

Australian National University

**HUMAN RIGHTS IN SAUDI ARABIA AND THE
INFLUENCE OF THE UN HUMAN RIGHTS SYSTEM:
THE EXAMPLE OF WOMEN'S RIGHTS**

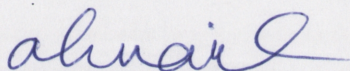
**A thesis submitted for the degree of Doctor of Philosophy to
The Australian National University**

**By
Abdulaziz M. Al-Wasil**

July 2007

DECLARATION

I hereby certify that this thesis does not contain material previously written, published, broadcast or posted, except where acknowledgment is made in the text or footnotes of the thesis. Any help received in preparing this thesis, and all sources used, have been acknowledged in this thesis. I also certify that the work contained in this thesis has not been submitted for any degree or award to any other university or educational institution.



Abdulaziz M. Al-Wasil

ACKNOWLEDGEMENTS

This academic work could not be achieved without assistance, guidance and support from others. Whatever words of thanks, appreciation, wishes and respect I express, I am still unable to convey my feelings towards those individuals who helped me throughout the duration of my study. First and foremost, I would like to extend my sincerest appreciation and deepest gratitude to members of my supervisory panel for the time and effort they have designated to this thesis. I proudly feel honoured and fortunate for being taught by such exceptionally distinguished scholars as them. My supervisory panel was chaired by Professor Amin Saikal, the Director of the Centre for Arab and Islamic Studies at the ANU and Professor of Political Science. His encouragement from the beginning and insightful comments and guidance played an essential part in the development of this work. I am indeed grateful to him for his adequacy, cooperation and guidance.

Professor Stuart Harris, Former Secretary of the Australian Department of Foreign Affairs and Professor of International Relations, was my supervisor who provided all possible and needed emotional and scholarly assistance and enriched the thesis with his wide and deep knowledge. I indeed value many things he made available to me, including his valuable time, stimulative support, constructive advice, and continuous patience. His valuable guidance and useful comments have made an essential contribution to the thesis as a whole. Despite her busy schedule, Professor Hilary Charlesworth, the Director of the Centre for International Governance and Justice at the ANU and Professor of International Law and Human Rights in the Faculty of Law at the ANU, extended her time and expertise to me until the end of my academic journey. I am indebted and appreciative to her for her invaluable contribution to the thesis.

There are other people who deserve my gratitude. I am thankful to all individuals who provided any kind of assistance to the thesis. Namely, I am grateful to the staff of the UN Information Centre in Sydney for their help when I was reviewing various UN documents, particularly to Ms. Toni Smith. Also, my thanks go to Ms. Nyree Kueter, a survey designer and analyst at the ANU Centre of Educational Development and Academic Methods, for her professional advice on the process of drafting the questions and analyzing the data of the survey. I would like to extend special appreciation to Mr. Graham Harper for his lingual advice and editing assistance. My deepest gratefulness goes to all of those who helped me out in the

process of distributing and collecting copies of the questionnaire, particularly my wife Mudhi Alreshaid, my brother Abdullah Alwasil and my friend Ahmed Alhinaki and his wife.

I cannot forget the assistance extended by my employer, the Saudi Ministry of Foreign Affairs. The Ministry's Deputy Assistant for Political Affairs and the Director of the Department of International Organizations, Prince Dr. Torki Ibn Muhammed Ibn Saud Al-Kabeer, provided great assistance to me prior to and during my years of study. Also, my special thanks go to my manager, the Saudi Ambassador to Australia and New Zealand, H. E. Mr. Hassan Nazer, for his encouragement and consideration during the bottleneck time of my study.

Completing this thesis would not be possible without the fundamental support extended by my great wife. She made my life beautiful and my goals achievable. All thanks are inadequate to repay her encouraging support and patience, particularly when I was working full time during the day and studying at night to develop this academic study. I am also grateful forever to my brother, Abdullah Alwasil, for his tremendous support, including his academic assistance, as he provided various Arabic sources for this thesis. Last and not least, I owe a great deal of debt to my parents for their caring affection and prayers for me.

ABSTRACT

The purpose of this thesis is to examine developments and changes in human rights in Saudi Arabia. Elements of human rights practices in Saudi Arabia, particularly those related to women, have been the subject of considerable international comment and criticism. In a response to various forms of internal and external influence, Saudi Arabia has moved, particularly since the mid 1990s, towards more active involvement in the international human rights institutional and legal arrangements by its voluntary accession to international human rights conventions and its growing cooperation with, and engagement in, the UN human rights system. Formally accepting internationally-recognized human rights standards and establishing domestic institutions and introducing laws dealing with human rights appear to constitute constructive steps towards compliance with, and further socialization into, internationally-recognized human rights standards. Questions arise as to what extent and why the Kingdom has changed its pattern of dealing with human rights issues.

Given the importance and centrality of the UN human rights system, increasing external criticism of Saudi human rights practices, and the expanding debate about the relationship between Islamic principles and human rights, particularly in respect to women, this thesis explores the question of the extent to which developments towards human rights in Saudi Arabia could be attributed to the influence of the UN human rights system. This study examines how the Kingdom has been participating in, and responding and reacting to influences coming through the UN human rights system. In addition to exploring several theoretical issues and establishing a theoretical framework for the thesis, other significant internal and external factors influencing human rights in the Kingdom are addressed in order to assess the specific relationship between developments towards human rights in Saudi Arabia and the UN human rights system.

The treatment of women in Saudi Arabia, and in the Muslim world generally, has recently emerged as one of the most central and controversial human rights issues at domestic and international levels. Following a thorough examination of this issue as a case study, only a weak correlation was established between the direct influence of UN women's rights mechanisms and the recent developments concerning women in Saudi Arabia. Nonetheless, this thesis acknowledges the major role of the UN human rights system in providing the necessary conditions for empowering and legitimizing all other forms of influence by codifying human rights principles through universally accepted declarations and legally binding conventions.

GLOSSARY

- Abaya*: black robe worn by women in public places.
- Ahlul halli wal aqd*: the influential people in the community, but the literal meaning is the people who bind and loose, meaning decision makers in society.
- Aiylah*: means family.
- Al-wala' a wa al-bara' a*: an Islamic principle that lays emphasis on the universal loyalty among Muslims and the absolute renunciation by Muslims of non-Muslims.
- Anzimah*: laws, regulations
- Aqil*: reason, intellect or sense.
- Asabiyah*: refers to solidarity among members of a given social group such as a tribe, which has created a socially favourable mechanism based on nepotism and personal relations, commonly known as *wastah*.
- Asl*: the honour that stems from nobility of origin.
- Awrah*: private parts of the body.
- Bay'ah*: an oath of allegiance.
- Bida'h*: undesirable innovations.
- Da'wah*: the word comes from the verb *Da'aa*, meaning to call for or to invite.
- Deen*: religion or faith
- Dhimmi*: a non-Muslim.
- Diwan*: the word *diwan* means council. For example, the Royal *Diwan* is a central department of the monarchy which includes numerous advisors and senior public servants.
- Fatwa*: a religious edict or opinion.
- Fiqh*: jurisprudence.
- Fitnah*: in political context, it means internal strife (civil war). In social settings, it means seduction.
- Hanbali*: the Hanbali jurisprudence (*fiqh*) is one of the four major schools (*madhhabs*) within Sunni Islam, which is predominant among the *ulama* in Saudi Arabia. This school was started by the students of Imam Ahmed Ibn Hanbal (died 855).
- Hijab*: women veiling.
- Hudood*: fixed penalties in the *shari'ah*.
- Huqooq*: Rights.
- Ijma*: consensus.
- Ijtihad*: formulating an independent interpretive opinion using both reason and knowledge of Islamic sources.
- Ikhtilaf*: differences.
- Ikhtilat*: mixing between women and men.
- Imamah*: leadership.
- Jalb al maslahah wa daf' a al mafsadah*: an Islamic traditional approach, which literally means 'bringing interests and preventing potential negative impacts', authorizing the *ulama* to issue *fatwas* and the ruler to initiate regulations in the public interest in accordance with the surrounding circumstances.
- Jihad*: originally means the exertion of efforts to do/make something, but it has become associated with war against non-Muslim.
- Khadiri*: descendent of slaves or non-Arab.

<i>Khalifah:</i>	caliph, successor.
<i>Khilafah:</i>	caliphate, succession.
<i>Khilafah:</i>	the Arabic term involves the connotations of successor as well as the meaning of representation.
<i>Khurafat:</i>	superstitions.
<i>Madhhab:</i>	sect or school of jurisprudence.
<i>Mahram</i>	male relative with whom marriage is prohibited.
<i>Majlis Al-Shura:</i>	the consultative council.
<i>Majlis:</i>	audience chamber.
<i>Maslaha:</i>	the concept of public interest.
<i>Qabili:</i>	belong to purely free Arab family or tribe.
<i>Qarabah:</i>	it means closeness in both space and social relations.
<i>Qiwamah:</i>	means guardianship.
<i>Sahwah Al-Islamiyah:</i>	the Islamic awakening movement; the neo-Islamists.
<i>Sahwah</i>	awakening.
<i>Salafiyah:</i>	the <i>Salafiyah</i> creed basically calls for imitating the earliest Muslims in every aspect of life. The literal meaning of <i>Al-Salaf</i> is predecessors, referring to the first generation and <i>ulama</i> in early Islamic centuries. Muhammad Ibn Abdulwahhab's movement is considered the starting point of the <i>salafi</i> approach of the modern era.
<i>Shari'ah:</i>	literally means 'path', but in usage it means 'Islamic laws'. It constitutes various norms of all human actions based on the <i>ulama</i> 's understanding of the <i>Qur'an</i> and <i>Sunnah</i> . Most parts of the <i>shari'ah</i> (or Islamic laws) were formed during the eighth and the ninth centuries.
<i>Sunnah</i> or <i>hadith:</i>	refers to the traditions or deeds and sayings of the Prophet Muhammad.
<i>Tawheed:</i>	oneness of God.
<i>Ulama:</i>	(sing. <i>A'lim</i>) means those who possess knowledge in the Islamic <i>shari'ah</i> , particularly the <i>Qur'an</i> and the <i>Sunnah</i> .
<i>Ummah:</i>	the Muslim nation or community.
<i>Wahhabism:</i>	religious-political movement in the Arabian Peninsula whose ideological basis was established by Muhammed Ibn Abdulwahhab (1703-1792). The movement advocated the return to a pure, undistorted Islam.
<i>Wajibat:</i>	obligations.
<i>Walie al-amr</i>	the guardian who is often the father or the husband for a women or the ruler for Muslim community.
<i>Zakat</i>	a state tax formally to be handed to poor members in the Muslim community.

ABBREVIATIONS AND ACRONYMS

AAA:	American Anthropological Association.
AI:	Amnesty International.
CAT:	the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
CEDAW:	the International Convention on the Elimination of all Forms of Discrimination Against Women.
CERD:	the International Convention on the Elimination of all Forms of Racial Discrimination.
CESCR:	the International Covenant on Economic, Social and Cultural Rights.
CCPR:	the International Covenant on Civil and Political Rights.
CPC:	Countries of Particular Concern.
CPVPV:	Committee for the Propagation of Virtue and Prevention of Vice.
CRC:	the International Convention on the Rights of Child.
ECHR:	European Convention on Human Rights.
ECOSOC:	UN Economic and Social Council.
GCC:	Gulf Cooperation Council.
GDI:	General Directorate of Investigation.
HRW:	Human Rights Watch.
IPU:	Inter-Parliamentary Union.
IRFA:	US International Religious Freedom Act, 1998.
IRFA:	US International Religious Freedom Act.
KACND:	King Abdulaziz Centre for National Dialogue.
NGOs:	Nongovernmental organizations.
NHRA:	National Human Rights Association.
OIC:	Organization of the Islamic Conference.
SJA:	Saudi Journalists Association.
SPSS :	Statistical Program for the Social Sciences.
UDHR:	Universal Declaration of Human Rights.
UK:	United Kingdom.
UN:	United Nations.
UNCHR:	UN Commission on Human Rights.
UNDP:	UN Development Program.
UNGA:	United Nations General Assembly.
UNHCHR:	United Nations High Commissioner for Human Rights.
US:	United States.
USCIRF:	US Commission on International Religious Freedom.
WTO:	World Trade Organization.

TABLE OF CONTENTS

	<u>PAGE</u>
Declaration	i
Acknowledgments	ii
Abstract	iv
Glossary	v
Abbreviations	vii
Introduction	1

CHAPTER ONE:

HUMAN RIGHTS IN SAUDI ARABIA: BACKGROUND

Introduction	8
1-Political and Social Environment	9
2-Laws and Institutions and Human Rights	16
3-The Current Situation of Human Rights	20
4-Saudi Arabia and the UN Human Rights System	25
Conclusion	28
Endnotes	30

CHAPTER TWO:

THEORETICAL FRAMEWORK (PART I)

HUMAN RIGHTS: THEORIES ON THEIR DEVELOPMENT AND EFFECT

Introduction	33
1-Foundational Bases of Human Rights	34
2-Diffusion of Human Rights Norms Internationally	37
3-Sovereignty Versus Interventionism	41
4-International Human Rights Regime	44
5-Compliance and Human Rights:	47
A-Compliance Models	48
B- Causes of Non-Compliance	51
C-International Influences as a Cause for Compliance	53
Conclusion	56
Endnotes	58

CHAPTER THREE:

THEORETICAL FRAMEWORK (PART II)

UNIVERSALITY AND CULTURAL RELATIVITY OF HUMAN RIGHTS

Introduction	62
1-Universality Versus Cultural Relativity: Theoretical Debate	63
2-Universality Versus Cultural Relativity: UN Debate	73
3-Political System and Human Rights: An Islamic Perspective	76
4-Political System and Human Rights: A Wahhabi Perspective	82
5-Universality of Human Rights: A Saudi Perspective.....	85
Conclusion	87
Endnotes	90

CHAPTER FOUR:

INTERNAL FACTORS AFFECTING HUMAN RIGHTS IN SAUDI ARABIA

Introduction	97
1-Domestic Structures	98
2-Cultural Congruence	104
3-Effects of Crises:	109
A-The Crisis of Internal Power Struggle Combined with External Threat in the 1960s.....	110
B-The Siege of the Grand Mosque in 1979	113
C-The Crisis of the 1990-1991 Gulf War	114
D-The September 11, 2001 Attacks and their Aftermath	117
4-Domestic Public Opinion and Public Policies:	122
A-The Role of Public Opinion	122
B-The Survey: General Findings	125
Conclusion	129
Endnotes	131

CHAPTER FIVE:

EXTERNAL FACTORS AFFECTING HUMAN RIGHTS IN SAUDI ARABIA

Introduction	138
1-The Role of Foreign States	140
2-Non Governmental Organizations	148
3-Globalization and Modernization	152
4-International Media and Public Opinion	157
Conclusion	160
Endnotes	162

CHAPTER SIX:

SAUDI ARABIA'S ENGAGEMENT IN THE UN HUMAN RIGHTS SYSTEM

Introduction	167
1-Phase One (from late 1940s to early 1990s)	168
2-Phase Two (from late 1990s to 2005):	176
A-Being Part of the International Legal Human Rights Arrangements	176
B-Saudi Arabia's Interaction with the UN human rights system:	180
➤ The 1503 Procedure	180
➤ Special Rapporteurs and Working Groups	181
➤ UN Bodies and Saudi Arabia's Membership	183
C-Major Aspects Saudi Arabia's Interaction with the UN human rights system...184	
3-Saudi Arabia and the UN Human Rights System: Analysis and Comparison ...186	
Conclusion	188
Endnotes	190

CHAPTER SEVEN:

WOMEN'S RIGHTS AND THE INFLUENCE OF THE UN HUMAN RIGHTS SYSTEM

(PART I): Women in Saudi Arabia and Factors Affecting Their Status

Introduction	193
1-Islam and the Status of Women	194

2-Arab Traditions and the Status of Women	202
3-Saudi Arabia and the Status of Women:	205
A-Women’s Right to Education	208
B-Women’s Right to Work	210
C-Political Climate	212
D-New Developments on Women’s Rights	215
Conclusion	218
Endnotes	221

CHAPTER EIGHT:

WOMEN’S RIGHTS AND THE INFLUENCE OF THE UN HUMAN RIGHTS SYSTEM

(PART II): Saudi Arabia’s Response to Influence by the UN Human Rights System in Relation to Women’s Rights

Introduction	228
1-Saudi Arabia’s Position Concerning UN Activities on Women’s Rights	230
2-Changes in the Status of Women since Saudi Arabia’s Accession to CEDAW...	237
3- Responses of Saudi Arabia to its Obligations under CEDAW	244
Conclusion	248
Endnotes	251

Conclusion	254
Bibliography	262

Appendix I:

(Survey on Human Rights in Saudi Arabia and the Influence of The UN Human Rights System: the Case of Women’s Rights): Design and Methodology	281
--	-----

Appendix II:

(Survey on Human Rights in Saudi Arabia and the Influence of The UN Human Rights System: the Case of Women’s Rights): Data Description and Analysis	286
---	-----

Appendix III:

Events and the Developments on Women’s Rights (1999-2006)	301
---	-----

INTRODUCTION

The study of human rights is complex for various reasons, particularly because of its inter-cultural and inter-disciplinary nature. Issues of human rights have attracted the attention of scholars, politicians and a wide range of interested individuals from within different cultures and countries. Following World War II and the adoption of the UDHR in the late 1940s, a particular set of human rights norms has been increasingly seen as a legitimate issue in international law and international relations. The UN human rights system has played a major role in the codification of human rights principles. Human rights issues have gained further international momentum following the end of the Cold War and with the mounting exchange of ideas, information and goods in the era of globalization. There has been an increasing number of indications that international pressures and influences designed to influence human rights practices worldwide have been substantively on the rise, particularly in relation to the treatment of women. For instance, the UN series of world conferences on women that started in the mid 1970s, the adoption of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979, and the establishment of the post of the UN High Commissioner for Human Rights (UNHCHR) in 1993 are signs that reflect determination by the international community of states to intensify the activities of the UN human rights system.

At the same time, there has been mounting international attention concerning the situation of human rights in the Muslim world. With popular revivalist trends of Islamic thoughts sweeping many Islamic countries, including Saudi Arabia, debate surrounding the compatibility and congruence of principles of the *shari'ah* (Islamic law) with the internationally-recognized human rights standards has gained increased significance in various domestic and international settings. Human rights practices related to women have been at the heart of this debate, gaining greater attention following the global focus on the treatment of Afghani women during the Taliban regime (1996-2001).

Human rights practices in Saudi Arabia, particularly as they relate to women, have been the subject of considerable specific comment and criticism, not only externally by states and governmental and non-governmental organizations, but also internally by some Saudi activists. States and NGOs alike have been using diverse mechanisms, including those available through the UN human rights system, to attempt to influence human rights practices in the Kingdom, which are seen as being in

violation of the internationally-recognized human rights standards. The UN human rights system, through its various bodies and mechanisms, carries out significant promotional and declaratory activities that influence positively the socialization of and learning about human rights in countries around the world, including Saudi Arabia.

The Kingdom of Saudi Arabia, as a member of the international community and a founding member of some international and regional organizations, has been exposed to, and affected by, events, measures, changes and developments taking place in the international arena. Since the establishment of the UN in 1945, Saudi Arabia has participated in drafting and deliberating upon international resolutions and in their subsequent adoption, and in formulating declarations and conventions that constitute what are now known generally as international human rights standards. However, Saudi Arabia's engagement in UN human rights activities has increased notably since the early 1990s. The 1990s has seen unprecedented steps taken by Saudi Arabia towards greater engagement in the UN human rights system, such as attending the annual sessions of the UN Commission on Human Rights (UNCHR), committing to participate in, and cooperate with, the UN human rights mechanisms, and responding to inquiries made by instrumentalities of the UN human rights system. Furthermore, out of the six principal UN human rights treaties, between 1996 to 2000 Saudi Arabia ratified four treaties; the Convention on the Rights of the Child (CRC), the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of all Forms of Racial Discrimination (CERD), and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Such ratifications came in response to various forms of internal and external influence, pressure and criticism of the Kingdom's human rights practices. Saudi Arabia also has shown an interest in engaging further in the activities of the UN human rights system by nominating itself for membership in the UNCHR. Since winning a seat among states members of the UNHRC in the 2000 election, Saudi Arabia was able to retain its seat in the 2003 and 2006 elections. The engagement of Saudi Arabia in the UN human rights system represents a formal gesture of recognition and could be seen as evidence of its willingness to accept accountability by the international human rights regime.

Domestically, since the establishment of Saudi Arabia in September 1932, the framework of human rights has changed. Saudi Arabia has experienced an increasing pace of modernization and development in every aspect of life. Conditions surrounding Saudi Arabia's society have since been transformed into sophisticated levels of modernity and development in many domains, and human rights institutions,

laws and practices are, to a certain degree, no exception. Particularly since the early 1990s, Saudi Arabia has taken several steps that could contribute to an increase in protecting and promoting human rights. Such steps include the introduction of new laws, policies and procedures and the creation of governmental and nongovernmental bodies. Following Saudi Arabia's accession to CEDAW in 2000 and the events of 11 September 2001, the issue of women's rights has received greater attention from the Saudi government and the public alike. Official statements and public debates on the need to enlarge the role of women in public life and to protect their rights have intensified, with some practical steps taken towards this direction by the government.

The central question in this thesis is to what extent such developments are linked with Saudi Arabia's engagement in the UN human rights system and, especially, with its accession to CEDAW. As Saudi Arabia has changed its pattern of engagement with the UN human rights system in the last decade or so, and in the light of recent developments in human rights in general and women's rights in particular, it is interesting to investigate the relationship between changes in the situation of human, particularly women's, rights in Saudi Arabia and the influence of the UN human rights system in effecting those changes.

Within the literature on human rights, considerable attention has been given to the issue of human rights in Islam, with some recognition of differences among the different schools of Islamic thought. However, human rights in Saudi Arabia have not been studied in a systematic, critical and comprehensive way. Moreover, the literature on human rights is relatively rich in studies of the overall impact of the UN human rights system at the domestic level in general, but the engagement of Saudi Arabia in, and its interaction with, the UN human rights system has not been exclusively and systematically examined. This thesis, thus, makes a contribution to the academic literature on human rights in Saudi Arabia, particularly women's rights, and on the influence of the UN human rights system. It attempts to expand the understanding of the diffusion of, and compliance with, universal human rights norms in a country like Saudi Arabia. Among other things, it should contribute to addressing the question about the extent to which Saudi Arabia's engagement with the international human rights arrangements can stimulate change in human rights practices in the Kingdom. An hypothesized linkage between Saudi Arabia's interaction with the UN human rights system and developments of human rights in the Kingdom is tested. This aims to provide answers on how Saudi Arabia has reacted and responded to influences by the UN human rights system and on the correlation between developments in human rights, focusing on women's rights in the Kingdom and the impact on these

developments of the UN human rights system. Moreover, this study offers an enhanced understanding of the process of change in human rights norms in a politically and religiously conservative country such as Saudi Arabia. Theoretical issues related to the process of change in human rights norms are examined to establish a theoretical framework for the thesis, including the diffusion of norms internationally, compliance with internationally-recognized human rights norms, and universality versus cultural relativity of human rights.

This thesis brings together three interconnected themes: the situation of human rights in Saudi Arabia in general, the influence of the UN human rights system; and the place of women's rights in Saudi Arabia. The subject of human rights, however, is remarkably broad and, rather than exploring all aspects of human rights in Saudi Arabia, it is useful for the purpose of this study to look in detail at one specific aspect of human rights in that country. The status and the rights of women in Saudi Arabia constitute central, but controversial, questions at both domestic and international levels. This issue has consequently been selected as a case study in order to pinpoint more specifically the extent of correlation between developments towards human rights in Saudi Arabia and the influence of the UN human rights system on these developments.

Hypothetically, the greater the engagement in the UN human rights system, the greater should be the compliance with international human rights norms. An integrating theme of this thesis, therefore, is an examination of the two components of the hypothesis, which would contribute to explaining, understanding and predicting changes in human rights in Saudi Arabia. There are three levels of analysis at which human rights in Saudi Arabia are examined: (a) internationally-recognized human rights standards, (b) Islamic human rights values, and (c) Saudi traditions and customs. The isolation of the independent variable (the UN human rights system) is generally not possible because of the interdependent nature of human rights and the overlapping nature and relativity of both external and internal factors affecting the development of human rights. However, an attempt is made to assess the causal effect of the independent variable by attempting to distinguish the role of other variables. The theoretical examination of issues, such as norms diffusion or compliance, internal and external factors affecting human rights in Saudi Arabia and the exploration of the Kingdom's engagement in the UN human rights system, is designed to contribute fundamentally to answering the central question.

The thesis is organized into eight chapters. The first chapter provides an initial informative foundation to, and overall background about, the situation of human rights

in Saudi Arabia. In four sections, this chapter discusses major elements in the political and social environment in Saudi Arabia in the first section and explores laws and institutions related to the protection and promotion of human rights in the second. The third section describes the current situation of human rights in Saudi Arabia drawing from various sources, including Saudi official documents, Saudi media, and reports by international human rights NGOs. The final section sheds light briefly on the relationship between Saudi Arabia and the UN human rights system.

Chapters two and three address the theoretical framework of the thesis. Chapter two covers theories relevant to the nature, emergence and diffusion of human rights norms, questions of sovereignty versus intervention, the international human rights regime, and the question of compliance. This chapter notably focuses on examining the argument that the diffusion of internationally-recognized human rights, and states' compliance with those norms, particularly where they are related to societal dynamics such as women's rights, could be better understood in the context of a process of socialization, which involves various mechanisms and methods including learning, cooperation, persuasion and shaming.

When critically studying human rights in Saudi Arabia, the scholarly arguments and political debates over the issues of universality and relativity of human rights have to be taken into account. Given the importance of this issue, the third chapter is devoted to this fundamental theoretical question. It examines the thesis's argument that internationally-recognized human rights have been universally accepted at the formal level, whereas their acceptance across cultures has been arguably limited to the core of human rights. It also investigates those arguments promoted mostly by developing countries in which the universality and indivisibility of human rights have been questioned. As perspectives of Muslim *ulama*, including Wahhabi *ulama*, on the issues of human rights and on the political system in Islam are related to the question of cultural relativity, such views will be part of the theoretical discussion in this chapter.

