency's Government on 1 December 2023, AL SAU 10/2023. We thank your Excellency's Government for its reply, which was received on 25 January 2024 and is being translated.

According to the information received:

The case of Ms. Loujain al-Hathloul

On 28 December 2020, following over two years in pre-trial detention, Ms. Al-Hathloul was sentenced to two years and ten months in prison on charges of communicating with and providing financial support to foreign

entities hostile to the Kingdom of Saudi Arabia. She was released from prison on 10 February 2021. As part of her sentence, she was also placed under a travel ban after her release for two years and 10 months. According to this sentence, the travel ban against her should have ended on 12 November 2023. The dates in Saudi Arabia are set according to the Islamic Hejira calendar, which correspond to the Gregorian calendar as described.

On 14 November 2023, Ms. al-Hathloul visited the passport office in Riyadh to inquire about her travel status and to confirm that the travel ban had been lifted. The officer in charge said he did not have the required information.

On 16 November 2023, Ms. al-Hathloul attempted to cross the Saudi-Bahrain border but was stopped by Saudi border officers who informed her that she was under a travel ban with no expiry date. On 25 November 2023, Ms. al-Hathloul filed a complaint about the travel ban against her with the Saudi Human Rights Commission (SHRC), the national human rights institution.

On 2 December 2023, and on the recommendation of the SHRC, Ms. Al-Hathloul filed a complaint by email with the Presidency of State Security (PSS) through the Board of Grievances. She received no reply to date. Ms. Al-Hathloul also received a phone call from the SHRC on the same day asking her to send in the details of her case, including a copy of her email to the PSS and the file number of her case with the Board of Grievances. She has sent in the required information and has so far received no response.

On 21 February 2024, Ms. Al-Hathloul visited the passport office in Riyadh and was told there was an ongoing travel ban against her but no further information was provided.

The case of Ms. Maryam Aloteebi

On 17 April 2017, Ms. Aloteebi was arrested after her father complained that she had left home without permission. Ms Aloteebi had been prominent on social media in the #IAmMyOwnGuardian campaign and had left her home to lead an independent life and in an expression of defiance against the male guardianship system. On 31 July 2017, Ms. Aloteebi was released, reportedly without her father's permission.

Ms. Aloteebi renewed her passport in 2019, following the amendment of the personal status law in Saudi Arabia in August of the same year, allowing for women over 21 years of age to obtain passports and travel abroad without prior guardian approval.

On 11 February 2022, Ms. Aloteebi posted a clip of herself on her Twitter account in which she described that she had bought her ticket for travel abroad and had cleared check-in at the airport. She said that she was stopped by airport staff before boarding her flight, who told her she was banned from travel under orders by the Presidency of State Security. The exact date of her attempted travel is not available. She posted the video clip after attempts she made to complain to the Crown Prince's office, the Ministry of Interior, the State Security Agency, and the Ministry of Justice. She received no reply to these complaints.

On 31 May 2022, Ms. Aloteebi was summoned to appear before the Criminal Court of Riyadh, in the company of her lawyer to face charges under the Anti-Cybercrime Law in relation to her complaint on social media about the travel ban that she claimed was ordered by the State.

On 22 June 2022, Ms. Aloteebi was convicted by the District Court of Riyadh of the “preparation, storage and transmission of material impinging on public order,” under article 6 of the Anti-Cybercrime Law of 2007. She was sentenced to four months in prison and a fine of SAR 100,000 (USD 26,660), her mobile telephone was ordered confiscated, and her social media account on X/Twitter closed.

Without wishing to prejudge the accuracy of the information received, we wish to express our concern at the reported continued administrative harassment in the form of a travel ban imposed on Ms. al-Hathloul and Ms. Aloteebi in relation to their peaceful human rights work. We are also seriously concerned at the criminalisation of Ms. Aloteebi in relation to her peaceful exercise of her right to freedom of expression and movement.

