

Letter to the Saudi Human Rights Commission on behalf of Aisha Ali
End System of Male Guardianship
August 12, 2010

Dr. Bandar al-‘Iban

Chairman

Human Rights Commission

King Fahd Road, Building no. 373

Riyadh, Kingdom of Saudi Arabia

Dear Dr. al-‘Iban,

I urgently request your intervention on behalf of Aisha Ali, a 28-year-old Saudi divorced mother of three currently living in Buraida. She alleges that her brothers routinely beat her, forcibly confined her, and forced her into multiple marriages. We ask you to advocate with the relevant court or government body to remove her brothers' and father's guardianship over her and to allow her to make her own decisions regarding her well-being and that of her three children in her custody. We furthermore request you to ensure she has a fair hearing concerning custody of her second daughter, Layan, which is currently being challenged by Layan's father. In 2009, the Kingdom of Saudi Arabia promised to end the male guardianship system during the Universal Periodic Review at the UN Human Rights Council.

On November 11, 2009, Human Rights Watch wrote to your organization on behalf of H.B., a Saudi woman living in Riyadh whose name we are withholding in this public letter for her protection and privacy. We reminded you again about her case in [a public letter we issued on January 19, 2010 on behalf of Nazia Quazi](#), a dual Indian-Canadian national whose father forced her to remain in Saudi Arabia against her will. These two letters noted that a long-term solution must be sought to protect H.B. from any harm perpetrated by her brother against her or her child and to assist H.B. in facilitating visitation rights for her two daughters who live with their father.

Unfortunately, H.B.'s case has only been partially resolved and her brother continues to harass and beat her. H.B. alleged to Human Rights Watch that her brother raped her when she was seven years old and that she now fears for her two-year-old daughter's well-being and safety if she continues to have to live with her brother.

The following account is based on a Human Rights Watch interview conducted with Aisha Ali on June 24, 2010.

Ali has stated that she has been "mistreated" by her five brothers since 2001. She says that her brothers have forced her to marry, successively, five men; each of whom she subsequently

divorced. After each divorce, her brothers forced her to return to her family's home, where, she says, they "locked her up" in a single room with her small children.

Aisha Ali was in her third year of studying psychology at the College of Education in Riyadh [kulliyat al tarbiya, also known today as Amira Noura University] when in 2001 she claims her brothers forced her into a marriage at the age of 21. Ali told Human Rights Watch that she never made the decision to marry any of her five husbands and that her brothers threatened and beat her if she refused to marry. She added that in each case she did not know who she was about to marry and was not given advanced notice, and that her brothers and mother gave her false names of the men.

Aisha lived with her first husband for two months and then filed for a divorce. According to Aisha, her brothers were convinced, wrongly, that she sought a divorce from her husband because she was involved in an adulterous relationship. One year later, in 2002, Aisha says that her brothers forced her to marry another man. Ali says that her second husband was on medication for a mental illness. She stayed married to him for one year and initiated a divorce while she was still pregnant with their daughter, Ala'a who is now 6 years old.

Aisha claims that her brothers again forced Ali to return to her family's home and locked her in a room with her daughter. In the room, Aisha says that her family prohibited her from having radio or television and only provided her and her daughter with two meals a day. Ali said that the room had one bathroom and was only furnished with mattresses. She added that her brothers replaced the wooden door to the room with a metal one to prevent her from escaping. If Ali needed anything, she would have to knock on the door for someone in the house to let her out and she was always forced back into the room later.

Eight months following her second marriage, Aisha says that her five brothers forced her to marry her third husband. The man agreed that she could bring her daughter into the conjugal home with her, but he already had a wife. Aisha claims that her third husband began to be violent toward her. Ali told Human Rights Watch that he frequently hit her and one day, in December 2005, threw a cup of hot tea at her and hit her on her knees, and refused to take her to a hospital for medical treatment.

After nine months of marriage, Ali became pregnant with her second daughter and filed for a divorce. Ali says that she went to the al-Manar police station in Riyadh to seek assistance in finding a shelter because she did not want to return to her family's home. Ali told Human Rights Watch that in 2006 the National Society for Human Rights [al jamiya al wataniya li huqooq al insan] helped place her in a shelter with her daughter for about three months. However, according to Aisha, the committee for protection under the Ministry of Social Affairs [lijnat al himaya, also known in Riyadh as al ishraf al ijtimai'i], working at the shelter, did not seek a long-term solution for her and "resolved" her case by asking Ali's brothers to take her back to the family home. Upon returning to the family home, Aisha says that her brothers again locked her up and beat her.

In April 2006, Aisha claims that her brothers took her to Al-Amal Hospital for Mental Health in Riyadh, but the doctor there, Dr. Iman al-Harbi, found no medical reason to admit her. The doctor instead referred her and her daughter to a different hospital, Shimasy Hospital in

Riyadh, to receive medical treatment because she was pregnant. According to Ali, she and her daughter remained at Shimasy Hospital for approximately three months until she gave birth in July 2006 to her second daughter, Layan who is now 5 years old. Ali says that her mother visited her in that hospital and asked her to return home, telling her that everything would change for the better. After giving birth, Ali says that she returned to the family home, but her brothers again locked her in a room with her two daughters, providing Ali, her infant and her 1-year old-child only two meals per day. Ali said she became very concerned for her daughters' health when she noticed that they were losing weight quickly.

Four months after her third marriage ended, Ali claims that her brothers forced her to marry a fourth man. She only stayed with him for one month. She said that he was also violent and she filed for a divorce. She was afraid that after the divorce she would be forced to live with her family for lack of alternatives and endure more harsh treatment. She went to the al-Madina police to ask for protection and for help to go to a shelter. According to Ali, the police instead called her brothers to come for her and they brought her home again with her daughters.