In order to understand the role of the UN human rights system in influencing human rights norms in Saudi Arabia, major internal and external factors influencing human rights in the Kingdom are examined. Chapter four explores four essential elements affecting the internal circumstances in Saudi Arabia. Exploring the domestic structure of institutions in the state and society and interaction between the two is crucial to an understanding of the process of development and change in the application of human rights. The second issue is to discuss cultural congruence between universal human rights norms and domestic beliefs and values in Saudi

Arabia, as the level of impact of international norms essentially depends on their level of variation from domestic values.

The state's adoption of new policies, which may affect positively or negatively the situation of human rights, has by and large been associated with experiences arising from crises or major domestic events. Therefore, the influence of four crises or events that took place during the last five decades are examined, namely the crisis of internal power struggle combined with external threat in the 1960s, the siege at the Grand Mosque of Makkah in 1979, the Gulf War Crisis in 1990, and the 11 September 2001 attacks and the war on terrorism inside and outside of the Kingdom. In the last few years, the influence of public opinion in Saudi Arabia has been on the rise. Also, Saudi Arabia's response to the UN human rights system influences and its obligations arising from becoming part of the international legal arrangements is to an extent related to how the Saudi people perceive human rights norms. Accordingly, the last section of chapter four examines two issues concerning the influence and change of domestic public opinion. It examines changes in the role of public opinion in Saudi Arabia and explores briefly factors affecting its formation. Second, as identifying the perspectives of a segment of Saudi society on some relevant issues could provide an important contribution to examining the thesis's central question and offer essential signs of changes in values related human rights, the second part of this section summarizes the overall results of a survey, which was conducted for this thesis in early 2006, whilst the details of the survey's design, methodology and statistical analysis are contained in Appendices I and II.

Similarly important, international-level factors affecting human rights in Saudi Arabia are examined in order to understand the dynamic of human rights changes in the Kingdom. Apart from the UN human rights system, discussed in subsequent chapters, chapter five examines four forms of international influence. Given the importance of Saudi Arabia's stability to the world economy and the Kingdom's strategic ties with powerful states, it is crucial to discuss the role of foreign states in influencing, either directly or indirectly, domestic policies in the Kingdom. Again, international human rights NGOs have been putting pressure on states, urging them to respect human rights and fundamental freedoms. Accordingly, the role of international human rights NGOs in influencing developments of human rights in the Kingdom is examined, as those NGOs have been paying greater attention to the situation of human rights in Saudi Arabia in recent years. Various material and immaterial aspects that come with globalization, modernization and development play a role in affecting various domestic trends including the internalization of the internationally-recognized

human rights norms. Therefore, it is appropriate to discuss how such aspects have affected the situation of human rights in Saudi Arabia. Finally, as governments have an interest in gaining legitimacy and respect from international audiences and international media, the fourth issue in this chapter explores the role of international media and public opinion as they affect human rights in the Kingdom.

Chapter six involves an historical analysis and exploration of Saudi Arabia's interaction with, and its position in relation to issues discussed within, the UN human rights system since 1948. Such analysis aims at an understanding of how Saudi Arabia's engagement in the UN human rights system has affected the situation of human rights in general and women's rights in particular. Saudi Arabia's interaction with the UN human rights system will be divided into two distinguishable phases: phase one (from the late 1940s to the early 1990s) involves the Kingdom's activities in the process of debating and adopting the principal international human rights documents; phase two (from the early 1990s until 2005) examines various aspects of Saudi Arabia's engagement with human rights issues, as the Kingdom becomes a signatory to the internationally binding human rights treaties and interacts with the UNCHR, the Sub-Commission on the Promotion and Protection of Human Rights, and the UNCHR Special Rapporteurs and Working Groups on various subjects.

As indicated earlier, the issue of women's rights was selected as a case study. Chapter seven, the first part of the case study, examines developments in the role and the rights of women in Saudi Arabia. It examines factors, other than the UN human rights system, that have influenced the situation of Saudi women, including the role of Islamic beliefs and domestic traditional and tribal influence. Also, it explores the status of women in Saudi Arabia, including their right to education, their right to work and the political climate that has influenced developments in their rights. The eighth chapter, the second part of the case study, examines in detail Saudi Arabia's interaction with the UN human rights system in the area of women's rights. It subsequently identifies the extent to which women's rights in the Kingdom have been influenced, or are capable of being influenced, by the UN human rights system. The objective of the case study is to highlight the extent of any correlation between developments in the rights and the role of Saudi women and the influences exerted by the UN human rights system.

CHAPTER ONE

HUMAN RIGHTS IN SAUDI ARABIA: A BACKGROUND

Introduction:

Political practices and social values, including those norms related to human rights, are often a reflection of the local political, social, cultural and religious realities in a given society. In Saudi Arabia, Islam is the professed and stressed ideology of the state and its primary source of legitimacy. The alliance between Al-Sa'ud, the royal family, and the *ulama*¹ has been the cornerstone of the continuity of the rule of Al-Sa'ud. This marriage between tribal and religious thinking is crucial to any explanation of political or social phenomena in Saudi Arabia. Accordingly, Islamic beliefs and domestic traditions, including those related to tribal customs, familial ties and patriarchal values, are essential elements for examining human rights in Saudi Arabia.

While some issues will be fully investigated later in subsequent chapters, this chapter provides background to some aspects of human rights in Saudi Arabia and lays foundations for the following chapters. First, the social and political environment has shaped norms of human rights. The Saudi government has been constantly declaring and affirming that the *Qur'an* and the *Sunnah* (traditions or deeds and sayings of the Prophet Muhammad) are the country's constitution and the sources of all legislation, which was clearly stated in the 1992 Basic Law of Governance. However, Saudi society is not a product of Islam alone, but of an Islam mixed with traditions stemmed from values linked to tribalism, familial ties and *asabiyah* (group solidarity) within the context of *qarabah*² (closeness). The concept of human rights is rooted in the people's social, cultural and religious norms, which have been established over centuries. However, these have been subject to change especially during the last fifty years. It is useful, then, to outline the basis of the Saudis' conceptualization of human rights by presenting an overall background of political realities and social values in the Kingdom.

In Saudi Arabia, judicial and security institutions are the prominent governmental bodies in charge of, among other things, protecting the rights and integrity of individuals. In addition, there are other governmental bodies responsible for the fulfilment of subsistence rights, or human rights needs. Recently, Saudi Arabia

has passed laws and established institutions to secure more protection and promotion of human rights. Therefore, the second issue in this chapter is to present a brief description of the Saudi laws and institutions pertaining to the protection and promotion of human rights.

Thirdly, it is imperative to identify the current situation of human rights in Saudi Arabia. Based on human rights monitoring reports³ and other sources,⁴ the situation of human rights, along with concerns about human rights violations raised against Saudi Arabia, is summarized. While many international human rights organizations repeatedly reported widespread human rights violations, it is known that Saudi Arabia restricted access to investigate any claim of such violations. It is therefore important to rely on different sources to present, objectively and fairly, the situation of human rights there, including official and unofficial Saudi sources.

Finally, as a member of the international community, Saudi Arabia has articulated its position on the issue of human rights. It is useful to identify Saudi Arabia's stance in relation to the major international human rights instruments and to the UN human rights system at large. Demonstrating the country's position provides a connection between its engagement in the UN human rights system and changes and developments in human rights in the Kingdom.

1- Political And Social Environment:

The religion of Islam is one of the most important elements in the social and political environment in Saudi Arabia. Islam has proclaimed the concept of absolute justice with all the associated norms relating to the rights of the individual and the community, focusing on principles and values that support respect for the humanity and dignity of human beings and the right to a decent life free from any act of aggression against the person, his/her honour or home. The *shari'ah* proclaims the unity of origin of human beings, that they all belong to a single family united in its worship of Allah, and that they are descended from Adam and are equal in terms of human dignity without distinction as to race, colour, sex, political opinion or social status.

The understanding of the religion of Islam in Saudi Arabia is associated with Wahhabism.⁵ The first Saudi state arose in the Arabian Peninsula in the eighteenth century on the basis of the Wahhabi movement. Prior to the establishment of the first Saudi state, most provinces in the Arabian Peninsula were independently ruled by different tribal leaders. The first ruler from the Al-Sa'ud family was Muhammad Ibn

Sa'ud (1689-1766), who concluded an agreement in 1744 with Sheikh Muhammad Ibn Abdulwahhab (1703-1791), an eminent religious leader and renowned reformer. The agreement stated that together they would work to establish a state run according to the pure Islamic faith, as many Muslims, in Wahhabis' opinion, had deviated from the principles of monotheism defined in the Islamic sources.⁶ The resulting Saudi state was based on this alliance. The Al-Sa'ud rulers during the first (1744-1818) and second (1838-1870) Saudi states were able to impose control over the Arabian Peninsula and beyond. Despite the success achieved in the first and second Saudi states, both failed to establish an organized and stable state capable of facing external and internal challenges. A new third stage of the Saudi state started when King Abdulaziz Al-Sa'ud (1876-1953) recaptured the city of Riyadh in 1902. Following this recapture, King Abdulaziz was able to present himself as a leader who brought a unification that could help spread the message of Islam. From 1902 to 1926, he extended his authority over most of the Arabian Peninsula, utilizing Islam as the unifying force to consolidate his rule.⁷

Accordingly, the legitimacy of the Saudi state comes essentially from its alliance with the *ulama*. The ideology of the Wahhabi movement does not connote a new form of Islam. It is simply a movement to alter, forcefully if necessary, the wrongful practices that contradict Islam in Wahhabis' interpretation. It focuses on purifying the religion of Islam by maintaining principles of the unity of God (*tawheed*), combating superstitions (*khurafat*) and undesirable innovations (*bida*).

As will be explained in chapter three, the Hanbali jurisprudence (*fiqh*) is one of the four major schools (*madhhabs*) within Sunni Islam, which is predominant among the *ulama* in Saudi Arabia. The Hanbali School has accepted the emergence of the hereditary monarchical system in exchange for the ruler's guarantee to uphold the tenets of Islam. While Wahhabism promotes protecting the interests of the feudal-tribal nobility with its slogans advocating stability of the state and dictating that ordinary people should obey the authorities, the secret of this movement's social appeal is its ability to adopt means for greater social justice, higher moral standards and, more importantly, better levels of security and stability. In interpreting what this means, one needs to consider that Islamic teachings adopted by Wahhabism not only encourage some Arab values related to the less fortunate individuals in society, such as norms of generosity and hospitality, but also call for the observation of principles that provide more equality among individuals, as seen in the system of *zakat* and egalitarianism among individuals of different races and tribes. Moreover, Wahhabism paved the way for the creation of a central controlling authority, which had positive

influences on making laws enforceable and improving the security and safety of individuals and their properties in various communities in the Arabian Peninsula. However, the prime importance of Wahhabism lay in politics rather than in the social sphere.⁸ The most important aspect of Wahhabi teaching in relation to politics is the emphasis it puts on obedience to the ruler, which coincides with tribal thinking about respecting seniority and leadership. In a tribal society, especially in the interior region of Saudi Arabia where lack of security was a bitter reality, the people there still greatly value stability and security. By the same token, the Saudi state stresses the fact that there was no security at all prior to its control over the Arabian Peninsula.⁹ Such realities are fundamental to understanding developments related to human rights.

Despite changes in the equation between the two major domestic powers, the alliance between the *ulama* and the state remains important in the present-day Saudi Arabia. This relationship, though, is not always harmonious and conflict with zealous Wahhabi groups is part of Saudi Arabia's politics. Tension and armed conflict with fundamentalist Wahhabism have long shaped Saudi politics, as will be elaborated in chapter four. The most important incidents are the battle of *As-sbalah* when King Abdulaziz defeated the *Ikhwan* movement in 1926, and the siege of the Grand Mosque in Makkah in 1979 in which hundreds of people were killed. However, the Saudi state still has the ability to control Wahhabism through confrontation and politics, while accommodating it into the political system, creating thus an official Wahhabism that is sanctioned and utilized by the state.¹⁰ While there are fears that Wahhabi fundamentalists might one day shake the public image of Saudi Arabia as the only Islamic country to achieve a successful marriage between tradition and modernity,¹¹ to date Saudi Arabia's leadership has arguably maintained a balance between modernity and religiosity.

The *ulama* play a vital and focal role in the political and social environment in Saudi Arabia. As frequently declared by Saudi officials, the constitution of the Kingdom is based on the *Qur'an* and the *Sunnah*. Therefore, the *ulama* is authorized to interpret the *Qur'an* and *Sunnah* through legal opinions (*fatwas*) on all matters including political questions to provide, inter alia, religious sanction of the acts of the government. With the lack of formal legislative authority, all royal decrees and ministerial regulations theoretically must be in conformity with the *shari'ah*, which gives the official and non-official *ulama* rights to express their views on legislative issues, despite limitations on such rights in practice. The role of the *ulama* is not limited to legislatively-oriented spheres; they also control the judicial system, exercise a monopoly on religious and social morals and enjoy strong influence over the

education system. The *ulama* constitute an important part of the elite and have considerable prestige socially and politically.

While the *ulama* appear to exercise major roles in Saudi Arabia's life, the government has been to a considerable extent skilful in making the religious establishment compatible with changes associated with modernity and development. This flexibility of the Wahhabi *ulama*, according to James Piscatori, comes from the Hanbali School's view that "an innovation is permissible unless there is a clear textual prohibition for it."¹² However, Piscatori's argument is open to question, given that the *ulama*, especially those who are not part of the official *ulama*, have issued *fatwas* banning some practices without citing a clear textual prohibition. The government treats the *ulama* with a great deal of respect, and the government's wealth has been successfully utilized in a carrot-and-stick policy towards the *ulama*, which may explain their flexibility. More significantly, the obsession with maintaining the stability and security of the state noted earlier and the deep belief that obedience is due to the ruler could explain much of the *ulama*'s flexibility and their approval of, or at times silence about, the government's initiatives related to development and modernization. Within this context, it is worth noting that *ulama* with wide knowledge of Islam are more likely to be open-minded to change than those who are more basic in their enthusiasm towards Islam.

During the first and the second Saudi states, the *ulama* played a central role in shaping the policies of the state, but in Saudi Arabia today there are several power centres beside the *ulama*. As will be explained in chapter four, the monarch's position has grown stronger compared to the *ulama* during the last fifty years. Various reasons have contributed to weakening the role of the *ulama*, including the increasing number of technocrats and highly educated graduates from Western universities.

Nevertheless, the local politics of the state and the social behaviour of the Saudis are strongly connected to the religion of Islam. The fact that Saudi Arabia occupies the heartland of Islam has attached another important element to socio-politics in the Kingdom.¹³ While this connection with the religion continues to shape today's Saudi Arabia, there are other components that explain aspects of Saudi politics and social norms. It is important to understand Saudi Arabia within not only the context of Islam and the *ulama* but also the concept of traditions and customs relevant to familial ties and tribal values. The concept of *asabiyah* refers to solidarity among members of a given social group, such as a family, tribe or race, through which power can be achieved and sustained and interests can be served.¹⁴ Familial ties and its

association with *asabiyah* within the context of *qarabah* significantly explain aspects of the social and political behaviour in Saudi Arabia.¹⁵

Familial or tribal groups are defined by common patrilineal descent that unites individuals in increasingly larger segments. The lineage-group is the unit that shares joint responsibility for avenging wrongs its members may suffer and, conversely, paying compensation to anyone whom its members have aggrieved. Although the rise of the centralized state has undercut tribal autonomy, contemporary tribal leaders still play a pivotal role among the tribal community and in relations between individuals and the central government. Since clans or tribes are very large in terms of their members and extremely fragmented in terms of their place, tribal affiliations have become weak in contemporary Saudi Arabia.¹⁶ For Saudis in general, the family is the primary basis of identity that reflects the status of the individual. Although the literal translation of the word (*aiylah*) means family, the Arabic connotation indicates, beside the genealogical bond, relation based on protection, interdependence, support and accountability.¹⁷ The extended family is the most important social institution in Saudi Arabia, and loyalty to it probably exceeds even loyalty to the state.¹⁸ Loyalty to the state is still largely not a matter of nationality; it is rather a matter of loyalty to Al-Sa'ud based on marriage ties and/or personal interests and to Al-Sa'ud as the focus of the Islamic nation. Most tribes were affiliated with the Al-Sa'ud family through marriage ties.¹⁹ Consequently, despite increasing levels of paces towards modernization over the last fifty years, the family system is still probably the most stabilizing force. It is indeed difficult to visualize politics in Saudi Arabia without the paramount importance of the role of familial ties.

Asabiyah and familial ties have produced a system of favouritism based on patronage and personal relations, commonly known as *wastah*. Under this informal system, individuals are socially obligated or beneficially motivated to provide favours to their family members, friends and their associates, or others, to achieve their goals even if institutional or governmental rules have to be overridden. Although *wastah* may involve only lawful acts, it has generally promoted an environment in which acts flourish that are regarded as corrupt in the West and among many Saudis as well.²⁰ These acts have been encouraged by the traditional prerogative system of *asabiyah* and *wastah* traditions and, more importantly, by an absence of accountability. Critics view the culture of corruption in the Kingdom, especially in business deals, as endemic and multifaceted.²¹

In addition to the *asabiyah* and *wastah* informal system, Saudi politics operate with considerations of social stratification that are linked to population familial, tribal

and regional diversity. Despite the likelihood of overlap occurring among tribal, familial and regional ties, familial and tribal considerations always comes first. At the top of the social ladder is the *qabiliyah* (purely free Arab) families that could claim purity of descent from one of two eponymous Arab ancestors, Adnan or Qahtan, and could therefore claim to possess *asl* (the honour that stemmed from nobility of origin). *Qabiliyh* families considered themselves distinct from and superior not only to *khadiriya* (descendants of slaves or non-Arab), non-tribal families, but also to *qabiliyh* families that had intermarried with *khadiriya* families. Regionally, *Najd* (the central province) is the centre of political power and its leading tribal families are at the top of the political and social order. The population of *Hijaz* (the western province) is more cosmopolitan than *Najd*, with fewer tribal affiliations. The *Hijazi* leading families are distinguished by their wealth, life-style and diverse backgrounds.

Although the population is characterized by a degree of diversity and social stratification, the Saudis enjoy also a high degree of homogeneity and share common values. This homogeneity is reflected in a common Arabic language and in adherence to *Sunni Wahhabi Islam*, which has been fostered within the political culture promoted by the Saudi monarchy. Moreover, the cultural homogeneity of the Kingdom rests upon shared values and attitudes regarding relations within the family and the relations of the family with the rest of society. Such relationships are essential to comprehend people's perception on concepts concerned with human rights or women's rights.

Families, as institutions that are politically and socially influential in Saudi Arabia, tend to be patriarchal. The father in a small family or the leader in a large family or tribe is traditionally an authoritarian figure at the top of an hierarchy based on age and sex. The domination of men over public spheres and the continuing dependence of women on men perpetuate both the family and the society as a patriarchy. However, women in Saudi Arabia by law are entitled to full use of their own property and have economic independence. Also, a woman upon marriage does not take her husband's family name, reflecting both her essential independence from the husband's control and the strength of familial bonds. In terms of sex relations, Saudi family dynamics are still traditional and contrast with practices based on contemporary Western social values.

According to some analysts, public sex segregation, restricted mobility and limited job opportunities are seemingly not matters of concern among the majority of Saudi women.²² As argued throughout the thesis, however, significant change in what is considered to be acceptable behaviour for women looks only to be a matter of time, taking into consideration the way the society has responded to the introduction of

women's education in the early 1960s. Urbanization, education and modernization have had profound effects not only on women but also upon society as a whole. Despite the limitations imposed by sex-segregation values, and in spite of the small proportion of women in the work force relative to men, (as explained in chapter seven) the number of working women and the range of places in which they are allowed to work are growing.

The interaction between Islamic beliefs, traditional values and tribal customs has produced a Saudi style of social values and political structure, which incorporates principles of human dignity and human rights. This interaction has also created circles of power in which the royal family and its allies, mostly linked by marriage, are at the apex of Saudi society. The power centres include the *ulama*, the highbred families, commercial families, professional elite of technocrats, military men and, lastly, ordinary citizens. With an absence of clear formal political or social structures, this grouping is merely schematic, noting that these centres often overlap.²³ In spite of the obvious tribal or familial dimension in Saudi politics, the personal status of any individual may, in some cases, play a large role in determining his position within the circles of power. A person's loyalty, intelligence, charisma, knowledge and wealth are also components in the equation of power. In contemporary Saudi Arabia, new status categories based on education and wealth have started to enlarge: they are beginning to undermine the importance of tribal affiliation and are having a homogenizing effect that may further integrate society.

Saudi Arabia has acquired far greater influence in the contemporary world than might initially have been expected when the third Saudi state was established early in the twentieth century. The importance of Saudi Arabia comes primarily from being the world's largest oil producer with roughly 25 percent of the world's known oil reserves and also from its export of conservative form of Islam, which gives internal issues in the Kingdom an international dimension. Wealth has fuelled the transformation of Saudi Arabia from a pastoral and agricultural society to a rapidly urbanizing one, with associated political and social effects. The Saudi society is, indeed, unique in terms of witnessing a radical physical change in one generation. Development and modernization in all aspects of life have influenced the political and social environment and contributed to an increased openness in the society, which has engendered changes to traditional customs and values, including those related to human and women's rights. Nonetheless, it should be noted that many centuries of traditional tribal culture, in a closed, conservative and religious society like Saudi Arabia, cannot be radically transformed in a few decades.²⁴ The process of change in

values and customs is expected to extend over a lengthy period of time, which explains resistance to some unfamiliar norms.

2- Laws and Institutions and Human Rights:

The Kingdom has since 1992 had a written constitution that stipulates the general aspects of the Saudi political system including its relationship to the maintenance of human rights. The Basic Law of Governance states that the Kingdom's constitution is the *Qur'an* and the *Sunnah* and explains that its system of government is based on justice, consultation and equality. With the exception of the partial municipal elections, which will be discussed later, Saudi Arabia has no elected representative institutions or political parties. The King, who also acts as Prime Minister, ensures the application of the *shari'ah* and the state's general policy and supervises the protection and defense of the nation. All key positions including the Crown Prince and members of the Council of Ministers and *Majlis Al-Shura* (Consultative Council) are appointed by the King.

The Basic Law of Governance sets forth the general principles on which civil, political, economic, social and cultural rights are based. It stipulates, inter alia, that "the State shall protect human rights in accordance with the Islamic *shari'ah*" (Article 26); "The State shall provide security for all citizens and residents on its territories. No one may be confined, arrested or imprisoned without reference to the Law" (Article 36); "Dwellings are inviolate. Access is prohibited without their owners' permission. No search may be made except in cases specified by the Law" (Article 37); "No one shall be punished for another's crimes. No conviction or penalty shall be inflicted without reference to the Islamic *shari'ah* or the provision of the Law" (Article 38); "The privacy of telegraph and postal communications, and telephone and other means of communication shall be inviolate. There shall be no confiscation, delay, surveillance or eavesdropping, except in cases provided by the Law" (Article 40); "The judiciary is an independent authority. The decisions of judges shall not be subject to any authority other than the authority of the Islamic *shari'ah*" (Article 46); and "[a]ll people, either citizens or residents in the Kingdom, are entitled to file suit on a basis of equality" (Article 47). Although the Basic Law of Governance does not specify all concerns of human rights, it does recognize that the State has a duty to protect human rights. It covers a broad range of human rights, with focus on community concerns such as security, justice, privacy and social welfare. In other words, civil and political rights for both the Basic Law of Governance and the Saudi

decision-makers are inferior to other rights. It is worth noting that the Basic Law of Governance does not elaborate on women's rights or on the issue of equity between men and women.

The *majlis* (audience chamber) of the King and other influential officials such as ministers or provincial governors, serves as a channel for communication between the rulers and the ruled. The ability to contact officials is promoted by the government as a suitable type of freedom of expression and a form of practicing the right of participation in public affairs.²⁵ Nevertheless, with the absence of organized political groups and independent NGOs, this traditional practice is a time-consuming custom that, while suitable for tribal environments, is no longer able to cope with the needs of modern government.

The reform measures of 1992 marked significant institutional developments towards the formalization of the government system and tentative steps to expand public participation in the decision-making process. Comprising the promulgation of the Basic Law of Governance, the formation of the Consultative Council and the restructure of the Kingdom's regions [Law of the Provinces], this reform represented an unparalleled political development in the Kingdom. While such developments might be seen as empty reform without significant influence on the conduct of the government,²⁶ their importance comes from the fact that these steps open the door for further political developments. Some Saudis claim that modest and slow political development is better than the experience of neighbouring republican governments where political and civil liberties are a mere façade to dictatorship.²⁷

The long awaited institution of *Majlis Al-Shura* was not established until 1992, with 60 members, but its membership gradually expanded to reach 150 appointed male members in 2005. Before making appointments, the government typically takes into consideration tribal, regional and professional representation. The *Majlis* engages in debates on public policies and provides advice and recommendations to the government on various issues including human rights. Its functions have also gradually expanded, particularly since 2002, which will be detailed in chapter four. Some of its members argue that what comes first is to give the existing *Majlis* more power, rather than to elect its members.²⁸ It is expected that electing its members would bring more *ulama* and tribal leaders into the *Majlis*, given the importance of religion, tribalism and familial ties in society. However, the continued absence of institutions independent of the government's influence has allowed small groups of elites to maintain power beyond public accountability, as noted in chapter four.

Judicial and security systems in the Kingdom have been a target of criticism by human rights activists, particularly by international human rights NGOs. While such criticism is not explicitly directed to the Islamically prescribed punishments (*hudood*), it severely rebukes the “inherent structural defects in the criminal justice system”.²⁹ After waves of international criticism directed towards judicial and security systems, and in response to domestic pressures and international influences, Saudi Arabia has recently taken measures to improve its mechanisms for promoting and protecting human rights within the judicial and security systems. These measures include passing laws and setting up permanent and ad hoc committees; an early example was the government’s decision in 1992 to establish the Board of Investigation and Public Prosecution with duties, among others, to inspect prisons, review prisoners’ files and to hear their complaints.

In March 2000, Saudi Arabia announced its intention to establish a national governmental body vested with authority to look into all human rights issues; allow the establishment of an independent non-governmental body to help to publicize and protect human rights, to affirm compliance with human rights regulations and to advocate the punishment of offenders; and designate human rights departments within three concerned ministries.³⁰ This announcement to establish such mechanisms gave international human rights NGOs an opportunity to put more pressure on Saudi Arabia to fulfill its commitment to protect and promote human rights, including the creation of means to carry out that task. While it took few years to implement such steps, following the creation of three departments that deal with human rights, the National Human Rights Association (NHRA), an NGO, was formed in March 2004, with 40 members including 10 women and the Human Rights Commission, a governmental institution, was established in September 2005. Although it is too early to evaluate their work and their influence on the situation of human rights, the creation of such institutions reflects the government’s willingness to respond to demands for more protection of human rights.