We would also like to express our alarm that the criminal charges against Ms. Aloteebi have taken place in the context of a wider crackdown on human rights defenders and social media users, who have been targeted via state surveillance of their social media accounts. Women have been disproportionately targeted and impacted by this crackdown, mostly on the basis of public morals. Such a trend has regrettably been enabled by legislation such as the aforementioned Anti-Cybercrime Law of 2007, wherein article 6 criminalises the alleged offence of “producing something that harms public order, religious values, public morals, the sanctity of private life, or authoring, sending, or storing it via an information network,” imposing prison sentences of up to five years where these laws have been breached. The use of this law to stifle feminist or political dialogue online is a direct violation of the right to freedom of expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide the legal grounds for the travel restrictions imposed on Ms. al-Hathloul and Ms. Aloteebi. Please indicate how such restrictions meet international human rights standards, including how they are meeting requirements of legitimacy, necessity and proportionality. Please also indicate the reasons for the continued de facto application of the travel ban against Ms. Al-Hathloul’s despite its expiration on 13 September 2023.

3. Please provide information concerning the legal grounds for the charges levelled against Ms. Aloteebi and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights.
4. Please indicate what measures have been taken to ensure that Ms. Al-Hathloul, Ms. Aloteebi and other human rights defenders in Saudi Arabia, in particular those working towards the advancement and defense of women's rights, are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt 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.

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Dorothy Estrada-Tanck

Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the principles and international standards applicable to this communication.

We would like to draw the attention of your Excellency's Government to article 19 of the Universal Declaration of Human Rights (UDHR), which provides for the right to freedom of expression, as well as to the Human Rights Council resolution 12/16, calling on States to recognise the exercise of the right to freedom of opinion and expression as one of the essential foundations of a democratic society. This right applies online as well as offline. Any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 29 of the UDHR. Under these standards, limitations must be determined by law and must conform to the strict test of necessity and proportionality, must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.

We would further like to draw your attention to the 2021 report of the Special Rapporteur freedom of opinion and expression on the topic of gender justice and freedom of expression A/76/258. In this report, the Special Rapporteur exposes barriers to gender equality in freedom of expression, outlining relevant international standards and making recommendations to states. The Special Rapporteur express particular concern about the weaponization of 'public morals' to criminalize the freedom of expression of women, silencing women's voices and limiting their participation (A/76/258 para 24). The Special Rapporteur recommends States inter alia to respect the protection that gender, sexual and cultural expression enjoys under international law and to interpret "public morals" restrictively, in line with international guidance, and that they should refrain from harassment, detention or silencing of artists for their creative and political expressions (A/76/258 para. 111). The Special Rapporteur further recommends that states recognize non-discrimination and inclusion as central to their duty to respect, protect and fulfil the right to freedom of opinion and expression, and that they should take appropriate measures as part of their national development plans to eliminate gender stereotypes, negative social norms and discriminatory attitudes through legislative measures, social policies and educational programs (A/76/258 para. 106).

In addition, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would like to refer also to the Commentary to the Declaration on Human Rights Defenders which states that "travel restrictions imposed on defenders in order to prevent them from participating in assemblies of different kinds outside their country of residence is contrary to the spirit of the Declaration and the recognition in its preamble that individuals, groups and associations have the right to "promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

We would also like to refer your Excellency's Government to General Assembly Resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders; take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses; and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

Furthermore, the Working Group on discrimination against women and girls, in its report to the Human Rights Council on women deprived of liberty (A/HRC/41/33), noted that deprivation of liberty is deeply linked to gender. Women human rights defenders, perceived as challenging traditional notions of family and gender roles in society (A/HRC/40/60, para. 28), are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism (see A/HRC/16/44 and Corr. 1). This is because stereotypes about a woman's "proper" role dictate not only how she should (not) behave within the home but also in public, and defying those standards in public may put women at risk of deprivation of liberty. Women who seek to participate in political, economic, social or cultural leadership in their communities or nations may be acting in defiance of stereotypes obliging women to stay quiet and invisible and defer to male governance. They may thus be stigmatized, or even criminalized or confined, to prevent them from speaking out or taking action (A/73/301). The Working Group on discrimination against women and

girls has recommended States to eliminate any laws or policy measures designed to criminalize the public roles of women.