Ali told Human Rights Watch that on one occasion in 2007 one of her brothers, strangled her with a cord until she lost consciousness and urinated on herself. Aisha said that her brothers attempted to kill her many times.

In September 2008, Aisha says that her brothers forced Ali to marry a fifth man. She became pregnant with her third daughter. Her husband told her that she had too many problems with her family and they subsequently divorced. Ali gave birth to her third child, Shihalil, in July 2009.

In 2007, Aisha says that her brothers took her second daughter, Layan, then one year old, away from her and gave her to the baby's father. According to Ali, her brothers did so to put her under more emotional distress. Layan stayed with her father for two years until Ali regained legal custody. Six weeks after regaining custody of Layan in May 2010, the child's father filed a suit to regain custody of the girl. Ali told Human Rights Watch that Judge Ibrahim al-Muzaini of the General Court of Buraida in June 2010 issued a new judgement granting custody of the girl to her father, based on the fact that Aisha lives alone with her children with no physical male guardian and that the distance between the father's residence in Majma'a, approximately 145 kilometres from Ali's home in Buraida, would oblige the father to shorten his prayers if he wished to travel to visit his daughter.

According to Ali, Judge al-Muzaini sent a private letter to the governor of Qassim, Prince Faisal bin Bandar bin 'Abd-al Aziz Al Saud, asking the governor to ban Ali from travelling outside her home because she had no physical male guardian to accompany her. According to Ali, the judge is afraid that she will attempt to leave the country with her three daughters although she says he knows that she does not have a passport for herself or for her daughters and would require her guardians' signatures to obtain a passport and approval to travel outside the Kingdom. According to Ali, the judge has also pressured her to dissolve her official custody documents for Layan so that he can replace them by granting custody to her husband.

Your Excellency, the Kingdom of Saudi Arabia acceded to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2001. Under CEDAW, the

kingdom is obliged to end discriminatory practices against women, such as the system of male guardianship. In March 2009, during Saudi Arabia's universal periodic review conducted by the United Nations Human Rights Council, the government was urged to take measures to combat violence against women, including physical and mental abuse as documented in the case of Aisha Ali and other cases of women brought to your attention by Human Rights Watch.

In April 2009, the Special Rapporteur on Violence Against Women, its Causes and Consequences, Yakin Ertürk, recommended in her report on her February 2009 mission to Saudi Arabia that the kingdom:

- Incorporate in law the principle of equality between women and men, and a definition of discrimination based on sex.
- Take measures, including through awareness-raising campaigns, to end the practice of guardianship and abolish existing legal provisions that require a guardian's authorization, such as those pertaining to women's travel or access to services or employment.
- Adopt guidelines for government agencies and religious leaders aimed at preventing and ending child and forced marriage.

Ertürk in her report also recommended that, to stop violence against women and girls, Saudi Arabia should take the following measures:

- Adopt a penal code that defines criminal offenses including rape and sets attendant penalties.
- Adopt guidelines for the police and the judiciary on how to investigate, prosecute, and judge cases of rape and sexual violence.
- Establish women's units within the police and the general prosecutor's office.
- Systemize the gathering of data on violence against women, disaggregated by the type of violence and relationship with the aggressor.
- Enhance the protection and services offered to victims of abuse by social protection committees, including through legal aid and empowerment programmes.
- Conduct awareness-raising campaigns and training for law enforcement officials, the judiciary, health-care providers, social workers, community leaders, and the general public, to increase understanding that all forms of violence against women are grave violations of fundamental rights and incompatible with Islamic values.

Saudi Arabia's penal code remains non-codified and legislation to criminalize domestic violence has not been adopted. Guidelines explicitly stating how to investigate and judge cases of sexual violence have also not been adopted. Women who report domestic violence to police are often turned away, asked to return to their homes, or requested to bring their guardians to file a complaint. While the Ministry of Justice has been in the process of establishing family courts to deal with domestic violence, following a recommendation by King Abdullah bin Abdul Aziz, no legislation has been put in place to govern these courts. Their organizational and legal structure is also not yet clear.

We urge you to immediately intervene to ensure that Aisha and her daughters are safe and remain protected from any threats made by Aisha's brothers, and that Aisha is no longer forced to live with her brothers at any point in the future. We urge you to petition the relevant government bodies, presumably a court, to remove her father and brothers as Ali's guardians due to the violence, forced marriages, and confinement she has suffered as a result of not

being free to make her own decisions. The guardianship system prohibits women from making practical and essential decisions about their lives, and as demonstrated by Ali's case and H.B.'s case, the guardianship system permits male guardians to physically confine women and restrict their mobility, thereby exposing them to more violence. We also urge you to intervene in assisting Ali in her custody case which was unexpectedly reopened only six weeks after she was reunited with her daughter, Layan, who her brothers forcibly took away and gave to her father where she remained for two years.

Aisha told Human Rights Watch that she also seeks assistance in obtaining proper documents for her first and third daughters, Ala'a and Shihalil, ages six and one. After the birth of her children, the girls were registered at the hospital, but after they turned one, they required additional documents that under Saudi law can only be obtained by the father of the children. Although Aisha visited relevant offices for civil matters to obtain these documents, she was repeatedly turned away by employees and told that they are unable to assist her because these arrangements must be made by the father.

We ask you again for your urgent intervention with the concerned authorities to protect H.B. and Aisha Ali from further abuse.

Sincerely,

Liesl Gertholtz

Director, Women's Rights Division

Human Rights Watch