Laws in the Kingdom provide clauses under which the integrity of all persons has to be respected.³¹ In March 2000, the government announced the establishment of a committee to investigate allegations of torture.³² Also, three laws came into force in May 2002, namely the Code of Judicial Procedure, the Code of Criminal Procedure and the Code of Practice for Lawyers, which represent an important step towards greater transparency in the administration of the justice system by specifying legal procedures and due-process rights. The Code of Criminal Procedure, inter alia, prohibits torture and other forms of ill-treatment (Article 2), states clearly that persons

arrested or detained must be promptly informed of the charges against them (Article 35) and acknowledges the right of criminal suspects to the assistance of lawyers during investigation proceedings and trial (Article 4). However, without an active network of human rights lawyers or effective civil rights associations, it remains to be seen how compliance with the new laws will be monitored and how violations of them will be addressed.

International treaties signed by Saudi Arabia, including human rights conventions, were promulgated by a Royal Decree, ordering their implementation by the appropriate authorities. They form, at least in theory, part of the domestic legislation,³³ in which their provisions can be invoked before the courts and other judicial and administrative authorities, as specified in the Basic Law of Governance: “International treaties, conventions and privileges shall be promulgated and amended by Royal Decree” (Article 70).

The independence of the judiciary is clearly prescribed by the Basic Law of Governance and the Statutes of the Judiciary.³⁴ In practice, judges enjoy mostly reasonable independence. The judicial system is composed of various forms and levels of courts and tribunals. The Supreme Council of the Judiciary and the Ministry of Justice administer and supervise most parts of the judicial system. The Court of Cassation, the General Courts and the Courts of Summary Jurisdiction constitute different levels of legal proceedings in the judicial system and exercise jurisdiction over most criminal and civil cases. However, some criminal and civil proceedings are held before specialized administrative tribunals, such as the Board of Grievances which hears cases in which the state is a party, as well as offences involving bribery, forgery, exploitation of official influence, abuse of authority or violations of human rights.³⁵ With the high number of foreign workers in the kingdom and the alleged abuses of their rights, there are separate judicial mechanisms designated for settling disputes between workers and their employers, administered by the Ministry of Labour.³⁶ For commercial disputes, the Ministry of Commerce operates judicial commissions to settle such matters. However, it has been reported that a study on the establishment of a court with jurisdiction in labour matters and a court with jurisdiction in commercial disputes is in its final stages.³⁷

The Directorate of Public Security is the main governmental institution for public security. This body has been blamed for human rights abuses of detainees. In indirect recognition that law-keeping agencies personnel possibly could have breached the law, Saudi officials announced in November 2002 the establishment of hotlines that would give the public opportunity to report abuse by police officers.³⁸ Also,

members of the Board of Investigation and Public Prosecution reportedly had made 17,000 visits during 2001 to inspect prisons and detention centres.³⁹

Another main security body is the General Directorate of Investigation (GDI), which looks after state security with unlimited authority to arrest and detain. Unlike normal prisons, the GDI detention centres are beyond inspection. It is believed that hundreds of the GDI's members observe public figures, and the public at large, through physical monitoring and interception of communications. As a secretive apparatus responsible for the state security, the GDI allegedly routinely abuses the rights of detainees.

The purpose of the Organization for the Propagation of Virtue and Prevention of Vice (OPVPV)⁴⁰ theoretically is to prevent crimes and preserve morality. Members of the OPVPV typically patrol public places to oblige people to observe the strict standards of proper dress and behaviour, with the authority to detain persons. In the last few years, the government has restrained powers of OPVPV by introducing regulations that place their conduct within police control. The Interior Minister visited the OPVPV's headquarter in November 2002 and called upon its members to respect the sanctity of private homes and refrain from activity that could be interpreted as harassing citizens. The Minister's remarks have been emphasized in local newspapers and received full coverage.⁴¹

3- The Current Situation of Human Rights in Saudi Arabia:

In describing the situation of human rights in Saudi Arabia, this section draws on data from numerous sources, including Saudi official documents and reports, the US State Department's reports on human rights and on religious freedom, UN documents, Amnesty International, Human Rights Watch and Saudi opposition groups. It should be noted that international human rights monitoring reports are based on universal human rights norms, as promoted by the UN human rights system and standardized by international human rights instruments. These reports lack the means of reliable monitoring and accuracy with regard to Saudi Arabia since human rights activists are not allowed to operate in, or enter, the Kingdom. Saudi, and sometimes non-Saudi, human rights activists who operate outside the Kingdom often have political motives to single out only negative practices to leave an impression of widespread human rights violations in Saudi Arabia.

Saudi Arabia at the beginning of the new millennium is still an absolute monarchy in the sense that there are no formal, institutionalized checks on the King's

authority and no elected representative institutions. In practice, however, the King's ability to rule effectively depends on his sagacity in creating and maintaining a consensus among prominent figures in his large extended family and in practicing consultation with influential people (*ahlul halli wal-aqd*)⁴² before taking major decisions. While the structure of the political system gives the King exclusive power based on the traditions and customs of Saudi society, there are other circles of power which generally influence the decision-making process, as noted earlier.

According to international human rights reports,⁴³ there is an absence of or, at the best, a severe limitation on, the enjoyment of political and civil rights in the Kingdom. From the Saudi government's perspective, political and civil rights are respected in a way that suits current culture of Saudi society through consultation with carefully selected professionals. Nonetheless, various internal and external factors have urged the government to take steps to widen public participation in local affairs. For instance, Saudi Arabia witnessed in early 2005 for the first time a process of electing half of the members in municipal councils, marking a positive, if small, step in the field of civil and political rights.

Amnesty International reported that the Saudi judicial systems lack safeguards against arbitrary arrest, do not provide for access to a lawyer or to family, and that summary and secret trials take place. They also reported the use of confessions extracted under psychological pressure or physical torture.⁴⁴ Within the area of respecting human integrity, international human rights reports constantly indicate that the Saudi authorities abuse detainees mainly to extract confessions. Described by international human rights NGOs as credible reports, torture under interrogation of political prisoners and criminal suspects and detention without charges are common practices of the security personnel. Those reports also criticized sentences handed over by the courts which entail corporal punishments such as floggings and amputations.

However, Saudi officials believe that the sanctions including corporal punishments are not forms of torture within the meaning of Article 1 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which exclude pain or suffering arising from legal sanctions.⁴⁵ Saudi officials also deny any systematic torture during interrogations and describe incidents of maltreatment or abuse of detainees as individual cases punishable under the law. For cases of unapproved abuses, there have been some instances in which torturers have been punished and victims compensated, with access provided to social welfare rehabilitation programmes.⁴⁶

Freedom of speech and press is limited in Saudi Arabia. The 'open door policy' by which every individual, citizen or non-citizen, has the right to access senior officials is regarded by the government as a culturally suitable form of freedom of expression. The government's attitude towards public demands for political reform and respect for human rights has changed radically in recent years, and reflects a development in relaxing limitations on freedom of speech. Unlike its adverse reaction to petitions presented to the King in the early 1990s, Saudi Arabia has recently showed tolerance to such action, as will be discussed in chapter four.

Criticism of the political system or Islam or publication of what is considered to be morally repugnant, however, are completely prohibited and considered to be a threat to morality or the security of the state. Materials appearing in local newspapers, television and radio are subject to strict censorship. For the Internet, all websites that it deems sexual, politically sensitive or un-Islamic are blocked. However, the government has been continuing in recent years to relax restrictions, particularly regarding politically sensitive news. In 2001, the government approved a new press law establishing a journalists' association. Access by citizens to outside sources of information is widely available mainly through satellite television channels and the Internet.

Following the tragic attacks of 11 September, Saudi Arabia received massive media attention, which has pushed the Kingdom to ease access to Western journalists to enter the country. For a long time, Saudi authorities did not respond to requests by international human rights NGOs to visit the Kingdom. Nevertheless, this longstanding situation was eventually reversed; delegations from Human Rights Watch visited the Kingdom twice: in January 2003 and in November 2006. As part of the visits program, the delegation held talks with senior officials about human rights practices and was allowed to visit prisons and juvenile centres.⁴⁷

The rights of Saudi women still remain under the influence of the Kingdom's patriarchal social and cultural traditions as well as of the conservative interpretation of the *Qur'an* and *Sunnah*. In the last few years, however, the Saudi authorities have taken a number of small, but significant, steps to further the opportunities available to women and to protect and promote their rights. The issue of women's rights has lately been receiving unprecedented attention from internal and external actors, which will be fully examined as a case study of the thesis.

For mainly political or security reasons, the government strictly limits freedom of assembly and association. Public demonstrations and the establishment of political parties are banned. However, the establishment of professional and civil associations

is permissible after approval by the government. There is a large number of licensed humanitarian organizations and social and professional societies. While such groups might be subject to monitoring by the government, they usually operate freely without direct interference.

Foreigners are allowed to work in the Kingdom only under the sponsorship of citizens or businesses. The law allows employers to hold the foreigners' passports until they are due to leave the country. This system of sponsorship gives the employers full control of the movements of foreigners and may result in injustices occurring. Responding to criticism of the sponsorship system, the Ministry of the Interior announced in September 2002 that the relevant authorities are considering amendments to the present sponsorship system, particularly the permission for foreigners to keep their passports with them, although the issue must first be fully studied.⁴⁸ In a related move, expatriates in Saudi Arabia are now allowed to travel within various regions of the Kingdom without any travel documents.

The establishment of labour unions or the staging of strikes is prohibited in Saudi Arabia. However, the Ministry of Labour endorsed in 2003 the establishment of labour committees for citizens in local companies and factories. The aim of these committees is to establish communication between employees and employers for the improvement of work standards in the workplace. The government has no role in selecting the committees' members. In spite of the prohibition of strikes, foreign workers occasionally stage strikes to protest against delay in payments of their salaries or concerning work conditions, while those inciting the strike are subject to punishment and/or deportation.

As indicated earlier, observing Islamic teachings, as understood locally, remains critical for the Saudi political system. Therefore, the freedom to practice religious rituals publicly is limited to those of the *Sunni* Islam, and any public practices of other schools of Islam are shunned and discouraged. Religious minority sects and groups of Islam, such as the Shiite, Makarmah and Sufis, are subject to discrimination and harassment. Nevertheless, Saudi officials, despite some tensions with those groups from time to time, have been able to maintain good relationships with their leaders. Public religious activities for non-Muslims are entirely prohibited, although Saudi officials on many occasions have reaffirmed the right for non-Muslims to engage in private religious worship.

In the year 2001, Saudi Arabia received two delegations from the US concerning freedom of religion.⁴⁹ Both delegations met with senior officials who expressed a desire to continue dialogue with the US on religious freedoms and

affirmed that the Saudi government does not interfere in private non-Muslim worship.⁵⁰ Since the first report in 1999, the US State Department's International Religious Freedom Annual Report still found that "freedom of religion does not exist" in Saudi Arabia.⁵¹

There are more than six million foreigners working in the Kingdom, who comprised about 60-70 percent of the workforce.⁵² According to human rights NGOs' reports, those workers are subject to human rights violations such as restricting their rights to movement, association or public worship, and inequitable access to justice. However, Saudi officials stress that regulations grant equal rights to citizens and foreigners, and foreigners enjoy no taxation on their income and no restrictions on transferring their incomes to their home countries.⁵³ With such a large number of foreigners in the Kingdom, disputes between workers and employers, in the government view, are natural and unavoidable.⁵⁴

In looking at the situation of human rights in Saudi Arabia as reported by various sources, one notices that respect for political rights and civil liberties in the Kingdom fall far short of internationally-recognized human rights standards. However, criticism of economic, social and cultural rights has been less targeted in international human rights reports. The government provides free healthcare and education at all levels to citizens and non-citizens and makes efforts to ensure that every citizen has the right to a home by giving interest-free loans for building houses. Most citizens have gained and sustained their rights to an adequate standard of living. Services and infrastructure are generally at good levels in most cities.

In measuring the general situation of human rights in Saudi Arabia against internationally-recognized human rights standards, one concludes that a state of limited compliance is readily recognizable. In spite of some improvements and developments, particularly at the level of laws and institutions, standards are still less than what international human rights standards prescribe. Various socio-cultural grounds can be named for the continuity of limited compliance, including the form of Islam practiced in Saudi Arabia and the social norms and political practices prevailing in the Kingdom. The earlier description of the social and political environment provided general aspects that could help explain reasons behind this state of limited compliance. However, the following chapters, particularly those concerning exploration of the Islamic, Wahhabi and Saudi perspectives on human rights and the examination of internal and external factors, should offer a better understanding of the situation of human rights and causes of limited compliance and explain changes in human rights in Saudi Arabia.

4- Saudi Arabia and the UN Human Rights System:

Identifying briefly Saudi Arabia's position in relation to international human rights treaties and the UN human rights system at large assists in addressing and understanding the central question of the thesis. Saudi Arabia has been participant, as a UN member, in the formulation of what is known as international human rights standards. In the light of recent changes and developments in human rights in the Kingdom, this thesis is concerned with examining the extent to which Saudi Arabia has been responding to influences by the UN human rights system.

For Saudi Arabia, the protection of human rights is a universal goal, but it does not clearly accept all universally-recognized human rights. It views its interpretation of the *shari'ah* as the only necessary guide to protect human rights. Nevertheless, the Kingdom has pledged to cooperate with, and participate in, international human rights activities, believing in the evolutionary nature of the concept of human rights as it varies according to cultures. To impose on individuals or societies rights that are alien to their beliefs or principles is regarded as absurd by Saudi officials.⁵⁵ The view of the government, and perhaps a majority of Saudi people, is that revolutionary courses of action, which have been tried in many places in the world, have failed to provide real democracy or respect for human rights. Revolutions are seen as threats to stability and security, which valued by the Saudis, given their historical experience of insecurity. Taking into consideration various political, social and religious factors, there is a tendency to prefer the maintenance of the status quo, with tardy steps towards change. Also, the failure of democracy in neighbouring republican countries contributes to the belief among Saudis that gradual evolution is a better course.⁵⁶ All of these aspects contribute to Saudi Arabia attitudes towards the human rights norms as embedded in the international human rights conventions and as promoted by the UN human rights system.

When the UN General Assembly (UNGA) called upon member-states to vote on the adoption of the UDHR in 1948, no state voted against the UDHR. However, Saudi Arabia, along with seven non-Muslim states, abstained. During the drafting process of the UDHR, Saudi Arabia's representative to the UN was heavily involved in the debate and rejected some rights mentioned in the UDHR, including the principle of complete equality on the basis of sex and the right to change one's religion, as discussed in chapter six. Unlike human rights conventions, the UDHR did not create

binding and enforceable laws for the participating states, although rights mentioned in the UDHR are considered part of international customary law.

In looking at Saudi Arabia's position in relation to the UNGA approval of the six major legally binding human rights conventions, the Kingdom showed its support for most of those conventions. With exception of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), when Saudi Arabia abstained from the voting, the Kingdom was among those states that approved the other five international human rights conventions, notably among these were the two 1966 covenants; the International Covenant on Economic, Social and Cultural Rights (CESCR) and the International Covenant on Civil and Political Rights (CCPR). Nevertheless, Saudi Arabia refrained from signing and ratifying any of those conventions until the second half of the 1990s.

Since the early 1990s, Saudi Arabia has taken unprecedented steps towards participating in and engaging with the UN human rights system. It became responsive to inquiries by the special rapporteurs of the UN Commission on Human Rights (UNCHR) and by the Sub-Commission on the Promotion and Protection of Human Rights.⁵⁷ From 1995 to 1998, the situation of human rights in Saudi Arabia had been considered under the confidential 1503 procedure, under which the Sub-Commission is authorized to investigate complaints that appear to reveal violations of human rights. As indicated in chapter six, the UNCHR decided to discontinue that consideration at its 1998 session, following Saudi Arabia's responses and explanations about its human rights practices. Also, since 2001, Saudi Arabia has been a state member in the UNCHR (and later in the newly created UN Human Rights Council) for three consecutive terms of three-years, as a part of its efforts to be involved in the activities of the UN human rights system.

The most significant step in Saudi Arabia's involvement in the UN human rights system is seen in its accession to the legally binding human rights instruments. Becoming part of the international legal arrangements and accepting international scrutiny of its human rights practices is considered a major shift in Saudi Arabia's position towards international human rights conventions. Out of the six principal UN human rights treaties, Saudi Arabia acceded to four treaties during the second half of the 1990s. It is now suitable to note briefly the essential features related to Saudi Arabia's accession to those four instruments.

Saudi Arabia acceded to the International Convention on the Rights of Child (CRC) in January 1996, with a generalized reservation that Saudi Arabia is not bound by those articles that may conflict with the provisions of the *shari'ah*. In January

2001, the Committee on the Rights of the Child examined the Kingdom's initial report on compliance with its obligations under the CRC. Saudi Arabia's report and also comments and debates at the committees' meetings have essentially contributed to pinpointing Saudi Arabia's position on norms embedded in international human rights conventions. In its concluding observations and comments, the CRC Committee welcomed a number of developments, but noted, *inter alia*, the narrow interpretation of Islamic texts by the Saudi authorities, expressed concerns about some practices and made a number of recommendations in order for the Kingdom to fulfill its obligations under the CRC.⁵⁸

Saudi Arabia acceded to CAT in September 1997, with two specific reservations declaring that the Kingdom of Saudi Arabia does not recognize the jurisdiction of the Committee as provided for in Article 20, dealing with inquiry procedures by the committee, and shall not be bound by the provisions of paragraph (1) of Article 30 concerning settling disputes over the interpretation or application of CAT through arbitration or by referring the dispute to the International Court of Justice. In May 2002, the Committee Against Torture considered the Kingdom's initial report on compliance with its obligations under the CAT and made its comments and recommendations on this regard. As explained later in chapter six, the Committee welcomed positive aspects, including the competence of the Board of Grievances to hear allegations of violations of human rights, but expressed concerns over a number of subjects, particularly the sentencing and imposition of corporal punishments by judicial and administrative authorities.⁵⁹

Saudi Arabia acceded to the International Convention on the Elimination of all Forms of Racial Discrimination (CERD) in September 1997, with a general reservation declaring that Saudi Arabia will implement the provisions of the Convention as long as they are not in conflict with precepts of the *shari'ah* and a specific reservation regarding Article 22 concerning the referral of disputes to the International Court of Justice. The Committee on the Elimination of Racial Discrimination reviewed the Kingdom's initial and second reports in March 2003 and noted some positive aspects of reforms in the field of human rights and expressed some concerns and recommendations, which will be discussed in chapter six.

Saudi Arabia acceded to the CEDAW in September 2000, with a general reservation declaring that Saudi Arabia will implement the provisions of the Convention as long as they are not in conflict with precepts of the *shari'ah*, in addition to two specific reservations on Article 9 (2) and Article 29 (1). The initial report was

due on October 2001, but it has not been submitted yet. (A full discussion of the issue of women's rights will be presented in chapter seven and eight).

In addition to its ratification of those four major human rights conventions, Saudi Arabia has also ratified a total of 13 International Labour Organization Conventions, including Convention No. 29: Forced Labour, Convention No. 100: Equal Remuneration, Convention No. 105, Abolition of Forced Labour, and Convention No. 111: Discrimination.⁶⁰ Those ILO treaties were designed to improve the conditions of the workplace and the rights of workers. However, discrimination against workers still occurs in both law and practice, despite steps taken to abide by international standards. In the last few years, Saudi Arabia revised its labour law and foreign workers' sponsorship system, as a part of the requirements for joining the World Trade Organization (WTO), resulting in improved rights, particularly regarding the right of movement and access to justice.

Meanwhile, the Kingdom has taken certain actions in response to the influence of the UN human rights system. For example, pursuant to its obligations under the CAT, the Saudi government announced in March 2000 the establishment of a committee to investigate allegations of torture.⁶¹ Also, the newly adopted code of Criminal Procedure, which came into force in May 2002, addresses Saudi Arabia's obligations under the CAT. The first official visit to Saudi Arabia by a UN special rapporteur took place in October 2002, in pursuance of an invitation first extended in 2000.⁶² Dato Param Cumaraswamy, the UNCHR Special Rapporteur on the Independence of Judges and Lawyers, met with senior officials and examined laws, policies and practices in the Kingdom's administration of justice. By allowing the special rapporteur to visit the Kingdom and investigate some domestic policies, Saudi Arabia showed a tangible recognition of the UN human rights system, which is an essential stage of compliance, as will be explained later.

Conclusion:

As has been briefly illustrated in this chapter, the situation of human rights in Saudi Arabia is in a state of change and development, particularly at the level of laws and institutions. It is obvious that, since the second half of the 1990s, Saudi Arabia has taken steps to draw more closely to the international institutions and legal arrangements under the umbrella of the UN human rights system.

Following this fundamental background on human rights in Saudi Arabia and the discussion on the Kingdom's relationship with the UN human rights system, the

question posed in this thesis is not about the extent of Saudi Arabia's engagement in, and cooperation with, the UN human rights system; it is rather whether changes and developments in human rights in Saudi Arabia correlate with becoming part of international human rights arrangements and interacting with the UN human rights system. Saudi Arabia has shown, especially in the last few years, signs of greater adherence to, and witnessed several developments towards compliance with, internationally-recognized human rights standards. However, it is debatable whether such developments came as a response to influences by the UN human rights system, or whether they are merely the result of other internal and external factors. Saudi Arabia's participation and engagement in the UN human rights system necessarily lead to a form of reciprocal influences, although the focus of this thesis is on Saudi Arabia's response to influences by the UN human rights system.

In order to examine the central question of the research, it is essential to establish theoretical frameworks for investigating that question. There are several relevant theoretical and conceptual questions to be addressed in the two following chapters.

ENDNOTES (CHAPTER ONE)

- ¹ *Ulama* (sing. *Alim*) means men who possess knowledge in the *shari'ah*, particularly the *Qur'an* and the *Sunnah*.
- ² *Qarabah* means closeness in both space and social relations.
- ³ Such as the US Department of State country reports on human rights and Amnesty International annual reports.
- ⁴ Such as media perspectives, governmental statements and documents and Saudi dissident groups.
- ⁵ Although the term 'Wahhabism' has pejorative and negative connotations, it has been used in this thesis for its convenient and widespread usage, as indicated later in chapter three.
- ⁶ See, for instance, Alexei Vassiliev, *The History of Saudi Arabia* (New York, New York University Press, 2000) 73-74.
- ⁷ For detailed analysis of the history of Saudi Arabia [in English] see, for instance, Vassiliev, *The History of Saudi Arabia*, Harry Philby, *Saudi Arabia* (London, Benn, 1955); Madawi Al-Rasheed, *A History of Saudi Arabia* (Cambridge: Cambridge University Press, 2002); [in Arabic] Othman Ibn Bishr, *unwan al majd fi tarikh Najd* [The Symbol of Glory in the History of Najd], (Riyadh, Dar Al Habeeb, 1999); Amin Al-Rihani, *tarikh Najd al hadeeth wa mulhaqatuha* [The History of Modern Najd and Its Dependencies] (Beirut, Dar AL-Malayin, 1928); Abdullah Al-Othaiman, *tareekh al mamlakah al arabiyah al saadiyah* [the History of the Kingdom of Saudi Arabia] (Riyadh: Darat Al-Malik Abdulaziz Press, 1999).
- ⁸ Vassiliev, *The History of Saudi Arabia*, 77-79.
- ⁹ Hassan Gazzaz, *The Security We Enjoy* (Jeddah: Dar Al-Elm Publishing Co, 1992) 21-24.
- ¹⁰ Shafeeq Ghabra, "Saudi Time Bomb", an interview in FRONTLINE, a TV program: the original airdate was 15 November 2001. A transcript of the program was viewed on line at <<http://www.pbs.org/wgbh/pages/frontline/shows/Saudi/etc/script.html>> accessed on 9 April 2002.
- ¹¹ Joshua Teitelbaum, *Holier than Thou: Saudi Arabia's Islamic Opposition* (Washington: Washington Institute for Near East Policy, 2000) 1-12.
- ¹² James P. Piscatori "Ideological Politics in Saudi Arabia", in *Islam in the Political Process*, ed. James P. Piscatori (Cambridge: Cambridge University Press, 1984) 62.
- ¹³ For extra details, see Daryl Champion, *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform* (New York: Columbia University Press, 2003) 54-55.
- ¹⁴ For more details on the concept of *asabiyah*, see Abdulrahman Ibn Khaldun, *al moqadimat* [The Introduction] (Beirut: Dar Al-Kotob Al-Ilmiyah, 2003) 122.
- ¹⁵ See, Fandy, *Saudi Arabia and the Politics of Dissent*, 22-25.
- ¹⁶ For extra explanations, see Mamoun Fandy, *Saudi Arabia and the Politics of Dissent* (New York: St. Martin's Press, 1999) 23 and David Long, *The Kingdom of Saudi Arabia* (Gainesville: University Press of Florida, 1997) 16.
- ¹⁷ For more details on the meaning of *aiylah*, see, for instance, Muhammad Al-Firozabadi, *al qamoos al muhit* [The Full Dictionary] (Beirut, Dar Al-Malayan, 1979) 412.
- ¹⁸ Long, *The Kingdom of Saudi Arabia*, 16.
- ¹⁹ Sa'id Aburish claimed that King Abdulaziz "turn sex into an instrument of policy", implying the effectiveness of marriage ties in building loyalty and stabilizing his rule. Sa'id Aburish, *The Rise, Corruption, and Coming Fall of The House of Saud* (New York: St. Martin's Griffin, 1996) 31.
- ²⁰ Champion, *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform*, 11.
- ²¹ For more details, see Geoff Simons, *Saudi Arabia: the Shape of a Client Feudalism* (New York, St. Martin's Press, 1998) 26-31.
- ²² See, for instance, Long, *The Kingdom of Saudi Arabia*, 17.
- ²³ Aharon Layish, "Ulama and Politics in Saudi Arabia", in Metin Heper and Raphael Israeli (ed), *Islam and Politics in the Modern Middle East* (London: Croom Helm, 1984) 40.
- ²⁴ See, Champion, *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform*, 54-55.
- ²⁵ This form of public participation is called, by some Saudi officials, as the 'access democracy' or 'opened-door policy'.
- ²⁶ See, for instance, Human Rights Watch, *Empty Reforms: Saudi Arabia's New Basic Law* (New York: Human Rights Watch, 1992).
- ²⁷ See, Fandy, *Saudi Arabia and the Politics of Dissent*, 41.
- ²⁸ See statement by Abdulrman Al-Zamil and Abdulaziz Al-Orayen in news story reported by Reuters, titled "Saudi advisory council stretches its political wings", 22 April 2003.
- ²⁹ Amnesty International, "Saudi Arabia: A Justice System Open to Abuse" (2000), viewed on line at <http://www.amnestyusa.org/countries/saudi_arabia/document.do?id=00A64D93651BE499802568D9006FE022> accessed 7 June 2002.
- ³⁰ Saudi Arabia (official document), Saudi Arabia's Statement delivered by Torki Bin Muhammad Bin Saud Al-Kabeer at the 56th Session of the Commission on Human Rights on 6 April 2000.

³¹ For instance, a Royal Edict stipulates that “confessions should result from thorough and careful investigation without torture, since torture could induce a suspect to confess even if he had not committed the offence of which he was accused.” Saudi Arabia (official document), Royal Edict No. 227/8 of 22 Safar 1405 AH, corresponding 16 November 1984. Also, under the *shari'ah*, guilt is proved by a confession and/or witnesses, and punishments should not be applied if there is any doubt of the guilt. *Shari'ah* prohibits judges from accepting a confession obtained under duress.

³² Saudi Arabia (official document), Saudi Arabia's Statement delivered by Turki Bin Muhammad Bin Saud Al-Kabeer at the 56th Session of the Commission on Human Rights on 6 April 2000.

³³ UN document, [CAT/C/42/Add.2](#) of 20 Sept 2001, Initial Reports of States Parties: Saudi Arabia, containing the initial report of the Kingdom of Saudi Arabia on the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.

³⁴ For instance, Article 46 of the Basic Law of Governance states that “the judiciary shall be an independent authority and, in their administration of justice, judges shall be subject to no authority other than that of the *shari'ah*.”

³⁵ For more details, see Saudi Arabia (official document), “*nizam diwan al mazalim*” [The Code of the Board of Grievances] (Riyadh: Government Press, 1401 H).

³⁶ For more details, see Saudi Arabia (official document), Saudi Arabia's Labour Code, Section: 11.

³⁷ UN document, [CERD/C/370/Add.1](#) of 20 September 2001, Sixteenth periodic reports of States parties due in 2000: Saudi Arabia, containing Saudi Arabia's report on the International Convention on the Elimination of all Forms of Racial Discrimination.

³⁸ United States, US Department of State, Country Report on Human Rights Practice (2002): Saudi Arabia, viewed on line at <<http://www.state.gov/g/drl/rls/hrrpt/2002/18288.htm>> accessed 17 September 2003.

³⁹ UN document, [CAT/C/SR.519](#) of 17 May 2002, Summary Record of the First Part of the 519th Meeting: Saudi Arabia, Paragraph 22.

⁴⁰ The OPVPV is commonly known in Arabic as the ‘*mutawa'een*’ or ‘*mitaw'ah*’ and in English as the religious police.

⁴¹ See, for instance, Abdullah Al-Sunaidi, “al haq fi ma galaho al ameer naif” [The Truth is in Prince Naif's Saying], *Al-Riyadh*, 22 November 2002, 3 and Al-Jazirah, “tarseekh al manhaj al islami al mu'tadil” [Promoting the Balanced Islamic Approach], *Al-Jazirah*, 6 December 2002, 2.

⁴² The literal meaning of ‘*ahlul halli wal-aqd*’ is the people who bind and loose, meaning influential people in society.

⁴³ Such as Human Rights Watch World Reports and Amnesty International reports on Saudi Arabia.

⁴⁴ Amnesty International, Annual Report (2002): Saudi Arabia, viewed on line at <<http://web.amnesty.org/report2002/mde/saudi+arabia!Open>> accessed 27 June 2003.

⁴⁵ UN Document, [CAT/C/SR.519](#) of 17 May 2002, Summary Record of the First Part of the 519th Meeting: Saudi Arabia, Paragraph 30.

⁴⁶ *Ibid.*, Paragraph 35-36.

⁴⁷ The visits were reported in the Saudi newspapers. See, for instance, Saudi Press Agency, “Al-Sheikh Meets with Megalli”, *Arab News*, 23 January 2003, 1, Osamah Al-Nassar, “ibn humaid yastaqbil mas'ool fi hoqooq al insan” [Ibn Humaid Received an official of Human Rights] *Al-jazirah*, 28 January 2003, 2, Matoog Al-Shareef, “‘human watch’ yaltaqi adha'a al shura wa al hay'ah wa al jawazat” [‘Human Watch’ Meets Al-Shura Members and Passports' Authority], *Okaz*, 27 November 2006, 7 and Ra'id Al-Qubaisi, “Al-Akkass yastaqbil wafd munazamat hoqooq al insan” [Al-Akkas Received a Delegation of a Human Rights Organization], *Al-jazirah*, 3 December 2006, 5.

⁴⁸ See, for instance, Saeed Al-Aseery, “No Change in Sponsorship System” *Arab News*, 23 September 2002, 9 and Badr Ibn Saud, “The Sponsorship System”, *Arab News*, 12 August 2002, 8.

⁴⁹ The delegations are members of the US Commission on International Religious Freedom and the Director of the Office of International Religious Freedom in the US Department of State.

⁵⁰ United States, The US State Department, International Religious Freedom Report (2001): Saudi Arabia, viewed on line at <<http://www.state.gov/g/drl/rls/irf/2001/5758.htm>> accessed 3 November 2002.

⁵¹ The phrase was used in the US International Religious Freedom Report of (1999), (2000), (2001), (2002), (2003), (2004), and (2005). This URL <<http://www.state.gov/g/drl/rls/irf/>> provides links to those reports.

⁵² Saudi Arabia (official publication), “al kitab al ihsaie” [Statistical Yearbook], Ministry of Economy and Planning, No. 40 (2004) 46 & 48.

⁵³ Saudi Arabia (official document), Saudi Arabia's Statement delivered by Turki Bin Muhammad Bin Saud Al-Kabeer at the 56th Session of the Commission on Human Rights on 6 April 2000.

⁵⁴ Saudi Arabia (official document), Ministry of Foreign Affairs, Press Release regarding the 2000 Amnesty International Report, 27 May 2000.

⁵⁵ Saudi Arabia (official document), the Crown Prince of Saudi Arabia's speech before the UN Millennium Summit, 9 September 2000.

⁵⁶ For more details about Saudi Arabia's vision on human rights, see, for instance, "Saudi Arabia: Questions of Human Rights", viewed on line at <<http://www.saudiArabiaHumanRights.org/>> accessed 10 April 2003.

⁵⁷ Formally known as the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

⁵⁸ UN document, [CRC/C/15/Add.148](#) of 22 February 2001, concluding observations of the Committee on the Rights of the Child: Saudi Arabia.

⁵⁹ UN document, [CAT/C/CR/28/5](#) of 12 June 2002, Conclusions and Recommendation of the Committee against Torture: Saudi Arabia.

⁶⁰ For details of the cooperation between the ILO and Saudi Arabia see, International Labour Organization, "*Saudi Arabia*", August 2001, viewed on line at <www.ilo.org/public/english/region/asro/bangkok/arm/sau.htm> accessed 15 April 2003.

⁶¹ Saudi Arabia (official document), Saudi Arabia's Statement delivered by Torki Bin Muhammad Bin Saud Al-Kabeer at the 56th Session of the Commission on Human Rights on 6 April 2000.

⁶² *Ibid.*

CHAPTER TWO

THEORETICAL FRAMEWORK

(Part I)

Human Rights: Theories on Their Development and Effect

Introduction:

Human dignity has been the subject of philosophical debate among thinkers throughout history. Such debate introduced different perceptions about the nature and the basis of human rights. Therefore, this chapter, in its first section, briefly addresses the central theoretical issues concerning dominant concepts of contemporary human rights. Given that Saudi Arabia is part of the international community of states and subject to influences at the international level, the second section examines major theories that explain the diffusion of human rights norms internationally.

In this thesis, causes of compliance and non-compliance with international human rights norms are centrally important, as it focuses on the extent to which developments towards human rights norms in Saudi Arabia can be linked to influences of the UN human rights system and the extent to which human rights in Saudi Arabia are compatible with international human rights standards. Exploring the theory of compliance necessitates addressing the question of sovereignty and intervention in the modern international system, which is dealt with in section three. Sovereignty is one standard excuse used by states for rejecting international human rights standards. International influences to compel states to improve their human rights practices are a form of intervention, given that the issue of human rights has been viewed, until relatively recently, as an internal matter. Therefore, it is appropriate to explore theoretical discussion on changes to the concept of absolute sovereignty, including the new approach to the question of intervention for human protection purposes.

Regimes reflect the gradual construction of norms and rules, which often become part of international law. The international community is increasingly organized into regimes, not only in the area of human rights, but also in other themes such as trade and environment. These regimes have assisted in undermining the notion of complete sovereignty; states behaviour has become the subject of scrutiny by international regimes. It also could be argued that conceding sovereignty and participating in a regime is an act of sovereignty. Assessing the role of international

regimes, in section four, is thus necessary to comprehend the concept of sovereignty and the process of compliance.

A major emphasis of the thesis is to study how and why countries, like Saudi Arabia, move towards, or refrain from, compliance with the international human rights norms. As indicated in chapter one, Saudi Arabia acceded to some of the international human rights conventions, thereby subjecting the Kingdom's human rights record to unprecedented public scrutiny by the monitoring mechanisms of those conventions. Thus, the relationship between developments of human rights in Saudi Arabia and the Kingdom's obligations under those treaties calls for consideration of theoretical debate over the process of compliance. In section five, three areas within theories of compliance are explored, starting with identifying major models of compliance, discussing circumstances under which states may not comply with international human rights standards and, finally, presenting theoretical discussion on the role of international influences in inducing compliance and on domestic and international elements that determine the extent of that role.

1- Foundational Bases of Human Rights:

Despite extensive debate about the duties and rights of human beings, philosophical consensus is unreachable on the basis of those rights listed in the various international conventions or declarations.¹ Nevertheless, a political consensus has been reached on a list of human rights as enshrined in the UDHR and international human rights conventions.² The main purpose of identifying a particular set of human rights norms is to protect any individual from injustice and oppression.³ Many people have been unsatisfied with the notion that what is right or good is simply what a particular society or ruling elite feels is right or good at any given time. Such unease has generated a quest for enduring moral imperatives that bind societies and their rulers over time and in different places. However, the problematical theoretical inquiry focuses on the argument that those rights defined in the UDHR are applicable to 'any one' because he/she is a human being and the rationale for what is accepted as durable moral, human norms. Theories of human rights provide different answers to such questions.

Religions have established moral imperatives that regulate relationships with the rulers and among individuals. Although the term 'human rights' is not found in traditional religions, theologies contain the basis for human rights. Acceptance by traditional religions of one God as the divine source of laws, duties and rights, gives

rise to certain universal principles such as equality, justice and human dignity. With the development of the notion of human rights, religious scholars from various faiths have engaged in a process of reinterpretation of the holy texts in order to support the diverse principles of equality and justice that lie behind international human rights.⁴ Accordingly, many theologians ground human rights in natural or divine bases,⁵ which is instrumental and crucial for their diffusion and acceptance. Nevertheless, it has been correctly argued that the legal development of human rights took place in a climate of secularism in spite of the dominant Christian tradition in Europe, as discussed later in chapter three. Traditional religions have challenged some aspects of the universal human rights, especially regarding the rights of women.⁶

The notion of natural law goes back to the writings of classical Greek philosophers and Roman thinkers, but was later developed when feudalism declined during the Age of Enlightenment in Europe and secular theories of natural law arose. Christian philosophers, such as Thomas Aquinas, placed enormous emphasis on the natural law both as a reference to certain indisputable rights and as a part of the divine law.⁷ The moral authority of natural rights as stemming from divine law was challenged by political philosophers who searched for new, secularly oriented, bases of natural rights. John Locke's [1632-1704] notion of the social contract has greatly impacted modern natural rights theory, with its manifestation of individualism and universalism. The social contract notion was developed by Jean-Jacques Rousseau [1712-1778], who viewed the social order as a sacred right that serves as the basis for other rights.⁸ Based on his moral philosophy, Immanuel Kant [1724-1804] argued that it is natural for the people to have rights and power.⁹ For Kant, the State and civil society should exist side by side in order to preserve private individuality.¹⁰ Kant in *Perpetual Peace* made the rights of man depend on republican government in which a separation occurs between the executive power and a legislative power controlled by the people.¹¹ He anticipated global moral responsibility by which "a violation of rights in one place in the world is felt everywhere."¹² The French and the American revolutions were inspired by the theory of natural rights and influenced by its views of individualism, rationalism and universalism.

According to natural rights theory, all human beings equally have those rights simply because they are human, without distinction of any kind. It is based on the premise that there is a common identification with the whole of humanity, which gives human rights its universal characteristic. Philosophers of the Age of Enlightenment derived both the universalist and the individualist dimensions from their theory of the state of nature.¹³ Individualism is a principal feature of the theory of natural rights, in

which individuals come before communities in determining morals, as discussed later in chapter three. It has been argued that the acceptability of the principles of human rights comes from their justificatory discourse as moral rights rather than from legal norms of positive moral practice. Thus, respect for human rights is demanded even if the legal system does not recognize them.¹⁴ (Cultural relativity is dealt with in the next chapter).

In looking at the philosophical foundations of major human rights manifestations, including the French Declaration of the Rights and Duties of Man and the Citizen, the Bill of Rights of the US constitution and the UDHR, it is noticeable that those documents essentially express the European liberal, secular thought, reflecting its views of the laws of nature. The list of rights mentioned in such documents is at the heart of liberal concepts of the individual and the state. Human rights, though, may be exercised by individuals against the state, giving them morally a priority and superiority over society and the state.¹⁵

While the contemporary understanding of universal human rights norms is evidently associated with the natural rights theory, the notion of authority under the natural rights theory has been a source of criticism. The assumption that natural law theory has the flexibility to accept new claims of rights based on contemporary conditions and understanding has also provided a source of criticism towards this theory.¹⁶ Such flexibility arguably aligns human rights closer to the theory of positivism. Critics of the natural theory argued that diverse concepts of nature are unclear and controversial, and they could beget various sets of rights.¹⁷ The *ulama* in Saudi Arabia, for instance, argue that their views on women's rights reflect the nature of women, as discussed later in chapter seven. Therefore, attempts have been made to frame the natural theory within minimum, core rights.¹⁸

The theory of natural rights has not been left without other challenging theories. The positivist approach assumes that all authorities are derived from laws prescribed by the states and officials.¹⁹ Legal positivism emphasizes the enactment of a system of law as the only source of laws of human rights, leaving no place for the moral philosophical basis of human rights. For positivism, the UDHR and the UN human rights treaties were a reflection of a positive set of rights, relying upon deliberate human invention and agreement. Positivism offers greater flexibility to meet changing needs by detaching human rights from divine revelations and from human reason extrapolating from nature. Critics stress that positivism emphasizes national sovereignty and questions the widely presumed moral, human basis of

universal human rights.²⁰ This approach stresses the role of the authoritative structures, procedures and implementation of laws in order to protect human rights.²¹

Natural and social sciences were developed in a quest to acquire better understandings about peoples and their cultures and norms. In the context of human rights, the sociological approach builds upon theories and techniques used in modern social science in order to identify the empirical components of a human rights system, which affect the failures or the successes in the protection of human rights.²² A guiding principle for sociologists in approaching human rights is their emphasis upon interests, not only individualistic interests but also public and social ones. Significantly, historical experience and prudential justification could provide major elements for understanding the development of the modern human rights norms.²³

Various theories present different explanations on the basis of human rights. The theory of natural rights, implying that human beings possess natural dignity and rights, has been at the heart of propositions that international human rights norms are universally applicable to all individuals in all cultures. Regardless of their philosophical justification, it is useful to emphasize that human rights have emerged through long struggles and historical experiences and by reading rationally events of the past. While the foundations of human rights may be arguable, the need to have certain rights is paramount among individuals from various cultures. Accordingly, it is essential to explore arguments on the cultural applicability of the international human rights norms, which are fully investigated in the next chapter.

2- Diffusion of Human Rights Norms Internationally:

Saudi Arabia, as a member of the international society of states, is exposed to influence by various mechanisms used for the diffusion of human rights norms internationally. It is essential to establish a theoretical outline for examining developments towards human rights in Saudi Arabia through exploring major theories on the dynamics involving the proliferation of human rights norms among members of the international society of states.

Realist, liberal and constructivist thoughts present different answers to questions related to the emergence, codification and compliance with international human rights norms. For **realists**,²⁴ the principal actors in international relations are states, and their behaviour is determined by the structure of international anarchy, supposing that international policy outcomes are determined by the distribution of material power capabilities among states. Realists put little weight on the theoretical

importance of norms, assuming that norms themselves possess no power to affect state behaviour despite their existence in international life.²⁵ This assumption leads realists to rebut norms (like human rights) and actors (like NGOs) as significant and independent forces in international relations. Because some states make the domestic conduct of other states a regular concern of their actions, realists think that principles such as human rights are a potential threat to the overall stability of the international system and advocate state sovereignty as a central organizing principle of international relations.

The realist stand is that international norms such as human rights gain acceptance when they are embraced and promoted by hegemonic or dominant groups of states. The substance of human rights issues is closely connected to the concerns of those states that possess a predominance of economic and military power.²⁶ Accordingly, it is observable that the recent spread of a certain set of human rights norms throughout the international system is promoted by dominant, powerful democracies. For realist theories, any change within the issue of human rights is a function of the extent to which more powerful states in the system are willing to enforce the principles and norms of the regime.²⁷ Realists stress the distribution of inter-state bargaining power in the creation of the international human rights regime. Based on their views on the functions of the international system, coercive practices such as sanctions are an effective means of enforcement.

By contrast, **liberalists** argue that states are not the only actors in international affairs; institutions such as transnational corporations/organizations and the UN also play a role. They focus on economic interdependence as a key factor in international politics, but neoliberals also emphasize the spread of democracy, along with its view of human rights, as the key to world peace, based on the perception that democratic states are inherently more peaceful than authoritarian states.²⁸ Liberals highlight the domestic sources of state preferences as the determinant of outcomes in international politics, assuming that human rights are fundamentally domestic and rarely have the same direct consequences for other states as trade policies.²⁹ However, liberals see trade, for example, as encouraging acceptance of global human rights norms. It has been argued that states accept binding human rights treaties mainly as a means of political survival; regimes facing pressure for democratization are most likely to ratify human rights instruments to protect their political systems against its opponents.³⁰

Liberal theory accepts a limited independent role for international institutions in promoting norms. Many norms began domestically and become international through the effects of 'entrepreneurs' of various kinds.³¹ It also takes a more

traditional view of sovereign states negotiating to maximize their self-interests. The diffusion of human rights norms is expected to be stronger between liberal states, rather than between liberal and non-liberal states. The liberal perspective, though, assumes that the success of human rights norms is mainly a function of pre-existing and compatible domestic structures. Within a liberal context, the globalization of world markets, the rise of transnational networks and NGOs and the rapid spread of global communications technologies are undermining the power of states and shifting attention away from military security towards economic and social welfare.

Both realism and liberalism emphasize instrumental motives and material factors in determining states' behaviour, giving lesser weight to factors like culture which has been perceived as only a local or national issue.³² Factors such as power, trade, general strategic cost/benefit calculations and coercive international bargaining are central considerations for a state when deciding whether or not to comply with international rules. While it cannot be denied that such factors capture an important part of the empirical reality,³³ this thesis argues that other factors such as international socialization, learning and interaction are meaningful to any research based on long-term analysis.

One of the main assumptions of a **constructivist** approach is that identities, norms and culture play important roles in world politics. The constructivist view sees states as social actors whose actions follow international or domestic rules. Identities and interests of states are not simply structurally determined, but are rather produced by interactions, institutions, norms and cultures. It is process, not structure, which determines the manner in which states interact. Constructivism claims that while states are the main units in international political theory, the structures of the states system are intersubjective rather than material, and the identities and interests of states are constructed by social structures.³⁴

Constructivism should not necessarily be seen as an alternative to the realist and liberalist theories, but rather as placing emphasis on norms and identities. Whereas realism and liberalism tend to focus on material factors such as power or trade, the constructivist approach emphasizes the impact of ideas, which can be diffused through various means. Instead of assuming that states simply seek to survive, constructivists consider both the interests and identities of states as malleable matters according to specific historical processes.³⁵ However, the position of constructivists who focus on international human rights norms has not been clear on whether or not these norms are static and unchanging, which has generated some criticism towards the constructivist approach to human rights.³⁶

Unlike the other two leading theories (realism and liberalism), constructivists are more optimistic about achieving progress in diffusing human rights norms, though progress may take a long time in their view. For constructivists, norms such as human rights gain strength and potential wider acceptance because of their universal, moral and idealistic qualities, as they have the capability of being linked with basic ideas of human dignity shared in many cultures around the world. A fundamental inspiring force behind human rights norms is not rational adaptation or coercion, but rather transnational socialization, which was termed as ‘the logic of appropriateness’.³⁷

The diffusion and internalization of human rights norms may be understood within a process of socialization that involves various stages.³⁸ Constructivists have developed a detailed theoretical framework, known as the ‘spiral’ model,³⁹ to demonstrate why and how states change their behaviour from non-compliance with human rights norms to compliance with, and internalization of, those norms.⁴⁰ The spiral model involves five phases of socialization, starting with the stage of repression when a given state violates human rights norms and may remain, for usually a lengthy period of time, without criticism by international actors. A norm-violating state enters the second stage when it responds to criticism by denial and arguments on the basis of relativism or other norms such as sovereignty and non-intervention. As international pressures intensify by various actors, the non-complying state usually seeks to pacify international criticism by making nominal concessions and cosmetic changes, such as the release of prisoners, easing of restrictions or conducting inquiries concerning human rights abuses, by which the violating state acknowledges what has been denied previously.⁴¹ A state moves to the fourth stage when it formally recognizes international norms through accession to international human rights instruments and establishes domestic mechanisms for victims of human rights abuses. The final stage of socialization is when human rights norms become fully institutionalized and habitualized and enforceable by the rule of law, at which time international pressures become unnecessary.⁴² While this model is meaningful in comprehending the process of changes to norms on an international scale, it appears that such a theoretical model gives little importance to the interaction between external and internal factors in diffusing and internalizing international human rights norms.

The process of socialization and learning involves notions related to complex learning processes based on cognitive and social psychology, by which individuals are likely to adopt new norms whenever exposed to the prescriptions embodied in those norms.⁴³ Literature in social psychology, political socialization and communication

research on persuasion and argument offer more elaborate analysis and explanation on mechanisms of social interaction and social learning adopted by constructivists.⁴⁴

Constructivists clearly suggest a longer-term perspective in linking norm-induced change in identities and institutions to changes in behavioural patterns.⁴⁵ A suitable example of change in norms and institutions is slavery, which used to be internationally accepted socially and politically. Slavery, at least as an institution, has been eradicated after mobilization and struggle occurred over a long period of time. Allowing women to vote is a settled issue in many parts of the world today. Other institutions or practices, such as flogging or capital punishment, have been rigorously reduced in occurrence over time.⁴⁶

In conclusion, constructivism, as a comprehensive approach that does not necessarily reject realist and liberalist explanations but emphasizes norms' socialization has been regarded among the essential theoretical basis for examining and understanding developments towards human rights in Saudi Arabia. As argued throughout the thesis, changes regarding the status of women in Saudi society are better understood within a process of socialization, which involve multifaceted interactions between external and internal factors.

3- Sovereignty Versus Interventionism:

For the last three centuries, international relations have been organized around the two strongly correlated principles of sovereignty and non-intervention. The origin of the notion of sovereignty is based on the exclusion of external actors from authority structures within a given territory. However, states have been accepting certain normative or procedural rules that affect their internal affairs, by which externally driven constraints on their sovereignty become legitimate. The norm of autonomy and non-intervention has been challenged by alternatives including internationally-prescribed human rights norms. Traditionally, debates over state sovereignty and intervention indicate that the support for one necessarily comes at the expense of the other.⁴⁷

Since 1945, the number of treaties, conventions, declarations and statements has increased dramatically in many fields including human rights. Sovereign developed and newly independent developing states have structured major elements of the international human rights regime within two decades, whilst many territories and peoples were under colonial rule. The inclusion of the right to self-determination in the internationally-recognized human rights norms as a prerequisite for the realization

of basic rights and freedoms, followed by an expansion of the international society of states, has notably contributed to the construction of a new meaning of sovereignty.⁴⁸ Therefore, states are no longer able to maintain their traditional position concerning non-intervention, and inevitably and explicitly accept restrictions on their own sovereignty. Human rights treaties are clear examples of accepting external rules when states voluntarily choose to make commitments to follow certain practices involving treatment of their own citizens within their own territories.⁴⁹ By signing conventions, domestic practices become subject to external scrutiny, which may result in external actors having some influence on the domestic authority structure.

Human rights conventions nominally regulate the ways in which states treat their own citizens, and such regulations may seem to involve unjustifiable intervention. Because protecting human rights is principally an internal issue, it was long excluded (except for outlawing slavery, some of the ILO's conventions and the League of Nations' limited efforts on minority rights) from being an issue affecting international relations until the late 1940s. Although the principle that all states are equally sovereign under international law was established as a cornerstone of the UN Charter,⁵⁰ evolving international law has set many constraints on what states should, and should not, do in the field of human rights in particular.

By the end of the Cold War,⁵¹ the issue of intervention for human protection purposes became one of the most controversial and difficult questions among all international relations issues. Granting the international community responsibility to protect human beings from gross violations undermines the traditional notion of state sovereignty, especially when massacres, ethnic cleansing or genocide are happening or likely to happen. The connotation of the term 'sovereignty' has changed from implying absolute control of internal affairs by a state to exercising responsibility in both internal functions and external duties.⁵² Internally, state authorities in principle are responsible for protecting the lives of their citizens and promoting their welfare. Internationally, state authorities are accountable to the international community, not only to the UN mechanisms but also to international public opinion, for actions that violate their nationals' human rights.⁵³ The international community is witnessing a process of transition from a culture of sovereign impunity to a culture of national and international accountability,⁵⁴ but it remains to be seen how far this process will go. The establishment of the International Criminal Court is an example and indication of the growing tendency to consider respect for human rights as a central subject and responsibility of international relations.

For many states and their political leaders, sovereignty and the norm of non-intervention as enshrined in Articles 2.1 and 2.7 of the UN Charter are the best line of defence against any threat of intervention in their domestic practices. However, this post Cold-War approach to sovereignty and to the question of intervention for human protection purposes has been arguably supported by a wide variety of legal sources including Chapter VII of the UN Charter,⁵⁵ the human rights provisions in the UN Charter, the UDHR and other human rights conventions, Genocide Conventions, the Geneva Conventions on international humanitarian law and the statute of the International Criminal Court.

The UN position in relation to the issue of states sovereignty and humanitarian intervention has been reflected in then Secretary-General Kofi Annan's statements and reports. He made a remarkable comment in his statement at the UN General Assembly in 1999, when he called for a consensus on how to approach the question of intervention.⁵⁶ As a UN Secretary-General who normally reflected widely accepted trends at the international level, Annan stressed on many occasions that state sovereignty is being "redefined by the forces of globalization and international cooperation."⁵⁷ Under this redefined sovereignty, protection of individuals' human rights has been given priority over the protection of those who abuse them (states). Annan advocated an interventionism based on legitimate and universal principles, rather than a broad or unlimited interventionism.⁵⁸

It is worth noting that intervention (or protective action) is not limited to military action. Intervention can also take the form of influence through conditional support programmes, assistance to dissidents or potential opposition groups, actual or threatened political and economic sanctions, blockades, diplomatic or military threats and international criminal prosecution.⁵⁹ The intervention (or prevention measures) basically may take either the form of positive assistance or the negative form of threatened or actual punishments whether politically, diplomatically, economically, legally or militarily. In a contemporary world, the utility of positive intervention through cooperation is growing simply because it is more likely to achieve longer-term protection for human rights.

Despite all developments surrounding the concepts of sovereignty and intervention, sovereignty still does matter, especially when it comes to human rights, which remain principally a national issue. Many governments in developing countries perceive the new interventionism as an instrument in the hands of the major powers to pursue their own national interests and seek global hegemonism. At the same time, powerful states are likely to avoid putting their interests or the stability of violating

states at risk for merely protecting and promoting human rights. Therefore, military intervention usually involves various political and self-interest calculations, rather than moral purposes such as protecting human rights.

Despite ratifying various international treaties including human rights conventions, Saudi Arabia, like other governments, has occasionally used the principle of sovereignty to defend its position on domestic issues including human rights. International measures such as military intervention or economic sanctions to protect or promote human rights may not concern the Saudi government. Nevertheless, human rights in Saudi Arabia are susceptible to other forms of intervention and influence including those exerted by the international human rights regime.

4- International Human Rights Regime:

By the end of the second millennium, international relations had become a complex network of rules, norms, practices and institutions in various subjects. States are no longer the only players in the international arena, as regimes play a role in governing states' behaviour in areas such as security, trade, environment and human rights. The international regimes are typically founded on international treaties or conventions that give the regimes their basic structural design and legal framework,⁶⁰ as is the case with the international human rights regime.

As earlier mentioned, states have accepted limitations on their original sovereignty arising from international arrangements, even if that involves changing their domestic laws. Although started beforehand, particularly among Western states, this trend has increasingly grown since the creation of the UN following the Second World War. The catastrophes of world wars, particularly the Holocaust, propelled the world, led by the Western nations, to become more conscious of the security, dignity and rights of human beings and for the need for collective action supporting this cause based on humanism and universalism.⁶¹ In the preamble of the UDHR, a linkage was clearly made between disregarding human rights and barbarous acts, "which have outraged the conscience of mankind", implying the importance to world peace of creating international human rights regime.

In the international human rights regime, there are widely accepted norms, principles and institutions. Currently, human rights declarations, conventions, treaties, bodies of principles and codes of conduct cover almost all conceivable aspects of the relationship between the individual and the state. The UDHR and the two Covenants contain outlines of the international human rights agenda and established the

benchmark for state conduct. These documents have inspired the adoption of other international human rights conventions and the creation of laws at the national level. The UN, along with its wider family of bodies and agencies, constitutes a prominent part of the international human rights regime, which includes all activities of international pressure groups. Non-state actors, especially major human rights NGOs, have been playing an important role in influencing international affairs. While these groups and actors are connected to the UN, activities of the UN contributed effectively to creating, shaping and implementing the international human rights regime.⁶² The UN with its organs is unquestionably the principal institution for building, consolidating and using the authority internationally.

Protecting human rights is a fundamental objective of the activities of the international human rights regime. In theory, actions of the international human rights regime include enforcement, implementation, promotional and declaratory activities.⁶³ However, the international human rights regime has been seen as a relatively strong declaratory and promotional regime, but with limited international implementation and absence of enforcement capacity.⁶⁴ The immediate impact of UN activities on human rights is usually slight, with limitations on implementation and enforcement activities. Therefore, the significance of the international human rights regime lies in its long-term process of socialization and the dispensing of legitimacy.⁶⁵

In addition to creating human rights instruments, there is a wide range of factors, events and activities that have contributed to progressing the international human rights regime. During the Cold War era, the International Conference on Human Rights held in Tehran in 1968 was a major event in which the international community reviewed progress made since the adoption of the UDHR, affirming its faith in the principles of the UDHR and human rights instruments and urging all peoples and governments to dedicate themselves to the principles enshrined in the UDHR.⁶⁶ Within the UN human rights system, there are numerous procedures and mechanisms designed to monitor states' obligations under international human rights conventions and international law at large. The international human rights conventions also have their own reporting mechanisms to monitor and review parties' compliance with their obligations under the conventions. In addition to reporting mechanisms to monitor and review parties' compliance, the Economic and Social Council (ECOSOC) resolution 1503 of 1970 authorizes the Sub-Commission on the Promotion and Protection of Human Rights to investigate communications (complaints) that appear to reveal a consistent pattern of gross and reliably attested violations of human rights; the

1503 procedure, however, is principally a promotional mechanism, involving some random and limited monitoring.

In the history of East-West relations, the question of human rights has been associated with the Helsinki Conference in 1975, particularly Principle VI on non-intervention (introduced by the East) and Principle VII on human rights (introduced by the West). Unlike the 1968 Tehran Conference, the 1975 Helsinki Conference had stronger political intent and more important consequences. While Principle VII of the Helsinki Conference represented an explicit agreement by participating parties to respect human rights including political and civil rights, the non-intervention principle contained an agreed notion to refrain from any form of intervention. Despite the rival claims of Principle VI and Principle VII between East and West, both sides agreed that respecting human rights and fundamental freedoms is one of the principles governing relations between Helsinki participants. In looking at the developments of the international human rights regime during the 1970s, the Helsinki Conference was a major step in which human rights were included in a politically-based agreement between the two rival international camps.

Particularly since the late 1980s, the UN has increasingly turned to socializing, educating and inducing states to change their policies and adopt human rights standards as defined by the international human rights instruments. Multilateral, bilateral and nongovernmental human rights activities continued to increase slowly through the 1980s and rapidly during the 1990s. Since the end of the Cold War, the world order has transformed from a situation dominated by ideological and geopolitical struggle to a state in which democracy and human rights are declared by powerful states as a major pillar of their foreign relations.⁶⁷ Thus, the international human rights regime has become an agent utilized by states to enhance their views, achieve more protection and respect for human rights and, in some cases, score political goals. The creation of a UN High Commissioner for Human Rights and the Vienna World Conference on Human Rights in the early 1990s set examples of the increasing role of the human rights regime in enhancing the realization and protection of human rights.

The activities of the international human rights regime are not limited to the UN human rights system. International human rights NGOs and the media exert a significant influence within the international human rights regime. As explained in the next section, human rights advocacy by NGOs have provided important contributions not only into the development of the international human rights regime but also in urging states to comply with the regime's norms.

Although standards set forth by the international human rights regime are generally not enforceable by inter-state action, the regime along with its institutions is designed to hold governments accountable for their internal activities.⁶⁸ Other regimes often deal with transnational issues, whereas human rights involve examining the treatment by a state of its own citizens. Unlike other international regimes, the weakness of the international human rights regime also comes from the fact that human rights by and large involve moral, not material, interests. When moral interests are in conflict with material interests, states normally would prefer to serve their material interests. Furthermore, observing human rights standards often necessitates overriding religious, tribal and traditional values, which explains the presumed resistance, whether by states or peoples, of some internationally-promoted human rights standards in several non-Western countries. Another weakness comes from the nature of human rights, as being a profoundly national issue. The fear of causing political instability and harming economic interests may require or justify supporting and cooperating with oppressive regimes and overlooking their violations.⁶⁹

In spite of its weakness as a change mechanism, the international human rights regime currently has achieved widely accepted substantive norms, internationalized standard-setting procedures and promotional, implementational and monitoring mechanisms, but very limited enforcement ability. Given the increased role of the international human rights regime, most states avoid (at least publicly) rejecting widely-accepted international human rights norms simply because they are unwilling and politically unable to maintain that their national human rights practices are beyond all international norms and procedures. The international human rights regime's approach, which focuses on activities that socialize, educate and induce states to comply with international human rights standards, has put the emphasis upon the role of individual states and their legal and political systems. To empower the international human rights regime, areas such as trade and aid have been imported into the regime to enhance the respect for, and realization of, human rights. Nevertheless, importing trade or aid to the regime does not automatically ensure compliance with the norms of the international human rights regime.⁷⁰

5- Compliance and Human Rights:

It is worth noting that while all those developments were happening at the international level, particularly regarding the human rights regime and the limits of sovereignty, domestic developments were often also moving in a positive direction.

Those international developments have not occurred in isolation, given factors such as globalization and information technologies. In the case of Saudi Arabia, global developments and international influence, as argued in chapter five, have impacted upon the way the Kingdom reacts to pressure to comply with internationally-recognized human rights norms.

As indicated earlier, pressures upon states to respect human rights have limited their sovereign prerogative and freedom to maneuver, even within their own territories and citizens. In this contemporary world system, governments would put their national and international legitimacy at risk if they do not at least declare respect for human rights.⁷¹ Saudi Arabia, like many countries, has chosen to participate in, and cooperate and partly comply with, the UN human rights system in order, among other reasons, to avoid being labelled as a human rights violator.

Governments' decisions to observe international commitments, particularly international human rights norms, are usually taken under certain internal and external conditions. Political, economic or cultural/social factors may influence the actions of states, but it is debatable whether their commitment to human rights norms are driven more by internal or external causes. As explained later, there are different models of compliance with international law in general and human rights norms in particular. Also, it is an important ingredient of this section to identify generally causes in which compliance and continuing non-compliance with human rights norms can be explained. Those causes have both internal and external dimensions. International influence as a cause for compliance is among the major concerns of this thesis. Therefore, the final theoretical issue in this section focuses on the role of international influence in changing state behaviour.

A- Compliance Models:

The traditional approach to the theory of compliance is based on the theoretical framework of realism. It is centred on the enforcement model, utilizing coercive measures and imposing economic and/or military sanctions to force states to comply.⁷² This approach is associated with the theory of complete sovereignty of the state. For human rights, voluntarily accepting international norms is likely to beget a lasting compliance with, rather than an imposition of, those norms. However, an enforcement model may prove to be more effective in situations of gross violations of human rights. Furthermore, such a model could be successful in bringing states to comply with international standards in areas such as trade or the environment. Unlike commercial or environmental matters, human rights are a fundamentally moral concern and

profoundly an internal issue influenced by culture, which may contribute to explaining the reluctance at the international level to adopt the enforcement model.

The new approach to compliance theory, known as 'the managerial model',⁷³ relies primarily on cooperation, persuasion and shaming. Publicizing violations arguably induces states to implement their obligations arising from joining international treaties. Based on a constructivist theory of social obligations, the international system is evolving as a sophisticated normative structure without mechanisms for enforcement, especially on moral, internal matters. A sense of obligation invites states towards compliance with norms which are not coercively mandated by outside powers. Obligations are not limited to those which are based on pure legality (such as rules of treaties), but they also include legally legitimate norms based on a sense of social obligation.⁷⁴ Influenced by the international atmosphere, social obligations are likely to be initiated by domestic interest groups and then adopted by governments.

This new approach is based on an assumption that states have the propensity to comply with international obligations. This assumption is very obvious in the field of human rights, where most states increasingly try to avoid being labelled as human rights violators. When national human rights practices that violate international human rights standards become subject to international scrutiny, that can frequently embarrass the state in question.⁷⁵ Naming and shaming is often an effectual measure to motivate states to comply with their obligations under international human rights instruments. A reputational compliance is based on the proposition that many rules of international law are adhered to by states not because they are enforceable but, rather, because a failure to honour a state's commitment to those rules damages its reputation and may affect its national interest.⁷⁶ This reputational impact is essential to understand why states have a propensity to comply with international law.

Unlike theorists who emphasize the role of sanctioning, material factors in stimulating compliance, constructivists subscribe to the concept of socialization and learning as central in promoting compliance in the area of human rights. Compliance decisions are based in the first place on social structures and interactions between external and internal factors. This process of socialization may take many years or even decades to reach full compliance. While taking into consideration political and social variations among states, the more intensive the process of socialization and learning and the more diverse the means utilized, the less time needed to get states to abide by the norms of the international human right regime. While the process of socialization and learning should lead to compliance in long-term strategy, it is

questionable to assume that full compliance is solely the inevitable end result of learning and social interaction. Therefore, constructivists are criticized for their failure to yet develop multi-faceted theorem that include other factors.⁷⁷ Whereas this thesis identifies socialization as one suitable theoretical basis for explaining positive developments towards compliance with internationally-recognized human rights in Saudi Arabia, that does not imply overlooking the possible limits of socialization, particularly in relation to interaction between external and internal factors, as indicated later.

Human rights conventions with formal reporting requirements do not necessarily change states practices simply as a result of their joining those conventions.⁷⁸ What matters is not just the conventions' provisions; it is essential to examine any state's behaviour in order to assess whether human rights conventions alter its policies and all circumstances causing, or associated with, that change. The important question here is how to relate steps taken by Saudi Arabia towards compliance with influences exerted by the UN human rights system. The standards against which compliance is measured are important in determining the extent to which Saudi Arabia complies with its obligations under human rights conventions ratified by the Kingdom and under international human rights standards as a whole. Exploring the universalist and relativist arguments, in chapter three, is essential in pinpointing the extent of, and obstacles to, compliance. While this thesis uses in the first place the internationally- recognized human rights standards to measure Saudi Arabia's compliance, it is quite relevant to present, in the following chapters, Islamically and culturally driven perspectives on human rights in order to assess their influence on compliance.

The accession of Saudi Arabia to human rights treaties, its endorsement of international human rights declarations and its willingness to cooperate with, and participate in, the UN human rights system represents a first, but important, stage of compliance. This engagement in the UN human rights system provides a formal gesture of recognition and offers evidence of its willingness to accept accountability by the international human rights regime. The second stage is Saudi Arabia's procedural compliance with reporting and responding to demands by the UN human rights system. At the national level, this thesis investigates *de jure* and *de facto* compliance embodied in the implementation of international human rights standards into the domestic law and in the application of the law in practice, focusing on the rights and the status of women. It is perhaps axiomatic to assume that Saudi Arabia, like other countries, has the propensity to comply with international human rights obligations,

but there are various factors that affect its full compliance. Accordingly, it is now appropriate to examine scholarly explanations on the causes of human rights violations.

B- Causes of Non-Compliance:

In general, there are a number of factors associated with the continuing non-compliance with human rights norms. Those factors are conveniently divided into three broad types: political, economic and ideological-cultural rationalizations, by which causes of systematic human rights abuses can be identified. **Political** reasons focus on issues such as regime type, civil society and armed conflict or civil war to understand human rights violations. For example, respect for political and civil rights and the strength of civil society are crucial to explain human rights violations and corruptions. Respect for those rights and an organized, independent civil society could play an essential role in curbing violations and corruption, bringing progress towards compliance. Despite the fact that democracies have used repression in times of crisis when challenges to authorities exist,⁷⁹ studies on repression indicate that democratic political systems are much less likely to engage in repression than are non-democratic systems.⁸⁰ As the structure of the political system of a given country contributes to obstructing or improving implementation and compliance, aspects of the political structures in Saudi Arabia are identified in chapter four to comprehend developments in human rights in the Kingdom towards compliance.

Economic conditions can be related to human rights violations. Multiple quantitative studies point out that poor countries are more likely to be repressive than rich countries.⁸¹ Whilst a strong correlation has been noticed between democracy and economic development and wealth,⁸² which eventually affects the level of compliance with internationally-recognized human rights norms, Saudi Arabia was classified as a 'deviant' case in a cross-countries study of the relationship between wealth (per capita income) and democracy.⁸³ There are some studies which connect particular types of economic systems to human rights violations by establishing a link with international economic issues such as free trade, globalization and transnational investment.⁸⁴

Cultural explanations are vitally crucial to any analysis of the occurrence of human rights violations. Among the most important causes of human rights violations are cultural traditions (given its overall importance in Saudi Arabia's case, this is discussed in detail in the next chapter), which play a major role in accepting or rejecting human rights norms and in a number of cases affect the full compliance by a state. If internationally promoted ideas, beliefs and values fit with the pre-existing

domestic social understanding, and when a broad range of the society endorses international human rights norms, it is likely to have a greater degree of compliance at the domestic level. As argued in the subsequent chapters, the religious doctrine and traditional cultural practices prevailing in Saudi Arabia would explain reasons behind the current situation of human rights in that country and clarify causes of its limited compliance with international human rights norms. Identifying the level of cultural congruence between Saudi traditions and internationally-recognized human rights standards, in chapter four, is crucial to comprehend developments towards compliance.

Ideologies, particularly authoritarian ideologies such as Nazism or Fascism, may attempt to justify violations of human rights. The psychological dimension explains aspects of human rights violations in which, for instance, individuals are brought up, or taught, to be discriminatory against certain groups. The psychological disposition of political leaders in authoritarian regimes can beget a willingness to take whatever actions are necessary for maintaining their prerogatives, including repressive actions. These ideological and psychological explanations of human rights violations are complementary to political and cultural explanations.

It is now appropriate to look at specific reasons explaining non-compliance with obligations arising from joining international treaties which may provide excuses and a refuge for their non-compliance. States may enter into a treaty in the first place in response to internal or external influences with, or without, a sincere intention to implement it. International treaties, mainly human rights treaties, tend to be worded without specificity, using general language for the purpose of reaching consensus on one hand and to accommodate any future issues related to the treaty subject on the other, keeping in mind that legal concepts of rights and wrongs can change over the passage of time. This zone of ambiguity occasionally opens the doors for justifying practices that seemingly contradict a state's obligations under a given treaty.⁸⁵

The states' right to make reservations on international treaties is a sanctuary for non-compliance, which may imply providing a level of relativity in implementing international rules, as indicated in the next chapter. Reservations, whether specific or general, add more dimensions to justify non-compliance. As indicated earlier, Saudi Arabia acceded to four major human rights conventions, with general reservations to most of them not to abide by provisions that contradict the *shari'ah*. Such reservations, as argued later, furnish Saudi Arabia with justifications for not complying with some provisions of these conventions.

In some cases, reservations aim at excluding the applicability of the core provisions of a treaty. Reservations that make the fulfillment of the treaty obligations

generally conditional on national legislation, or other general and unspecified principles (such as the *shari'ah*), indicate a state's unwillingness to give the respective treaty rules priority over its national and religious/traditional norms.⁸⁶ Therefore, there is a growing tendency within the UN human rights organs and among human rights scholars to urge states to withdraw their reservations to human rights treaties.⁸⁷

Given that human rights conventions exemplify "an extreme case of the time lag between undertaking and performance,"⁸⁸ as they generally, but not necessarily, involve changes in religious and traditional practices, a period of transitional arrangements is necessary to enable states to meet the obligations arising under those conventions. This temporal dimension has been an obstruction to full compliance with human rights norms by states that have nevertheless ratified human rights conventions. With the large number of states ratifying human rights treaties continuing their non-compliance, this temporal dimension should however not imply that international human rights instruments are inapplicable, aspirational mechanisms.

Many political, economic and cultural features of specific countries can positively or negatively influence non-compliance. Some countries, for instance, lack the financial resources and technical capacity to implement international treaties. In most developing countries, where financial, technical, scientific, administrative and/or bureaucratic assistance is a prerequisite to implementing international agreements, limitations on state capability to carry out its obligations under international treaties may possibly exist. While financial constraints are not applicable to Saudi Arabia, the Kingdom lacks some technical capacities to socially diffuse and then implement some aspects of human rights conventions. In many countries, the strength of domestic NGOs and the independence of civil society have a considerable impact in stimulating compliance. In addition to the central role of domestic NGOs, transnational NGOs can play a major role in affecting state behaviour to comply with international human rights norms, as explained in the next sub-section. Whereas the role of domestic NGOs and civil society in the case of Saudi Arabia is still limited despite some developments, domestic organizations in general frequently provide their transnational counterparts with a channel into the national political arena and justifications for involvement in local affairs.

C- International Influences as a Cause for Compliance:

This thesis' main concern is to explore the extent to which a given country can be influenced by international human rights activism, particularly the UN human rights system. How far can international influence affect political change and policies that

are related to the protection and promotion of human rights in a country like Saudi Arabia? The concept of international influence used here is not limited to the realist explanation of superpower pressure or to the liberalist interest-based notion, it rather includes all international factors/actors that may play a role in the process of adaptation, socialization and compliance with international human rights norms. While there are different forms of international influences, the focus in this thesis is on the multilateral influences exerted by the international human rights regime, namely influences by the UN human rights system, and to a lesser extent by the NGOs which participate in the deliberations of UN human rights bodies.

International NGOs can effectively publicize violations through reports, publicity campaigns and participation in UN human rights organs. International activism has richly contributed to the advancement of human rights globally. Unlike criticism by states or governmental organizations, which might be simply dismissed as being politically motivated, international NGOs usually have reasonable credibility and can bring significant pressure to bear on states to comply, usually through naming and shaming. International NGOs have provided unprecedented access to victims of abuse and oppression all over the world to attract international supporters to their cases.

There are conditions under which international influences can be more effective. The structural situation of the target state, such as its size or wealth, may affect its vulnerability and responsiveness to international influences. Also, sensitivity of the ruling elite to their reputation and desire for international prestige may shape the effect of international human rights influences.⁸⁹ As authoritarian states are intolerant of local protestors and typically restrict freedoms of association and expression, the role of international influences becomes more important. International mobilization may trigger and stimulate domestic activists, despite restrictions, and provide them with material and moral support including access to international audiences.

International pressures and influences either coerce governments to accept human rights norms or persuade them to do so. Influences by powerful states can play a significant role in making other states commit to the implementation of international human rights norms. Democratic states usually promote norms abroad because they are consistent with their beliefs of what universal ideals are. Other states therefore accept, at least nominally at the beginning, binding international human rights norms because of various internal and external factors including the international promotional activities of those norms. In contemporary international human rights customary law, transnational human rights obligations imply that states may have commitments to

promote human rights within the realm of their external activities, such as trade, aid, development and technical cooperation, participation in international organizations and security activities.⁹⁰

It is doubtful that international influences alone can force governments to change their human rights policies. A persistent national struggle against human rights violations is certainly a major domestic basis for achieving respect for human rights. Although shaming activities by international actors undoubtedly play a major role in promoting compliance, overemphasizing this particular mechanism may prove to be empirically incorrect.⁹¹ Nevertheless, Darren Hawkins rightly argued that the role of international human rights activism should not be underestimated in making governments more likely to comply with international human rights rules and in stimulating national movements to press for political reforms and for the application of the rule of law.⁹² This thesis, however, maintains that interactions between external and internal factors are crucial for moving towards compliance, as both domestic and international actors often need and utilize each other in the struggle against violations.

In an intensively interdependent world, there is an increasing correlation between international influences and compliance. The world today is increasingly interconnected; the exchange of material objects and immaterial ideas among countries, cultures and individuals is increasingly more visible. The unprecedented accessibility to information in the era of information revolution and new communication technologies has made governments no longer able either to control the inflow of information or to control outflows of information on human rights violations occurring in their territories. The latter has heightened awareness by the international community of human rights violations wherever and whenever they may be occurring. Evidence in the human rights literature shows that the role of international actors is important in protecting and promoting human rights. The positive impact of international influences is easily viewed at some levels such as agenda setting or framing and spreading of norms. However, a major problem in empirically demonstrating the effectiveness of international influences is that any change in state practice can be attributed to a variety of external and internal causes.⁹³

As discussed earlier in section two, the constructivist theory of socialization puts great emphasis on international influences and pressures for inducing violating states into compliance with international human rights norms.⁹⁴ The earlier illustrated 'spiral' model relies on international pressures to explain a state's shift from non-compliance with human rights norms to the internalization, institutionalization and habitualization of those norms. While acknowledging the significant role of

international influences within the process of socialization, this thesis argues that the effectiveness of international influences is closely related to domestic factors, given that interaction does exist between local and international politics. As international human rights norms are generally not enforceable under the existing international human rights regime, international influences through socialization are meaningful tools in prompting states to respect human rights. International influences do not automatically guarantee full compliance with international human rights norms. Nonetheless, mechanisms used in a process of socialization and learning, such as shaming, naming and persuasion, are a readily available means for various international actors in most cases. Through such mechanisms, international actors could contribute to changing domestic policies in sovereign states without breaching the non-intervention principle. Steadily concentrated and continuous international influences are likely to make countries gradually move towards compliance with international human rights norms. As argued throughout the thesis, international influence is a significant enabling factor, but not sufficient cause, for compliance.

Conclusion:

Theories on the basis of human rights attempt to answer the question of how 'human' and 'right' can be defined or what it means to be 'human'. Most human rights theories recognize the need to identify a justification that can validate the moral principles of human rights. In looking at the diverging foundations for human rights, it is apparent that they mainly rely upon either divine revelation, human reason extrapolating from nature or deliberate human invention and agreement. This thesis accepts that the notion of modern human rights is derived mainly from the tradition of natural, rational law, acknowledging that universalism constitutes the cornerstone of internationally-recognized human rights norms.

The earlier discussion has provided a better understanding on the diffusion of human rights norms internationally. Realists, liberalists and constructivists have different explanations of the dynamics of international human rights; the thesis's argument however maintains that the diffusion of human rights is best understood in a process of socialization and learning, which involves various forms of influence, persuasion and interaction. As argued in this thesis, the process of socialization is a suitable theoretical illustration of changes in human rights in Saudi Arabia.

As noted in section three, human rights remain principally a national issue despite developments on the meaning and limits of sovereignty and intervention.

Although the principle of sovereignty still does matter, as it is used for defending domestic policies against intervention or external criticism, practices of human rights in Saudi Arabia are subject to some forms of intervention involving pressures and influence by different international actors including states, international NGOs and the UN human rights system.

International regimes in general play a significant role in modifying state behaviour “in their capacity as utility modifiers, enhancers of authority, learning facilitators, role definers, and agents on internal realignments.”⁹⁵ While acknowledging the significance of regimes in modifying states behaviour, regime theory does not mean exclusion of other factors. The role of internal factors in shaping domestic policies and producing compliance is evidently recognizable, but the increasing complexity and interdependency of the modern world political system could support the view that external factors have gained increasing importance in influencing governments’ decisions on domestic issues. After taking into account all factors that explain changes in domestic politics, regime analysis is a useful tool for analyzing a state’s compliance. The previous brief exploration on the extent to which the human rights regime could affect human rights in any given country is fundamental to comprehending the regime’s role in influencing Saudi Arabia’s response to the UN human rights system, noting that the UN plays an essential role in the regime.

Theories of compliance and understanding various models of compliance have made a significant contribution in comprehending states’ shift from non-compliance to compliance. The earlier discussions have offered explanations of various circumstances that determine the diffusion and internalization of norms. As international influences could be regarded as a driving force for change, this thesis aims at examining the extent to which developments in Saudi Arabia’s human rights, particularly in women’s rights, have been associated with international influences and with the UN human rights system in particular. A major aspect of the argument is that international influences could play a significant role in inducing internalization of human rights norms, while taking into consideration the importance of the interactions between external and internal factors in shaping such processes. While the literature offers diverse theoretical explanations on the emergence, diffusion of, and compliance with, human rights norms as well as on sovereignty and international human rights regimes, this thesis adopts a position in which human rights are not only a simple, political phenomenon explained by theories of politics and international relations; they are also connected with other theoretical issues including cultures and traditions, as argued in the following chapter.

ENDNOTES (CHAPTER TWO)

- ¹ See, for instance, Jack Donnelly, *International Human Rights* (Boulder: Westview Press, 1993) 24 and Jerome J. Shestack, "The Philosophic Foundations of Human Rights", *Human Rights Quarterly* 20:1 (1998) 202-204.
- ² Donnelly, *International Human Rights*, 24.
- ³ See, for instance, the preamble of the Universal Declaration of Human Rights.
- ⁴ Shestack, "The Philosophic Foundations of Human Rights", 206.
- ⁵ Donnelly, *International Human Rights*, 23.
- ⁶ For more details, see Hilary Charlesworth, "The Challenges of Human Rights Law for Religious Traditions", in *Religion and International Law*, eds. Mark Janis and Carolyn Evans (The Hague: Martinus Nijhoff Publishers, 1999) 401-415.
- ⁷ Shestack, "The Philosophic Foundations of Human Rights", 206.
- ⁸ For more details, see John C. Hall, *Rousseau: An Introduction to his political philosophy* (London: The Bowering Press, 1973) 84-104.
- ⁹ Immanuel Kant, "Reflections on the Philosophy of Rights", in *Kant's Political Philosophy*, ed. Howard William (Oxford: Basil Blackwell, 1983) 161.
- ¹⁰ Howard William, *Kant's Political Philosophy* (Oxford: Basil Blackwell, 1983) 164.
- ¹¹ Jurgen Habermas, "Kant's Idea of Perpetual Peace, With the Benefit of Two Hundred Years' Hindsight", in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, eds. James Bohman and Matthias Lutz-Bachmann (Cambridge: MIT Press, 1997) 145, 146.
- ¹² Axel Honneth, "Is Universalism a Moral Trap? The Presuppositions and Limits of Politics of Human Rights", in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, eds. James Bohman and Matthias Lutz-Bachmann (Cambridge: MIT Press, 1997) 172.
- ¹³ Stephen P. Marks, "From the 'Single Confused Page' to the 'Decalogue for Six Billion Person': The Roots of the Universal Declaration of Human Rights in the French Revolution", *Human Rights Quarterly* 20:2 (1998) 473.
- ¹⁴ For more details, see Carlos Santiago Nino, *The Ethic of Human Rights* (Oxford: Clarendon Press, 1991) 9-37.
- ¹⁵ See a similar argument in Marks, "From the 'Single Confused Page' to the 'Decalogue for Six Billion Person': The Roots of the Universal Declaration of Human Rights in the French Revolution", 471-475 and Jack Donnelly, *Universal Human rights in Theory and Practice* (Ithaca: Cornell University Press, 1989) 68-74.
- ¹⁶ Shestack, "The Philosophic Foundations of Human Rights", 207.
- ¹⁷ See, for instance, Michael Ignatieff, *Human rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001) 54 and Shestack, "The Philosophic Foundations of Human Rights", 207.
- ¹⁸ See, Ignatieff, *Human rights as Politics and Idolatry*, 57 and Shestack, "The Philosophic Foundations of Human Rights", 215-217.
- ¹⁹ Shestack, "The Philosophic Foundations of Human Rights", 209.
- ²⁰ *Ibid.*, 209-210.
- ²¹ See *Ibid.*, 210-212 and Bamidele A. Ojo, *Human Rights and the New World Order: Universality, Acceptability, and Human Diversity* (New York: Nova Science Publishers, 1997) 9.
- ²² *Ibid.*, 10.
- ²³ Ignatieff, *Human rights as Politics and Idolatry*, 55.
- ²⁴ Although there are different theories within realism (classical, neorealist, and offensive-defensive theories), I use this term in its general sense.
- ²⁵ Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981) 25-38.
- ²⁶ Stephen D. Krasner, "Sovereignty, Regimes, and Human Rights", in *Regime Theory and International Relations*, ed. Volker Rittberger (Oxford: Clarendon Press, 1993) 166.
- ²⁷ *Ibid.*, 165-167.
- ²⁸ Stephen M. Walt, "International Relations: One World, Many Theories", *Foreign Policy* 110:1 (1998) 33.
- ²⁹ For more details, refer to Andrew Moravcsik, "Taking Preferences Seriously: A Liberal Theory on International Politics", *International Organization* 51:4 (1997) 513-553.
- ³⁰ Andrew Moravcsik, "The Origin of Human Rights Regimes: Democratic Delegation in Postwar Europe", *International Organization* 54:2 (2000) 220.
- ³¹ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change", *International Organization* 52:4 (1998) 893.
- ³² John Meyer, John Boli, George Thomas, and Francisco Ramirez, "World Society and the National-State", *American Journal of Sociology* 103:1 (1997) 146-147.
- ³³ Jeffrey T. Checkel, "Why Comply? Constructivism, Social Norms and the study of international institutions", Centre for European Studies at the University of Oslo (ARENA), Working Paper 99/24.

This paper was delivered at the 1999 Annual Meeting of the American Political Science Association, Atlanta, Georgia (September 1999), viewed on line at <http://www.arena.uiowa.edu/publications/wp99_24.htm> accessed 16 June 2003.

³⁴ Alexander Wendt, "Collective Identity Formation and the Intentional State", *The American Political Science Review* 88:2 (1994) 385.

³⁵ Walt, "International Relations: One World, Many Theories", 35.

³⁶ Ty Solomon studied three volumes on human rights from a constructivist approach in international relations (R. Foot, *Rights Beyond Borders: The Global Community and the Struggle Over Human Rights in China*, Thomas Risse, Stephen Ropp, and Kathryn Sikkink, eds. *The Power of Human Rights: International Norms and Domestic Change* and D. Thomas, *The Helsinki Effects: International Norms, Human Rights, and the Demise of Communism*) and concluded that the three authors "seem to assume that human rights norms are static and unchanging". See Ty Solomon, "Norms and Human Rights in International Relations", *Political Studies Review* 4 (2006) 43.

³⁷ See, e.g., Finnemore and Sikkink, "International Norm Dynamics and Political Change", 888 and Moravcsik, "The Origin of Human Rights Regimes: Democratic Delegation in Postwar Europe", 223.

³⁸ There are variations on the number of stages or phases involving the overlapping processes of diffusion and socialization of human rights norms. Finnemore and Sikkink initially identified three-stages for norms diffusion in their work "International Norm Dynamics and Political Change", 895-905. Later, Thomas Risse and Kathryn Sikkink provided comprehensive illustrations of five phases in their theoretical 'spiral' model that explains the internalization of human rights norms. See Thomas Risse and Kathryn Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices", in *The Power of Human Rights: International Norms and Domestic Change*, eds. Thomas Risse, Stephen Ropp, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999) 15-35.

³⁹ For details on the stages or phases of the socialization process and on the internalization of human rights norms, see, for instance, Finnemore and Sikkink, "International Norm Dynamics and Political Change", 895-905 and Risse and Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices", 15-35.

⁴⁰ For more details on phases of the 'spiral model', refer to Risse and Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices", 15-35.

⁴¹ *Ibid.*, 25.

⁴² *Ibid.*, 32-33.

⁴³ Checkel, "Why Comply? Constructivism, Social Norms and the study of international institutions".

⁴⁴ The following sources provide useful information on those issues. See, for instance, Geoffrey Mercer, *Political education and Socialization to Democratic Norms* (Glasgow: University of Strathclyde, 1973), Leon Mayhew, *The New Public: Professional Communication and the Means of Social Influence* (New York: Cambridge University Press, 1997), Elliot Aronson, *The Social Animal* (New York: W.H. Freeman, 1995), George Comstock and Erica Scharrer, *The Psychology of Media and Politics* (Burlington, MA: Elsevier Academic Press, 2005), James N. Rosenau and J.P. Singh, *Information Technologies and Global Politics: the Changing Scope of Power and Governance* (Albany, NY: State University of New York Press, 2002), and Wilma de Jong, Martin Shaw and Neil Stammers, *Global Activism, Global Media* (Ann Arbor, MI: Pluto Press, 2005).

⁴⁵ See, for instance, John E. Mueller, *Quiet Cataclysm: Reflections on the Recent Transformation in World Politics* (New York: Basic Books, 1995) 155-183 (containing a chapter titled The Historical Movement of Ideas) and Akira Iriye, *Cultural Internationalism and World Order* (Baltimore: The John Hopkins University Press, 1997) 4-5.

⁴⁶ Mueller, *Quiet Cataclysm: Reflections on the Recent Transformation in World Politics*, 120.

⁴⁷ International Commission on Intervention and State Sovereignty, "The Responsibility to Protect", (Ottawa: International Development Research Centre, 2001) 8.2, viewed on line at <<http://www.iciss.ca/pdf/Commission-Report.pdf>> accessed 15 May 2003.

⁴⁸ See, Christian Reus-Smit, "Human Rights and the Social Construction of Sovereignty", *Review of International Studies* 27:2 (2001) 519-538.

⁴⁹ Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (New Jersey: Princeton University Press, 1999) 30.

⁵⁰ UN document, UN Charter (1945), Article 2.1.

⁵¹ Although the issue of intervention emerged even before the Cold War ended (e.g. Pol Pot in Cambodia), this issue became a major international question in the 1990s.

⁵² For more details, see International Commission on Intervention and State Sovereignty, "The Responsibility to Protect", 2.15 & 2.18.

⁵³ In November 1999 Newsweek survey of US citizens, more than two-thirds (68%) agreed that the "old idea of national sovereignty which did not allow foreign interference in the domestic affairs of any country, even if it killed many of its own people, is no longer acceptable and must change."

⁵⁴ International Commission on Intervention and State Sovereignty, "The Responsibility to Protect", 2.15 & 2.18.

- ⁵⁵ Chapter VII of the UN Charter contains 13 articles (from Article 39 to Article 51) on international rules regarding action with respect to threats to the peace, breaches of the peace, and acts of aggression.
- ⁵⁶ Kofi Annan restated his concerns on the subject in different occasions indicating that the international community “must protect vulnerable people by finding better ways to enforce humanitarian and human rights law, and to ensure that gross violations do not go unpunished. National sovereignty offers vital protection to small and weak States, but it should not be a shield for crimes against humanity.” UN document, *GA/55/1/2000* of 3 April 2000, a statement by the Secretary-General presenting the Millennium Report to the UN General Assembly, viewed on line at <<http://www.un.org/millennium/sg/report/state.htm>> accessed 2 May 2003.
- ⁵⁷ Kofi Annan, “Human Rights and Humanitarian Intervention in the Twenty-First Century”, in *Realizing Human Rights: Moving From Inspiration to Impact*, eds. Samantha Power and Graham Allison (New York: St. Martin’s Press, 2000) 311.
- ⁵⁸ Kofi Annan, “Interview with NewsHour”, *Pbs.Org/NewsHour*, 18 October 1999, transcript was viewed on line at <www.pbs.org/newshour/bb/international/july-dec99/annan/_10-18.html> accessed 18 June 2003.
- ⁵⁹ International Commission on Intervention and State Sovereignty, “The Responsibility to Protect”, 1.37 & 1.38.
- ⁶⁰ See, Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge: Harvard University Press, 1995) 1-7.
- ⁶¹ For more details, see Ignatieff, *Human rights as Politics and Idolatry*, 77-92.
- ⁶² Philip Alston, “Appraising the United Nations Human Rights Regime”, in *The United Nations: A Critical Appraisal*, ed. Philip Alston (Oxford: Clarendon Press, 1992) 1.
- ⁶³ Jack Donnelly analyzed human rights regimes’ activities and identified four types of activities performed by the regime: (1) enforcement activities that involve international decision-making and strong monitoring capabilities; (2) implementation activities that include weak monitoring procedures, policy coordination and information exchange; (3) promotional activities that contain international information exchange, promotion or assistance, with weak monitoring of international guidelines; and finally (4) declaratory activities, which involve international norms but not international decision making. For more details, see Jack Donnelly, “International Human Rights: A Regime Analysis”, *International Organization* 40:3 (1986) 603-605.
- ⁶⁴ *Ibid.*, 614-615.
- ⁶⁵ See, David P Forsythe, *The Internationalisation of Human Rights*, (Lexington, Mass: Lexington Books, 1991) 76-78.
- ⁶⁶ UN document, *UN/ST/HR/1968* of 13 May 1968, Proclamation of Tehran.
- ⁶⁷ Brenda Crossman, “Reform, Revolution or Retrenchment? International Human rights in the Post-Cold War Era”, *Harvard International Law Journal* 32:2 (1991) 340.
- ⁶⁸ Moravcsik, “The Origin of Human Rights Regimes: Democratic Delegation in Postwar Europe”, 217.
- ⁶⁹ Jack Donnelly, “Human Rights in The New World Order”, *World Policy Journal* 9:2 (1992) 273.
- ⁷⁰ China is a good example in which the use of trade to change human rights polices was not successful.
- ⁷¹ Jack Donnelly, “Human Rights, Democracy, and Development”, *Human Rights Quarterly* 21:3 (1999) 608.
- ⁷² For more details and analysis on the theory of compliance, see, for instance, Chayes and Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements*; Ann Kent, *China, The United Nations, and Human Rights: The Limits of Compliance* (Philadelphia: University of Pennsylvania Press, 1999); Michael Faure and Jurgen Lefevere, “Compliance with International Environmental Agreements”, in *The Global Environment: Institutions, Law, and Policy*, eds. Norman J. Vig and Regina S. Axelrod (Washington, D.C.: CQ Press, 1999) 138-156; Isao Miyaoka, “State Compliance With International Legitimate Norms: Wildlife Preservationist Pressures on Japan Fishing”, Columbia International Affairs Online (CIAO), a paper presented at 41st Annual Convention of the International Studies Association, Los Angeles (March 2000), viewed on line at <<http://www.ciaonet.org/isa/mii01/>> accessed 19 June 2003; Checkel, “Why Comply? Constructivism, Social Norms and the study of international institutions”; Andrew T. Guzn, “A Compliance-Based Theory of International law”, *California Law Review* 90:4 (2002).
- ⁷³ Chayes and Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements*, 5.
- ⁷⁴ Miyaoka, “State Compliance With International Legitimate Norms: Wildlife Preservationist Pressures on Japan Fishing”.
- ⁷⁵ Donnelly, “International Human Rights: A Regime Analysis”, 616.
- ⁷⁶ Andrew T. Guzman, “International Law: A Compliance Based Theory”, University of California, Berkeley Public Law and Legal Theory Working Papers Series, Research Paper No. 47 (April 2001), viewed on line at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=260257> accessed 12 May 2003.
- ⁷⁷ Checkel, “Why Comply? Constructivism, Social Norms and the study of international institutions”.
- ⁷⁸ Krasner, *Sovereignty: Organized Hypocrisy*, 32.

⁷⁹ Conway Henderson, "Conditions Affecting the Use of Political Repression", *Journal of Conflict Resolution* 35:1 (1991) 123.

⁸⁰ Steven Poe, C. Neal Tate, and Linda Camp Keith, "Repression of Human Rights to Personal Integrity Revisited: A Global Crossnational Study Covering the Years 1979-1993", *International Studies Quarterly* 43:2 (1999) 301.

⁸¹ *Ibid*, 298.

⁸² *Ibid*, 297.

⁸³ Todd Landman, "Comparative Politics and Human Rights" *Human Rights Quarterly* 24:4 (2002) 898.

⁸⁴ See, for instance, Henderson, "Conditions Affecting the Use of Political Repression", 120-142 and Poe, Tate, and Keith, "Repression of Human Rights to Personal Integrity Revisited: A Global Crossnational Study Covering the Years 1979-1993", 291-315.

⁸⁵ As discussed in chapter one, a member of the Saudi delegation argued before the Committee Against Torture that the sanctions applied in Saudi Arabia including corporal punishments are not forms of torture within the meaning of Article 1 of the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment, which excludes pain or suffering arising from legal sanctions.

⁸⁶ For more details, see Christian Strohal, "The Development of the International Human Rights System by the United Nations", in *The United Nations: Law and Practice*, eds. Franz Cede and Lilly S. Behramann London: Kluwer Law International, 2001) 164.

⁸⁷ This trend is led by member-countries of the European Union.

⁸⁸ Chayes and Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements*, 16.

⁸⁹ Susan D. Burgerman, "Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights", *Human Rights Quarterly* 20:4 (1998) 914-915.

⁹⁰ For more details on the topic of international obligations under international human rights law, see Sigrum Skogly and Mark Gibney, "Transnational Human Rights Obligations", *Human Rights Quarterly* 24:4 (2002) 781-798.

⁹¹ See, for instance, Checkel, "Why Comply? Constructivism, Social Norms and the Study of International Institutions".

⁹² Darren Hawkins, in his book *International Human Rights and Authoritarian Rule in Chile*, argued that the end of General Augusto Pinochet's rule was not only internally derived but also as a result of ongoing international pressure which motivated Chilean movements against Pinochet regime.

⁹³ For more details, see Susan D. Burgerman, "Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights", 914.

⁹⁴ For details of the socialization processes, see Risse and Sikkink, "The Socialization of International Human Rights Norms into Domestic Practices", 11-17 and Finnemore and Sikkink, "International Norm Dynamics and Political Change", 895-905.

⁹⁵ Ann Kent, *China, The United Nations, and Human Rights: The Limits of Compliance*, 5.

CHAPTER THREE

THEORETICAL FRAMEWORK

(Part II)

Universality and Cultural Relativity of Human Rights

Introduction:

When critically studying human rights in a country like Saudi Arabia, the scholarly arguments and political debates over issues of universality and relativity of human rights have to be taken into account. The Saudi government, like many non-Western governments, defends its position on human rights on the grounds of cultural relativity and social particularities of the Saudi people. Accordingly, this question constitutes a key theoretical issue for this thesis. This chapter primarily addresses arguments about the construction of universal human rights across cultures, focusing on how culture in the contemporary age is susceptible to change, and exploring the compatibility between internationally-recognized human rights and the Islamic, Wahhabi and Saudi traditions and how malleable those traditions are to change.

Despite the existence of internationally-recognized human rights norms, the interpretations and forms of implementation of those norms are still practically subject to cultural variation. Accordingly, the first section examines arguments for and against modern conceptions of universal human rights, including the debate on the dynamic nature of culture and the relationship between civil and political rights on the one hand and economic, social and cultural rights on the other. Theoretical questions are not limited to scholarly debates within the literature of human rights, but also partially enter into the arguments at the UN over the subject. States in the Muslim world, as members of the UN, participated in the debates and played a part in the construction of universal human rights standards. The second section, thus, discusses how issues related to universality and relativity have been debated and perceived at the UN.

There is extensive literature about the political system and human rights in Islam. This literature presents different, and sometimes conflicting, views on these issues. Since the Kingdom relates its policies to the *shari'ah*, section three examines the major questions on aspects of the political system and human rights in Islam in order to comprehend how compatible Islamic texts are with international human rights standards. Principles of Islam, in its Wahhabi form, have been, for more than two

centuries, a unifying force for founding and stabilizing Saudi Arabia. Therefore, section four is devoted to exploring the political system and human rights from a Wahhabi perspective.

Despite Saudi Arabia's commitment declared in several international forums to protect and promote human rights, the religion of Islam and local traditions are important components of Saudi Arabia's perception of human rights. Saudi Arabia expressed its view on the universality of human rights through its statements and voting patterns in the UN. Therefore, the final section of this chapter discusses briefly the position of Saudi Arabia on the issue of the universality or cultural relativity of human rights.

1- Universality Versus Cultural Relativity: Theoretical Debate:

The central question in the debate is whether the norms of human rights are universal in their nature or constrained by cultural/religious/national backgrounds. A related question is whether by 'universal' human rights, we mean their universality in origin, nature, substance or concept, definition, interpretation or implementation. Such issues lead to a series of other questions including those related to whether civil and political rights take precedence over economic and social rights and whether cultural differences on conceptual issues such as the individual versus community and rights versus duties could undermine universal human rights. Moreover, a relevant question is how vulnerable culture is to change triggered by contact with other cultures.

In theory, at one end of the spectrum of the debate over universality versus relativity, there is a denial of the relationship between human rights and culture, whereas the opposite end represents those who dismiss universal human rights as being a Western notion which is unrelated to the reality of non-Western cultures.¹ However, attempting to take a stand within that spectrum or trying to strike a precise balance between universality and relativity is a controversial and complex issue.

The basic view that human rights are primarily to protect individuals from oppression has been universally attractive across cultures and explains the spread of human rights globally.² Despite a widening acceptance of the universality of rights listed in the UDHR and other human rights treaties, particularly among human rights advocates, the interpretation and application of those rights are subject to variation.

As discussed in chapter two, human rights as internationally-prescribed were originated in Western societies, reflecting the European liberal, secular thought, along with its views of the law of nature (the contribution of non-Western states is discussed

later). For universalists, human rights are perceived as self-evident universal norms, rooted in the concept of natural law and human dignity.³ Since human rights are applicable to all human beings simply because they are human, universalists suggest that human rights are capable of being objectively defined and applied to all societies on an identifiable scale.⁴ As noted in chapter two, the notion of natural rights that underlies universality has encountered various challenges, including on the ground that the concept of human nature could be influenced by cultural and social considerations. Conversely, relativists are suspicious of accepting universal human rights because what is known as universal human rights norms have arguably emerged from a single culture. Accordingly, the primary difference between relativist and universalist arguments is essentially connected with the underlying basis of human rights.

Modern human rights are largely influenced by evolved Western views and experiences of human dignity, moral values and the liberal political tradition of rights, namely the notion that the individual is the core of a society.⁵ This individualism has brought a sense of an inherent equality and rationality of individuals, whereas the pre-modern societies were essentially hierarchical. Also, the notion of 'rights' to all human beings, as internationally understood, differs from the concept of 'duties' or 'obligations' that exists in non-Western cultures, including the Islamic tradition (as explained later in section three). Human rights, with their individualistic quality, are meant to protect individuals from abuses by the community or the state. In non-Western traditions, the community, rather than the individual, is the core of the whole society. Such conceptual differences are essential in order to comprehend the argument for universality or relativity of human rights. Nonetheless, despite differences between Western and non-Western cultures on the issue of individual versus community or right versus duty, changes have already started to affect community-based norms in different parts of the world. In Saudi Arabia, for example, factors such as modernization and economic prosperity have already contributed to changes in some traditional norms, as argued later.

Within this context, one of the most important questions related to the universality of human rights is to look at whether cultural values are malleable, particularly to change occurring due to interaction with other cultures. The statement of the American Anthropological Association (AAA) before the UNCHR in 1947 characterized a strong relativist stand and reflected a position in which cultures were seen mainly as detached, static units.⁶ Since the early twentieth century, anthropologists have focused their argument on the relativity of moral standards in different societies, advocating that various social values and moral codes should be

beyond the criticism of outsiders. They also seek to dismantle ethnocentrism, rejecting the idea that one culture is superior to another or a culture has the right to impose its views on another culture.⁷ This relativist argument might be in a response to the cultural evolutionists who put Western civilization at the highest stage, although universalists reject ethnocentrism as being universally immoral.⁸ Universalism is generally against the preservation of traditions that oppose basic human rights and strongly favoured modernity and liberalism.

In the 1940s, cultural flows among various nations in the world were limited, which led anthropologists to reject the possibility of new values being voluntarily embraced universally. However, with the spread of global phenomena (such as the modern state system, capital market, modernization, physical and human development and global revolutions in information and communication technologies), cultural exchange has extraordinarily intensified. Consequently, anthropologists have moved towards considering culture as a less static unit, more susceptible to change.⁹ Such theoretical shift to constructionist analysis of culture constitutes a positive development towards the universality of human rights, particularly the focus on human development and its linkage to freedom, capabilities and knowledge, as indicated later. The rapid changes in the contemporary world, resulting in high levels of cultural and material exchange, led some anthropologists to abandon their position in relation to cultural relativity. New trends within anthropological studies have reflected greater doubt about rejecting human rights discourse in the name of cultural values.¹⁰ These trends emphasized the employment of a dynamic approach to human rights, as “people’s realities are culturally constructed”,¹¹ and stressed the need to make cultural relativism an energizing, rather than restraining, mechanism and to investigate strategies capable of tackling violations, which have been guarded by traditions.¹²

In general, cultures resemble to an extent each other in their visions of human dignity, but relativists tend to emphasize differences and to present these differences as the essence of a culture. With the general attractiveness of the notion of human rights to peoples from different cultures and the high levels of interaction between external and internal factors, challenges to traditional values related to human rights have increased. To deal with such challenges, relativists focused in the last two decades on building more awareness of the importance of cultural values within the overall international human rights framework. On one line of their argument, relativists think this awareness serves to emphasize harmony among peoples of a diverse world and contributes to a better understanding of causes of continuous violations of ‘universal’ human rights in many parts of the world.¹³ By contrast, universalists believe that the

focus on cultural relativity may lead to overlooking and/or legitimizing human rights violations and could challenge both domestic and international efforts to promote respect for human rights.¹⁴

A major argument in the debate is the emphasis on economic, social and cultural rights over civil and political rights or vice versa. This argument attempts to challenge the universality and indivisibility (all human rights are equally important) of internationally-recognized human rights by giving precedence to one generation of human rights over the other. The Cold War debate over the hierarchy between civil and political rights and economic, social and cultural rights has continued in different forms within North-South and West-Islam frameworks.¹⁵ While the adoption of two separate covenants is regarded as a categorical split,¹⁶ trends mainly within the Third World promote the view that the realization of economic and social rights (or other rights within the so-called third generation of collective rights such as the right to development) is a basic requirement for the effective enjoyment of civil and political rights.¹⁷ As explained in the next section, states of the South have utilized the right to development to challenge the universality and indivisibility of human rights. However, the denial of civil and political rights on grounds such as economic development is unacceptable, as the contradiction between the enjoyment of civil and political rights and the realization of economic and social rights is largely illusive. Human rights are fundamentally interrelated and interconnected such that the enjoyment or denial of one right affects other rights. However, a constructive step towards achieving universal realization of economic and social rights is the emphasis on minimum essential principles of subsistence rights for all, which has received widespread support, particularly within the UN.¹⁸

The universality of human rights has been also challenged on the ground that human rights are a matter of national sovereignty and compatible with the right to self-determination. As explained in chapter two, there have been various developments surrounding the notion of sovereignty by which violations of human rights become a concern for the international community, despite being profoundly internal issues.

For some relativists, a cross-cultural approach is the solution in order for different peoples in this multicultural world to get along with each other.¹⁹ They argue that human rights as understood in the West are not necessarily applicable to non-Western societies where their philosophical basis is different and perhaps opposed; even if there are some basic rights upon which a group of cultures agree at the conceptual level, they will be implemented and manipulated according to specific agendas and interests. For advocates of cultural relativity, the application of one set of

universally accepted human rights standards necessarily requires a universal culture.²⁰ Those advocates of a cross-cultural approach however do not offer practical mechanisms for reaching consensus on cross-cultural or universal standards derived from all cultures. The response to the relativist argument however is to employ a constructivist approach, as noted in chapter two, which argues that values, as social constructs, can be gradually diffused globally.²¹

Although internationally-recognized human rights emerged from Western conceptions, the contribution of non-Western states to the construction of human rights standards (discussed later) implies the universality of those rights. Even if internationally-recognized human rights are Western in their origin, that is irrelevant to their universal substance and applicability.²² In the post-colonial era, all non-Western societies currently live under the Western model of the nation-state. While the current conceptions of human rights initially emerged through a long history of struggle against violations by the state in European societies, what is interesting for this thesis is to look at the Western experience in a human-universal context, rather than within their culture of origin. In addition to the attractiveness of the idea of human rights to many people in different cultures, as human rights fundamentally aim at protecting human agents from abuse and oppression, the fact that all states have joined the modern international system and committed themselves in various ways to the observance of human rights substantiates, in one way or another, the universality of human rights.

Despite the argument that universal human rights norms do not conform with the extreme diversity of cultural and religious values around the world,²³ the interaction between external and internal factors in a given society is likely to challenge traditional values and enhance the process of constructing new norms. However, it is wrong to assume that changing traditional values is a straightforward process. Revivalist and fundamentalist individuals and movements that cherish traditions typically resist change; when change is instigated by contact with other cultures, resistance becomes fiercer. The development of new norms and their acceptance by societies often pass through challenging, complex, slow and gradual processes. If history offers some examples of failure in which traditionalist, fundamentalist forces in society were able to obstruct forming and accepting new norms, it is also full of many examples of success in which societies gradually accepted new norms, in spite of opposing voices.

When one looks at the legal history and theory of values associated with the contemporary understanding of human rights, some roots of human rights could be

detected across various cultures. Notions, such as human dignity, that underlie universal human rights norms are relevant to cultures outside the West,²⁴ despite variations in emphasizing either the community or individual. One may view the writings of the French and American revolutions in the context of a formally articulated philosophical pattern of human rights in the modern state, rather than the idea of human rights itself. Human rights thus are not based on one legal theory or a particular legal system; they are rather based upon elements and experiences that are interculturally valid. Trying to claim that human rights are a product of one's own religion or culture can "undermine the important function of human rights as common ground for a pluralism of ideologies."²⁵ Therefore, claims that exclusively link contemporary human rights to an Occidental or Christian heritage have been regarded as an obstacle to universalizing human rights.²⁶ One can draw out that the idea of human rights does not simply derive from the entirety of the Western culture, knowing that part of that culture opposed some aspects of 'secular' human rights. Religious liberty, for example, has been an integral part of the notion of human rights, but its endorsement by the Catholic Church occurred as late as 1965,²⁷ which suggests the secular quality of human rights. Although traditional religions have challenged few aspects of universal human rights, particularly regarding women's rights,²⁸ arguing that the notion of human rights is shared by various religions and philosophies likely contributes to the construction of a universal culture that accepts and supports the internationally-recognized human rights globally.

In looking at the arguments of universalists and relativists, universalists mainly focus on international normative universality, as expressed in the UDHR, rather than on absolute moral universality which may require common features of all cultures. Believing, for instance, in the right to be free from torture and oppression or the right to political participation does not imply adopting Western values or necessitate abandoning one's own culture. By contrast, relativists tend to bring ethical and cultural components into their argument and try to link universalism with absolutism and ethnocentrism.²⁹ Pluralism, as a major element of the notion of democracy and human rights that has always been acknowledged by human rights movements and activists, is a source of legitimizing various values of human rights in different cultures. Therefore, any alternative rights respectful of human dignity can be tolerated, even if they differ from international human rights.³⁰ Such argument rightly emphasized that the universality of human rights does not mean the global imposition of a particular set of Western values, but instead, aims at the universal recognition of pluralism, by which some cultural differences become tolerable for the sake of

building a universal culture of human rights. As universal human rights norms are derived from reason and shared humanity, variations in human rights standards should be also based on reason and respect for human dignity, rather than mere cultural considerations. It is also essential to know that establishing reconciliation between universalism and cultural and moral pluralism is inconceivable without advocating, at least initially, a minimalist approach to universalism.³¹ This approach represents an essential step in the construction of a universal culture of human rights.

Regardless of theories, variations of human rights' interpretation and form around the world provide practical evidence in the relativity of implementing human rights. Although the UDHR has been viewed as a comprehensive list of desirable rights, conflicts exist on the limits of some rights, even within one country as seen, for instance, in the American debate on the right to life and the issue of abortion.³² Moreover, the right to political participation is a suitable example in which different forms of such rights have been recognized.³³

The current practices of human rights in Western countries show that there is mediation between the universal idea of human rights and one's own culture.³⁴ Differences exist between American and European societies over the precise content and way of implementation of various rights. Despite sharing largely similar cultural heritages, differences can be seen, for instance, in limits of freedom of expression not only between American and European societies but also within European societies themselves.³⁵ Since states of a common culture (like European, Asian or Muslim countries) have variations in human rights practices, culture itself may not be always an essential factor in determining the course of human rights. Muslim countries, as explained later, vary in their formal positions towards, and interpretations and implementations of, the international human rights standards. Although nearly all states members of the UN have joined one or more of the international human rights conventions, there have been gaps, for various reasons, between the practices of those states and the theoretical, universal human rights standards listed in those conventions.

There are various reasons for the rejection of the universal human rights standards other than the alleged cultural barriers. Holders of powers typically validate abusive, violative policies on a cultural basis to serve their own interests, rather than the welfare of their societies. Also, fostering national and cultural pride in some cases motivates argument for cultural relativity. For women's rights, male dominance in many cultures is to blame for rejecting the norm of equality between men and women. To justify the persistence of traditional practices, authoritarian and patriarchal ruling elites present human rights as a Western plan designed to weaken traditional cultures

and religions.³⁶ While cultural diversity in practice is an axiomatic, the problem arises when holders of authority, usually male elites, transform social, cultural and political dominant practices into implacable internal realities.³⁷ As adherence to human rights necessarily places constraints on the exercise of authority, the reluctance of those in power to voluntarily observe universal norms of human rights is hardly surprising. Moreover, non-Western cultures accuse the West of double-standards because of the inconsistency in dealing with violating states, which damages the legitimacy of the universal standards.³⁸ Also, the incorporation of some new ideas within human rights has negatively affected the global acceptance of the universality of human rights.³⁹

For understanding the spread of universal human rights globally, one has to take into account the fundamental role of human rights movements. Non-state actors have been utilizing various means to diffuse human rights globally. They promote and operate within a conviction that the idea of human rights is attractive to millions of ordinary people in different cultures.⁴⁰ Moreover, the rise and diffusion of contemporary global phenomena, notably modernization and the revolution in information and communication technologies, have paved the road for a growing acceptance of human rights and provided human rights advocacy with additional avenues of influence. Some aspects of globalization, intentionally or unintentionally, have contributed to the exchange of knowledge, information on cases of abuse, and to the awareness about human rights. Despite arguments that reject the role of contemporary global phenomena, as they essentially serve the interests of the powerful while human rights advance the interests of the powerless,⁴¹ those phenomena have become a driving force for creating common ground among nations.

Critics of globalization express suspicion about the positive influence of globalization on human rights, viewing it as an ideological face for interests of powerful lobbyists, at both global and domestic levels.⁴² There is a growing debate on finding diverse approaches to counter the threats posed by globalization and reaffirm the potentiality of universal human rights.⁴³ Because some aspects of globalization have made the protection of economic and social rights more fragile, there is an increased discussion over the human rights approach to globalization, in which globalization, as an economic process, has to be subject to moral and ethical considerations and respectful of international legal standards and principles including human rights.⁴⁴ Regardless of suspicions about the real motives of the powerful lobbyists, this thesis argues that some aspects of globalization, particularly its relations to modernity and development and its mechanisms for lessening barriers among cultures, are likely to positively influence the universalizing of human rights. The

contemporary globalization of economic, political and social life has resulted in a high level of cultural exchange and coexistence. Opening closed, authoritative societies and entering new markets are among the key features of the globalization process.⁴⁵ As discussed in chapter five, in Saudi Arabia different aspects of globalization and modernization have been operating as an inevitable form of pressure that works alongside the international, institutional influences to diffuse human rights norms and affirm their universality.

In summary, it should be noted that the current conception of human rights has evolved over time. While the process of developing universal human rights was initiated by Western societies, the role of non-Western states in contributing to the formation of internationally-recognized human rights can not be ignored. In spite of a wide acceptance across cultures of some principles of human rights as being 'universal', such as the right to life or the right to be protected from torture, the term 'universal' has its own relativity, as defining the precise contents or the form of implementation of universal human rights is culturally, intellectually and politically controversial. Nonetheless, this thesis maintains that there is a striking cross-cultural consensus on many human values, particularly those rights connected with protecting the dignity and the well-being of individuals. Accordingly, the focus on protecting and empowering human agency, as the essence of universal human rights, would likely influence positively the acceptance of universal human rights globally across cultures.

Despite consensus at the conceptual, formal level, at which a majority of states in the UN has already agreed to be part of the international legally binding human rights arrangements, this universality is still affected by relativism at the level of interpretation and implementation, which may explain disagreements and variations among states in their human rights practices, even among culturally analogous states, as indicated earlier. Universality does not inevitably necessitate a complete uniformity or mean endorsing all Western values or adopting a Western way of life. With the absence of explicit limitations on what constitutes universally acceptable forms of implementing human rights, there is a margin for diversity in the international society that reflects pluralism. While the universality of human rights, as generally expressed in UDHR, is of central importance to this thesis, perceiving enough relativity in the universality of human rights so as to tolerate, to a certain extent, different forms of interpretation and implementation while accepting minimal hierarchical classification of their importance, constitutes a fundamental step towards universalizing human rights in practice, particularly in a country like Saudi Arabia.

The UDHR provides guiding principles for what accepted universality means. When practices towards human rights are not clearly prohibited in the UDHR and do not generate condemnation from local or international NGOs, then such practices can be tolerated even if their forms differ from, or are not declared within, international human rights standards. For instance, the right to political participation within tribal societies or the right to rest and leisure (limited working hours and periodic holidays) in pastoral societies may take different forms than those applied in urbanized societies.

With the spread of global phenomena related to development and modernity and the increase of cultural exchanges around the world, the likelihood increases of extending globally a culture of human rights, which implies the dynamic nature of culture. As people from different cultures are more likely to collectively agree on what is wrong rather than on what is good,⁴⁶ it is therefore reasonable to regard those rights connected with protecting the life, security and integrity of individuals as the heart of minimum essential levels of universalism. Given their significance to human rights, personal integrity rights are fully recognized in all three documents of the International Bill of Human Rights (UDHR, CESCER and CCPR).⁴⁷ Simultaneously, the focus on rights connected with securing basic needs for human agency is equally essential to achieve a minimum universalism.⁴⁸ Achieving this minimum level of rights necessitates critically respecting and promoting these rights to all, without distinction. Although human rights represent values that are socially constructed and thus reflect the influence of different cultures and traditions in their construction, it would be difficult to argue that these minimum rights now pertain to a particular culture or tradition rather than reflect a universal belief.

Attaining a minimum level of rights is, in a sense, basic to protecting human dignity and securing necessary needs. Illustrating the complexity of the issue, however, is that while recognition of the need to respect human dignity and provide for basic needs should unite different cultures in some attachment to human rights, some roles that Orthodox Judaism or Islam impose on women, for instance, may seem oppressive to secular women, but for religious women they may be both fulfilling and respectful of their dignity.⁴⁹ In part this raises the question of agency - how far they have a choice, and that may well be more a question of time than of culture but they may ultimately choose according to their cultural beliefs. Nevertheless, as the interpretations of human rights principles are, in a sense, mediated by culture and given that progress towards their acceptance is dependant upon cultural environments, this balance between a minimum universality and a minimum cultural relativity is an appropriate basis for examining and understanding developments towards human

rights in Saudi Arabia. As explored in chapter seven, the increasing realization of Saudi women's rights to education and work have been instrumental for the advancement of their rights in private and public settings.

2- Universality Versus Cultural Relativity: United Nations Debate:

The theoretical and political debate over universality is very much connected with the UN human rights instruments, which are declared to be universal despite cross-cultural variations. The UN human rights instruments have established human rights standards designed to guarantee an acceptable level of personal dignity based on universalism and the notions of equality and non-discrimination. The idea, if not the practice, of universal human rights has become part of worldwide consciousness since the adoption of the UDHR in 1948. For many states that participated in drafting the UDHR, there was no obvious contradiction at that point of time between endorsing an international document containing universal norms and neglecting observation of those norms domestically.⁵⁰

During the drafting process of the UDHR and the subsequent human rights conventions, non-Western states played an active role in debating and shaping those documents.⁵¹ Interestingly, Western states cast about a third of the votes for the UDHR, while two-thirds were from non-Western countries. Also, an average of more than three quarters of member-states of the UN are parties to the six⁵² principal international human rights conventions.⁵³ Such facts demonstrate that the UDHR and the conventions represent a global view of the meaning of universal human rights, at least at the formal level.

Under the UDHR, exercising human rights can be subject to limitations by law to meet the "just requirements of morality, public order and the general welfare in a democratic society."⁵⁴ Despite stating that rights and freedom mentioned in the UDHR "may in no case be exercised contrary to the purposes and principles of the United Nations,"⁵⁵ allowing limitations based on moral considerations can be understood in a context of tolerating different interpretations of human rights and thus to be culturally relative. Furthermore, The Vienna Convention on the Law of Treaties allows states to make reservations, while prohibiting them from making reservations that go against the object and purpose of the treaty.⁵⁶ The purpose of granting states rights of limitations and reservations under international law is, inter alia, to facilitate member states' compliance with the principles of international treaties, allowing them

to make some allowance for cultural differences in their adherence to strict international norms.

Nevertheless, the universality and indivisibility of human rights have been recognized by the UN on numerous occasions and constitute fundamental parts of the UN doctrine on human rights.⁵⁷ As explained earlier, this doctrine of universality and indivisibility was not challenge-free. Within the UN, there were several political and theoretical statements that questioned the universality and/or indivisibility of human rights. The 1947 AAA's statement to the UNCHR, as indicated earlier, opposed the UDHR, emphasizing that standards of human rights "cannot be circumscribed by the standards of any single culture."⁵⁸ The tensions between civil and political rights and economic, social and cultural rights during the Cold War and afterward within the North-South dimension have produced divergent arguments among state-members of the UN over the universality and indivisibility of human rights. The 1980s and 1990s witnessed a reawakening of the discussion over cultural relativity. Despite tremendous efforts by non-Western countries during the 1993 Vienna Conference to take into consideration cultural and religious backgrounds in the application of human rights, it is obvious that the UN doctrine is based essentially on universalism, as the 1993 Vienna Declaration, adopted by consensus, explicitly re-confirmed both the universality and indivisibility of human rights.⁵⁹

Non-Western countries participated actively in the UN debate on the right to development, attempting to include this right within the framework of internationally-recognized human rights.⁶⁰ A central issue in debate was the emphasis on linking development to either political and civil rights or economic and social rights.⁶¹ While a hierarchy of human rights exists in practice in which, for instance, protecting the integrity of individuals is more widely acknowledged than the right to rest and leisure, the controversy comes from the non-Western states' attempt to question theoretically the principle of indivisibility of human rights. The universalist argument presumes human rights theoretically are indivisible, interdependent and interrelated, whereas some advocates of the right of development argue that the universality of human rights requires universal conditions under which human rights can be realized.⁶² Accordingly, the right to development may be used to undermine universality and justify violations of human rights.

Within UN circles, the expansion of freedom and the respect for human rights are the primary end and principal means of development.⁶³ During the 1993 Vienna Conference, governments of the South presented the right to development against the quest of the North for reaffirming the universality of human rights. A compromise

was reached in which universality was reaffirmed with weak consideration of cultural particularities, and the right to development was also reaffirmed as a universal and inalienable human right.⁶⁴ Nonetheless, the right to development is too vague to be considered as one of the recognizable human rights, but development itself, at least practically, goes hand in hand with fundamental human rights and vice versa.

The debate on the links between development and human rights has contributed to growing interest in the field of development research that takes into consideration spreading a universal culture of human rights. In recent years, the UN has adopted a broader perspective of development, making economic development one aspect of human development. The UN Development Program (UNDP) has emphasized that human rights and sustainable human development are inextricably linked. The UNDP's vision of human development includes not only basic needs but also additional choices encompassing human capabilities, knowledge, human freedoms and rights and women's empowerment.⁶⁵ The focus on knowledge and human agency in the field of development research is very much connected with the previous argument regarding cultural exchange and the dynamic nature of culture. Such themes arguably are central for the construction of a universal culture of human rights.⁶⁶

The issue of universality has been a major concern for many non-Western countries around the world, particularly for Muslim countries.⁶⁷ Because the discourse of human rights is carried out primarily by Western states, other cultures, particularly the Islamic culture, have fears of a new form of colonialism and imperialism. Also, given that most Muslim countries were still under colonial rule in the late 1940s and because only seven Muslim countries⁶⁸ (out of 56 states that participated in deliberating the UDHR) had the chance to influence the UDHR, one may argue that little opportunity for contribution by Muslim countries existed when the bases of universal human rights were formulated. Nonetheless, it is significant that many Muslim countries, after achieving their independence, endorsed the UDHR and subsequent conventions. All governments in the Muslim world have ratified at least one international human rights treaty, including the two principal covenants.⁶⁹ Equally significant is that the positions of Muslim countries in relation to international human rights standards vary to the point that it is hard to distinguish the approach of those countries from that of non-Muslim nations.⁷⁰ Muslim countries represent nearly the entire spectrum of social, economic, ideological, institutional and political expressions.⁷¹ Although Islam is the religion of the majority in Muslim countries, it would be misleading to treat the Muslim world as a uniform, monolithic region. Such

variation emphasizes that religious values are not the only obstacles to the adoption and implementation of human rights in Muslim countries.

Muslim countries want all cultures to contribute to the formulation of the international human rights agenda. For many Muslim countries, if one culture dictates its views on other cultures, this leads to injustices and marginalization of other cultures.⁷² On the other side, Western states overlook human rights violations in Muslim countries due to various reasons including the fear of political Islam. As many states in the Western and Muslim worlds are extremely wary of granting political space to Islamist activists, this situation, among others, continues to provide a pretext for non-implementation of universal principles of human rights in many states of the Muslim world.⁷³

The 1972 Charter of the Organization of the Islamic Conference (OIC) reaffirmed the commitment to the UN Charter and to fundamental human rights in general, without defining a specific approach to human rights in Islam. Despite the agreement among member-states of the OIC to adopt, in August 1990, the Cairo Declaration on Human Rights in Islam, this document is general and ambiguous on some universal human rights issues. At the international level, governments of Muslim countries have an uneven record of voting on human rights issues and on ratification of human rights conventions. The ambiguity of the Cairo Declaration and the differences in voting and ratification patterns reflect the complexity of reaching consensus among Muslim countries on human rights issues, which leads to the question of how compatible internationally-recognized human rights are with the mainstream interpretation of Islamic texts.

3- Political System and Human Rights: An Islamic Perspective:

As modern human rights are perceived as defining obligations of the state vis-a-vis vulnerable individuals and groups, it is essential to explore major aspects of how Islamic texts, as widely interpreted, perceive the structure of the state and the relationship between the ruler and the ruled. Moreover, the *Qur'an* and the *Sunnah* are declared to be Saudi Arabia's constitution and the sources of all laws and values including human rights standards. Therefore, the examination of the political system and human rights from an Islamic perspective, based on mainstream interpretations of Islamic texts, should provide a useful contribution to the thesis's theoretical framework. Mainstream interpretations mean, in this thesis, those interpretations by classical or contemporary jurists and *ulama*, who generally observe in their

interpretations established principles in the four major schools of thought in Sunni Islam⁷⁴ and usually oppose reformist, moderate interpretations based on contextual understandings of the texts.

The Islamic ideal political system was developed on the experience of the Prophet Muhammad and his four caliphs who succeeded the Prophet in leading the Muslim community. The first four caliphs were elected through *shura* (consultation) without being blood relatives to the Prophet. The Prophet and his companions were “overwhelmingly against privilege by descent, by birth, by status, by wealth, or even by race, and insist that rank and honour are determined only by piety and merit in Islam.”⁷⁵ Based on well-established principles of egalitarianism and consultation, one might deduce that an Islamic political system could be a republic and should not be a monarchy.⁷⁶ Opposed to tribal thinking, the Islamic tenet is also strongly against hereditary privileges of all kinds, including, in principle, the institution of monarchy.⁷⁷

Exploring the relationship between the ruler and the ruled (individuals and the state) is central to any investigation of human rights. Due to the linkage between the decision-making process in any political system and the protection of human rights, one should note that the public affairs of the Muslim *ummah* (nation), according to Islamic texts, should be arranged primarily through *shura*. Choosing the ruler must take place through *bay'ah* (an oath of allegiance) by members of the public in the Muslim *ummah*. As it is practically impossible for all Muslims to themselves perform the *bay'ah* to the ruler, classical jurists approved a form of representation in which some influential people (*ahlul hali wal aqd*) were bestowed a right to carry out the *bay'ah* on behalf of the *ummah*.⁷⁸ Although the *Qur'an* and *Sunnah* do not contain comprehensive descriptions of ways of practicing power, Islamic texts have approved a clear principle that individuals of Muslim *ummah* are the holders of authority of public affairs. The *ummah* is the source of authority, and its individuals have rights to choose the ruler and ‘duties’ to hold him to account on his deeds.⁷⁹ According to a widely accepted notion in classical Sunni Islam, validly selecting a leader should take place through a *bay'ah* to a specific caliph nominated by the Muslim *ummah*. However, when the leadership is achieved by force, many jurists accept recognizing such a status quo and giving a *bay'ah* to the victor in the interest of maintaining stability,⁸⁰ although the act of achieving power by force is universally condemned.⁸¹ The controversial approval of the ruler’s authority, even if he obtains control by force has practically marginalized the people’s role in public affairs and negatively affected their political and civil rights; people are obligated to follow the ruler as long as he can justify his rule on Islamic grounds. Nonetheless, the essence of *bay'ah* represents

some sort of social contract and expression of popular will; Sunnis are generally known for the consensus doctrine (*ijma*), as they believe in the infallibility of the community.⁸²

Islam, as a social and political system, puts paramount emphasis on the rule of law, equality and social justice,⁸³ which influences the protection of human rights. The *Qur'an* and *Sunnah* primarily contain general ethical, social principles, and the detailed instructions of the *shari'ah* took shape during the first three centuries of Islamic history. *Shari'ah* itself is not homogenous; its interpretation and application are influenced by various cultural, historical and sectarian differences. Therefore, some Muslim thinkers call for critical evaluation of the *shari'ah* and for opening up the door of *ijtihad* (an independent opinion using both reason and knowledge of Islamic sources), which presents a source of new legal interpretations.⁸⁴

Despite the existence of arguments supportive of absolutism and hierarchy, Islam also provides bases for liberty and equality. Conservative *ulama* believe that democracy and constitutionalism contradict Islam, arguing that such notions involve secularism and human legislative power whilst Islamic laws are unchangeable.⁸⁵ Nevertheless, some reformist *ulama* are in favour of the adoption of democracy and constitutionalism, believing that there is no fatal conflict between political freedom and the *shari'ah*.⁸⁶ Based on the Islamic principle of the oneness of God (*tawhid*), the absolute sovereignty of God makes any human hierarchy unworkable, as all humans are identical before Allah.⁸⁷ Moreover, as the term *khilafah* involves the connotations of successor and representation and given the interpretation that every human being is identified as a vice regent (caliph) of God on earth,⁸⁸ advocates of Islamic democracy argue that the political system of Islam should be based on participation and representation that are rooted in Islamic tradition.⁸⁹ This perspective has been also affirmed by longstanding Islamic concepts of consultation (*shura*), consensus (*ijma*), independent interpretive judgement (*ijtihad*) and differences (*ikhtilaf*), which have been viewed as an effective basis for Islamic democracy and constitutionalism. Another notion central to the liberal interpretation is the concept of public interest (*maslaha*) rooted in the Islamic jurisprudence, suggesting a ruling system that best serves the public good: "a system which may change over time and place...".⁹⁰ Although such an argument may not fit into a Western-defined democracy, it presents the basis for a political system that is comparable to, and compatible with, the global trends of contemporary political systems.

Islam, like other religions and cultures,⁹¹ contains various and broad interpretations about its inherent 'human rights' norms. Until recent times, Muslim

scholars had not dealt with human rights as a specific set of issues, but rather in the context of various subjects: marital law, criminal law, economic law, moral standards and other subjects.⁹² In the Arabic language, the idea of right and the concept of obligation are a source of possible confusion. Rights (*huqooq*) and obligations (*wajibat*) in Islamic teaching are reciprocal. The entitlements of an individual are balanced by his/her obligations; an obligation upon one party is a right to the other.⁹³ The *Qur'an*, for instance, refers to the duty of Muslims to provide basic necessities to the poor as a right of the poor.⁹⁴

It is clear that certain rights in Islam are articulated as obligations and duties of individuals and not as rights of individuals in the traditional Western sense. According to Islamic jurisprudence, duties or obligations are divided into two broad categories: *huqooq Allah* (rights of Allah) and *huqooq al-ibad* (rights of people). *Huqooq Allah* are the rights of, or obligations due to, Allah, which include various rituals of worship. *Huqooq al-ibad* are those rights of, or obligations due to, the people and other creatures. There are two types of rights provided under *huqooq al-ibad*. The first are legal enforceable rights, whereas the second type consists of those rights that are not subject to direct enforcement by the state, which may be termed as moral rights.⁹⁵

Thus, the crucial feature of human rights in Islam is that they form obligations connected with Allah and obtain their validity from this link, as opposed to secular liberal notions of human rights. Unlike Islam, the distinction between Caesar's and God's in Christian thought allowed the existence and the development of natural rights.⁹⁶ Consequently, the main divergence between Western and Islamic traditions is the basis of human rights. Furthermore, human rights as universally understood are largely compatible with the concepts of individualism and rights,⁹⁷ whereas in Islam the conception of rights is based on duties/obligations owed to Allah or to the community. Another distinction between the two conceptions is that Islam seeks to achieve respect for human rights primarily through calling upon individuals to respect human rights and meet their obligations, linking the call with rewards or punishments from Allah in the hereafter life, although that does not disqualify the possibility of creating provisions of certain safeguards based on ethical and legal principles stated in the *Qur'an* and *Sunnah*.

In addition to conceptual variations, there are specific differences between mainstream interpretations of Islamic texts and international human rights, mainly equality of men and women, changing one's religion, non-Muslim citizens, capital and corporal punishments and slavery.⁹⁸ Because of such divergences, the presence of a human rights discourse in Islam has been questioned. However, numerous Western

scholars generally endorse the view that Islam reflects a strong concern for human good and human dignity, whilst rejecting the existence of human rights in Islam equivalent to those rights expressed in international human rights instruments.⁹⁹ As was the case with premodern Christianity, Islamic laws, as traditionally and textually interpreted, include elements incompatible with modern notions of human rights. Nevertheless, accepting that Islamic texts contain the seeds for creating progressive versions of Islamic human rights is a positive step towards gradually bringing human rights in Islam closer to the internationally-recognized human rights standards.

Muslim scholars differ over whether the *shari'ah* is static, or dynamic and receptive to notions such as human rights, demonstrating that the *shari'ah* is differently interpreted and implying that it is a malleable concept susceptible to positive changes. In contemporary studies on the subject, traditional conservative, neo-conservative and reformist approaches have endorsed in principle the notion of universal human rights. However, traditional conservatives tend to interpret textually human rights strictly within the classic Islamic jurisprudence and make reservations to, or omit, rights deemed to be against Islam,¹⁰⁰ whereas some *ulama* endorsed the notions of democracy and human rights, but still offered conservative opinions.¹⁰¹ Muslim reformers, however, advocate the legitimatization of the internationally-recognized human rights through reinterpreting the *shari'ah* sources. They draw on contextual interpretations of Islamic texts and emphasize the original meaning of the *shari'ah* as a 'path', rather than a detailed legal code, arguing that traditional *ulama* have overlooked using the inherent dynamism and flexibility of the *shari'ah*, asserting that progress appears to be the philosophy of the *Qur'an*.¹⁰²

To gradually overcome variations and reduce the gap between international and traditional Islamic human rights, some liberal Muslim reformers affirm the necessity to promote reinterpreting Islamic texts and the recovery of *ijtihad*, employing contextual analysis of the texts.¹⁰³ Also, the Islamic traditional principle of *jalb al-maslaha wa daf'a al-mafsadah* (bringing interests and preventing potential negative impacts), authorizes the *ulama* to issue *fatwas* and the ruler to initiate regulations in the public interest in accordance with the surrounding circumstances.¹⁰⁴ The Muslims' belief that Islam is a suitable way of life regardless of time and place suggests that Islamic legal doctrine was intended to find its evolutionary course by applying the principle of *ijtihad* to serve the public interests. Given that Islamic texts are susceptible to interpretations, modern Muslim thinkers believe that the spirit of Islam does not contradict modern human rights standards.¹⁰⁵

There is a growing tendency among liberal and pragmatic Muslim scholars to reinterpret the Islamic sources in ways that closely harmonize the *shari'ah* with international human rights principles. It is widely believed that promoting human rights by putting forward alternative interpretations of Islamic sources is more likely to achieve a positive outcome than rejecting the *shari'ah*,¹⁰⁶ bearing in mind that substantial proportions of people in the Muslim world sympathize with trends that are connected with the framework of Islam. Those people however may not regard the *shari'ah* as static, but the *ulama*, who can reinterpret the Islamic sources, could influence significantly people's perspectives on such issues. For many Muslims, linking contemporary human rights with Islamic sources empowers their meaning and impact, "just as rooting the rights of the UDHR in the Bible gives them a special meaning and force to Christians."¹⁰⁷

The idea of absolute equal rights among individuals regardless of gender, religion or social status is unknown to the traditional *shari'ah*. There are three groups of people who are deemed to be inferior under certain provisions of the *shari'ah*: non-Muslims, slaves and women. While the legal status of non-Muslims and slaves are subject to change,¹⁰⁸ women are the only group that must remain forever in its established legal status as women.¹⁰⁹ Nevertheless, the spread of Western influence in the Muslim world on the one hand and the malleable quality of Islamic texts and their receptive nature to re-interpretation on the other, have begat significant changes and developments to the three groups in various ways.¹¹⁰

In looking at the political system and human right from an Islamic perspective, one should note that the situation in classical Islamic civilization (approximately from the seventh to fifteen century) was better than elsewhere despite some inequalities recognized by Islam. The argument that Islamic texts reflect a strong concern for human good and human dignity does not mean the mainstream interpretation of human rights in Islam is compatible with international human rights. It should be noted, however, that Islam has been wrongly perceived in the West as a static phenomenon, which is against modernity, democracy and human rights and is retrogressive. This attitude has been boosted by different factors including the prevailing tendency among traditional *ulama* to emphasize closing the door of interpretation (*ijtihad*) and a reluctance to reform the *shari'ah*.¹¹¹ Also, human rights violations and injustices happening in the Muslim world have uplifted such attitudes. However, the perception of what constitutes Islamic norms varies widely, depending on one's perception of Islam, as seen, e.g., in the wide range of ideas among Muslims about democracy and elections.¹¹² Therefore, Islam does not by itself generate despotism, violence and

violations of human rights in the Muslim world; they are rather the result of endemic political, social and traditional cultures. Despite theoretical differences and thorny areas of conflict between Western and Islamic concepts, reinterpretation of the Islamic texts could lessen the degree of incompatibility. Throughout history, cultures generally evolve in the light of new experiences and needs, whilst changes usually occur over a long time frame.

4- Political System and Human Rights: A Wahhabi Perspective:

The reform movement (*da'wah*)¹¹³ of Muhammad Ibn Abdulwahhab (1703-1791) was primarily concerned with the purity of the Islamic faith and the eradication of popular practices that are inconsistent with the established rituals clearly defined in the Islamic texts.¹¹⁴ Muhammad Ibn Abdulwahhab focused on the Islamic principle that there is only one God, and that God does not share his power with anyone. Thus, popular practices, such as visiting shrines or recognizing power of an *imam*, are clearly un-Islamic and strongly condemned in Wahhabi beliefs. From these unitarian and purity principles, Wahhabis sometimes refer to themselves as *ahl al-tawhid* (the people of oneness), but prefer to be called simply Muslims. They label their movement as *da'wahat Ash-Sheikh* (the call of sheikh Ibn Abdulwahhab) or *al-da'wah al-salafiyah*¹¹⁵ (the call for imitating the earliest generations of Muslims) while their detractors referred to them as 'Wahhabis', which has pejorative and negative connotations.¹¹⁶ Nevertheless, because the terms 'Wahhabis' and 'Wahhabism' are commonly used in various literatures, in the works of Muslim and non-Muslim alike, to identify the followers of Muhammad Ibn Abdulwahhab and his creed, both words have been used throughout this thesis.

The significance of Wahhabism is not the idea of a unitary God because this principle goes to the heart of Islam; it is rather enforcing a particular understanding of this principle upon Muslim communities. In 1744, Muhammad Ibn Sa'ud and Muhammad Ibn Abdulwahhab swore a traditional oath in which they promised to work together to establish a state run according to Islamic principles as interpreted in Wahhabism. Waging wars to eradicate ritual malpractices became sanctioned under Wahhabism.

Wahhabis are known for their literal interpretation of what constitutes right behaviour according to the *Qur'an* and *Sunnah*. Critics of Wahhabism describe its interpretation as exclusivist, intolerant and bigoted; Wahhabism therefore has become a synonym for any intolerant movements, whether within the Islamic faith or in any

other faiths.¹¹⁷ Muhammad Ibn Abdulwahhab was greatly inspired by the work of a Hanbali scholar, Ibn Taimiyah (1263-1328), whose perspectives are generally regarded as strict and conservative.¹¹⁸ Wahhabism has made the Hanbali School dominant in the Arabian Peninsula, after a successful military movement based on the Saudi-Wahhabi religio-political alliance. Following the Hanbali legal School,¹¹⁹ the Wahhabi conservative *ulama* accept the authority of the *Qur'an* and *Sunnah*. Nonetheless, despite the important principle in Hanbali thought which indicates that things are assumed to be allowable unless first proved otherwise, Wahhabi *ulama* tend to restrict re-interpretation of the *Qur'an* and *Sunnah* in regard to issues clearly settled by the early jurists, given Wahhabism's emphasis on the revival of the *Salafiyah* creed, which calls for imitating the earliest Muslims in every aspect of life.¹²⁰ This makes Wahhabi tenets rigorous and leaves little room for *ijtihad*. By inclining to minimize re-interpretation, Wahhabism is at odds with the Muslim reformation movement of the late nineteenth and twentieth centuries, in which reinterpretation of the Islamic sources was sought in order to conform with standards existing in the West, most notably standards relating to gender relations and participatory democracy. Whereas a wide scope for re-interpretation remains for Wahhabi jurists in areas not decided by the early jurists, many Saudi *ulama* tend to take conservative, culturally influenced positions in relation to new issues.

According to Wahhabi perspectives, the ruler's primary role is to ensure that the Islamic community lives in conformity with the *shari'ah*. Based on an orthodox *Sunni* tradition, Wahhabism emphasized the importance of respecting and supporting the ruler, even if he is unjust and oppressive, as long as he does not reject Islam. In the Wahhabi idea of the state, power is legitimate no matter how it may have been seized, and obedience to whoever is in power is obligatory.¹²¹ State-appointed *ulama* go further in addressing this issue by depicting any criticism of the ruler as a sin that may lead to anarchy, turmoil and revolt.¹²² Like most Islamic movements, the Wahhabi instruction to obey the ruler, to respond to his call for war (*jihad*), and to pay him *zakat* (Islamic tax) provided the conditions for state formation under Saudi leadership. Such tradition has provided a theoretical basis for absolutism "whereby the seizure of power is purported to be sanctioned by Allah and disobedience is almost equivalent to heresy."¹²³

The objective of the Wahhabi-Saudi state is to revive the ritual and conceptual clarity of Islam, focusing on the elimination of ritual malpractices relating to the oneness of Allah. In today's Saudi Arabia, religion and the state still need each other. Religion, as interpreted by Wahhabis, needs the support of state power for its spread

and maintenance, and the state is in need of religion to socially bolster its power.¹²⁴ However, the influence of traditional Wahhabism, as opposed to mainstream Islam, in running the Saudi state is evidently in decline. Unlike the previous Wahhabi-Saudi *jihadi* state, military campaigns under the leadership of King Abdulaziz (1902-1953), the founder of modern Saudi Arabia, were not aimed at spreading Wahhabism, despite using Wahhabi slogans, but rather at re-establishing the Al-Sa'ud rule.

The transition from an expansionist, revolutionary Wahhabi movement that ran the state, to an official Wahhabism controlled by the state, has weakened the role of the *ulama*, as indicated briefly in chapter one. King Abdulaziz's renunciation of the title of *imam* to proclaim himself as King, the first ever in the Saudi dynasty, was a sign of moving away from Islamic, Wahhabi leadership patterns. By abandoning the Wahhabi religio-political title of *imam*, the Saudi rule has moved towards a more official secularization at least in the title.¹²⁵ Nevertheless, Saudi rulers esteem their Islamic credentials as custodians of the two mosques and they consider the support of the *ulama* critical; consequently the *ulama* remain an important component of the ruling class.

In today's Saudi Arabia, it is incorrect to put all *ulama* and activists, in relation to their views on the structure of the political system or on human rights, in one basket as conservative, traditionalist or fundamentalist Wahhabis. They rather represent views within a wide spectrum: from both the Sunni and Shiite traditions, inside and outside the government, and traditionalists, fundamentalists, reformists and liberals. Nevertheless, the majority of *ulama* are conservative traditionalists, and their views on human rights are based on literal and textual understanding of the *shari'ah* sources. The *ulama* within the official religious establishment are mostly conservatives not only religiously but also socially and politically, and their interpretations of the *shari'ah* sources have been in harmony with government views on all political questions and on most social issues. In the name of preserving Islam and maintaining the security of the state, the official *ulama* strongly opposed constitutionalism and some human rights, particularly those rights related to women.¹²⁶ The *ulama* believe that Muslims do not need international human rights since they already have the *shari'ah*; they do however accept international human rights as long as those rights are not in conflict with the *shari'ah*.¹²⁷

Human rights trends in Saudi Arabia are not limited to those of the official *ulama*. There are growing opinions expressed by Saudi activists who advocate reformist views on politics and human rights. These groups mostly adopt an Islamic framework for reform and, directly or indirectly, criticize some official policies and

social practices including those related to human rights.¹²⁸ While members of these groups seemingly have many things in common, particularly their reference to Islam and the need for reform, they stand between sharply opposed positions within the Islamic spectrum, from conservatives and reformists to modernists.¹²⁹ In recent years, there are indications that reformist voices are gaining greater acceptance by many segments in society, as argued in chapter four. Finally, there is a growing trend in which secular and liberal views on human, particularly women's, rights are expressed.¹³⁰ The majority of this group work in the media, universities and high public positions and are typically highly educated 'Westernized' people. Their positions and qualifications give them the potential to influence and reshape the current understanding of politics and human rights.

Wahhabism's interpretations of the *Qur'an* and *Sunnah* have been influenced by the surrounding political and social environment. Local traditions regulate the behaviour of individuals and of society as a whole. In the heart of the Arabian Peninsula where Wahhabism originated, familial obligations and social traditions have been influential, affecting perspectives on issues like the political system's structure and human rights norms. Wahhabism has sanctioned several traditional practices related to the hegemony of dynasties and patriarchies in society, as will be discussed later in chapters four and seven.

5- Universality of Human Rights: A Saudi Perspective:

Saudi Arabia was among participant states that drafted the UDHR, a fundamental step in universalizing human rights at the official level. When the UDHR was under discussion, Saudi Arabia's representative to the UN made several statements and comments, opposing elements of the UDHR. He objected mainly to the ideas of religious liberty and of absolute gender equality, as will be detailed later in chapter six. While his views were contradictory to what are known as universal human rights, they were seen as consistent with mainstream interpretations of Islamic texts.¹³¹ More precisely, Saudi Arabia's position concerning the UDHR was largely derived from conservative and traditional tendencies within Wahhabism, rather than from collective, reformist frameworks based on Islamic sources. Saudi Arabia was not joined by any Islamic governments when it abstained during the voting on the UDHR in 1948,¹³² but that does not disqualify some elements of conflict between the UDHR and Islam, as noted earlier. Despite its abstention, Saudi Arabia has not made any formal declaration of objection to the UDHR.¹³³ On the contrary, Saudi Arabia

supported the adoption of the principal international human rights conventions with the exception of its abstention on the CEDAW voting, as explained in chapter six.

Saudi Arabia has been participating in and cooperating with the existing mechanisms of the UN human rights system. It has endorsed the universality of human rights in general terms, whilst calling into question the universality of some of the declared human rights standards. On several occasions, Saudi Arabia expressed its acceptance of international human rights norms as long as they did not go against its interpretations of the *shari'ah*.¹³⁴ The central argument made by countries like Saudi Arabia is that rights, such as freedom of expression and association or the right to political participation, make little sense provided that most citizens are comfortable with the existing domestic structures. King Fahad (1982-2005) once declared that the democratic system that is predominant in the world is not appropriate for the peoples who live in this region and free elections are not in keeping with the structure of Islam.¹³⁵

In the 1990s, Saudi Arabia ratified four major human rights conventions. Unlike the UDHR, conventions create legally binding law on the ratifying states. However, Saudi Arabia legally limited the effect of these conventions through reservations, thereby precluding its compliance with certain provisions, particularly those contrary to its interpretations of the *shari'ah*. By becoming part of the international legally binding arrangements, Saudi Arabia officially has moved a step further in recognizing the universality of human rights.

Because of its central importance to the legitimacy of the Saudi state, Saudi officials typically reaffirm adherence to the *shari'ah* and maintain that human rights in Islam are universal by nature.¹³⁶ Yet successful human rights protection, Saudi Arabia argues, should be based on relativity in application of human rights norms, "taking into consideration differences in the natures of societies, their customs, traditions and beliefs."¹³⁷ Universality of human rights, for the Saudi government, can be enriched through regional declarations and agreements. The 1990 Cairo Declaration on Human Rights in Islam is seen as supplementary and supportive of the international endeavour in the field of human rights.¹³⁸

Unlike the Cairo Declaration which was essentially based on Islam, the revised Arab Charter on Human Rights, adopted by the Arab League states in May 2004, has referred to international standards as enshrined in the UN human rights documents.¹³⁹ However the Arab Charter is affected by conservative orientations, particularly in its provisions concerning women. Similarly to the Cairo declaration, the Arab Charter has missed some rights and freedoms which are recognized internationally. Also, there

are some provisions in the Charter which are not in harmony with international standards, although many rights contained in the two documents are mostly consistent with universal human rights.¹⁴⁰ Saudi Arabia has signed the Charter, while a few Arab countries have ratified it.¹⁴¹

Saudi Arabia generally endorsed, particularly at the UN forums, the international human rights efforts and mechanisms and confirmed its keen interest and commitment to the cause of human rights but, despite declaring that it would protect the human rights of its citizens in accordance with the *shari'ah*,¹⁴² it has avoided clarifying precisely what Islamic human rights are. As seen in the variations of positions across the range of both *ulama* and governments in the Muslim world and in the wide range of perspectives of Saudi *ulama* and activists, one can clearly affirm that there is no single and definitive interpretation of Islamic human rights principles. With such differences, Saudi Arabia's vague position on the universality of the internationally-recognized human rights may reflect its long vision, as the *shari'ah* remains malleable to accommodate further norms.

In Saudi Arabia, there is an overlap between religious values and traditional norms, as distinguished in the next chapter. The issue of legal entitlement of human rights as universally understood is a recent phenomenon in the Kingdom. Both the people and the government view Islam and local traditions as determinants of human rights standards. Under such circumstances, Saudi Arabia remains skeptical about the universality of human rights, because universal human rights standards contain elements that contradict both Islamic and traditional values as perceived in the Kingdom.

Conclusion:

There is a general consensus that certain human rights concepts have a universal validity. In the contemporary world, many principles of human rights have formally, verbally and conceptually gained international recognition and a near-universal consensus, in spite of disagreement on some human rights issues, such as their ideological basis, the individual versus community, rights versus duties or the interpretation of the content of each right. Given the argument that the roots for respecting and protecting human dignity have existed in various cultures and with the fact that member-states of the UN have officially endorsed international human rights standards, cultural relativity appears to be insignificant at the conceptual level, particularly in relation to basic human rights. People from different cultures are likely

to accept the argument that human rights in the first place aims at protecting integrity rights and providing basic human needs; these rights thus have a striking cross-cultural consensus. While acknowledging that human rights are universal, indivisible and interrelated, this chapter argues that emphasizing a minimalist approach to universality, which focuses on protecting and empowering human agency, provides useful instruments in the construction of a universal culture of human rights.

Cultural relativity is part of the world of reality, which explains the gap between theory and practice, even among countries of similar culture. The variations in observing universal human rights norms existed not only in Islamic and developing countries but also in the West. Differences are noticeable in the application of some human rights between American and European societies, as seen, for instance, in the limits of the freedom of expression. Culture itself however may not be always an essential factor in determining the course of human rights. Other factors in the political and social environment can be identified; among them is the desire of holders of power in authoritarian and/or patriarchal societies to maintain their dominance, utilizing, *inter alia*, cultural and religious arguments.

The mainstream interpretations of Islamic texts are inconsistent with some aspects of universal human rights. Those interpretations however are impacted by the surrounding environments; various cultural, traditional and sectarian differences have influenced interpretations of Islamic texts, as seen in the considerable variations among Muslim countries and *ulama* in their positions towards human rights issues. While Islamic texts, according to mainstream interpretations, recognize some norms that are incompatible with the internationally-recognized human rights, this chapter argues that the nature of Islamic texts allows a process of reinterpretation by which the degree of incompatibility could be lessened, given the linkage between interpretation and the surrounding environment. As argued earlier, cultural and religious values are not immune from change, notably if change is precipitated by contact with other cultures. The spread of global phenomena, including modernization, communication and information technologies and transnational human rights movements, have resulted in unprecedented wide scale increases in cultural exchange, which indicate the dynamic nature of culture.

In Saudi Arabia, practices of human rights are mainly guided by a mixture of traditional values and religious interpretations, despite some developments towards internationally-recognized human rights standards. The society has been influenced by the increasingly-open environment, which explains the various orientations in, and the growing debate on, human and women's rights and suggests that traditional and

religious values are undergoing a process of change. Such a proposition leads to the question of what are the factors affecting human rights in the Kingdom and their developments. For the purpose of examining the influence of the UN human rights system in the development of human rights in Saudi Arabia, the next two chapters explore major internal and external factors that influence human rights in Saudi Arabia, whereas Saudi Arabia's response to influence from the UN human rights system is dealt with in a separate chapter.

ENDNOTES (CHAPTER THREE)

- ¹ For illustrative purposes, Jack Donnelly divided the doctrine of cultural relativism into 'strong' and 'weak' cultural relativism. Strong cultural relativism implies that human rights are principally, but not entirely, determined by culture, and the universality of human rights serves to control the possible exaggeration of relativism. Weak cultural relativism means that human rights are essentially universal, but admits that culture is an important source of exceptions in the interpretation of human rights. See, Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 1989) 109-110 and Jack Donnelly, *International Human Rights* (Boulder: Westview Press, 1993) 34-38.
- ² See, Michael Ignatieff, *Human rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001) 67-69.
- ³ For more details, see, for instance, Donnelly, *Universal Human Rights in Theory and Practice*, 16-19.
- ⁴ Donnelly, *International Human Rights*, 19.
- ⁵ Some researchers, like Heiner Bielefeldt, argue that human rights are by no means merely individualistic, despite their acknowledgment of the fact that human rights clearly enlarge the scope of individual freedom. See Heiner Bielefeldt, "Muslim Voices in the Human Rights Debate", *Human Rights Quarterly* 17:4 (1995) 591.
- ⁶ American Anthropological Association, "Statement on Human Rights", Submitted to the UN Commission on Human Rights (December 1947), in *Human Rights Law*, ed. Philip Alston (Aldershot: Dartmouth Publishing Company, 1996) 111-115.
- ⁷ For more details, see Steve J. Shone, "Cultural Relativism and the Savage: the Alleged Inconsistency of William Graham Sumner", *The American Journal of Economics and Sociology* 63:3 (2004), viewed on line at <http://www.findarticles.com/p/articles/mi_m0254/is_3_63/ai_n6142202/print> accessed 3 July 2006 and John J. Tilley, "Cultural Relativism", *Human Rights Quarterly* 22:2 (2002) 501-547.
- ⁸ Tilley, "Cultural Relativism", 540.
- ⁹ For more details, see Ann-Belinda S. Preis, "Human Rights as Cultural Practice: An Anthropological Critique", *Human Rights Quarterly* 18:2 (1996) 298.
- ¹⁰ Jane K. Cowan, Marie-Benedicte Dembour, and Richard A. Wilson, *Culture and Rights: Anthropological Perspectives* (Cambridge: Cambridge University Press, 2001) 7.
- ¹¹ Preis, "Human Rights as Cultural Practice: An Anthropological Critique", 298.
- ¹² See, Carole Nagengast, "Women, Individual Rights and Cultural Relativity: Power and Difference in Human Rights Debates", University of New Mexico, Working Paper #266, December 1998), viewed on line at <<http://www.wid.msu.edu/resources/papers/pdf/WP266.pdf>> accessed 10 August 2003.
- ¹³ Abdullahi A. An-Na'im, "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment", in *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*, ed. Abdullahi A. An-Na'im (Philadelphia: University of Pennsylvania Press, 1991) 20-29.
- ¹⁴ See, Philip Alston, "Introduction", in *Human Rights Law*, ed. Philip Alston (Aldershot: Dartmouth Publishing Company, 1996) xxi.
- ¹⁵ Henry Steiner and Philip Alston, *International Human Rights in Context* (Oxford: Oxford University Press, 2000) 238, 367-368.
- ¹⁶ See, e.g., Amnesty International, "Amnesty International Annual Report (1998): Introduction", viewed on line at <<http://www.amnesty.org/ailib/aireport/ar98/intro1.htm>> accessed 23 March 2004 and Steiner and Alston, *International Human Rights in Context*, 245.
- ¹⁷ See, for instance, Brigitte I. Hamm, "A Human Rights Approach to Development", *Human Rights Quarterly*, 23:4 (2001) 1006-1008, Wesley Milner, Steven Poe and David Leblang, "Security Rights, Subsistence Rights, and Liberties: A Theoretical Survey of the Empirical Landscape", *Human Rights Quarterly* 21:2 (1999) 401-419 and Hans-Otto Sano, "Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development", *Human Rights Quarterly* 22:3 (2000) 735-738.
- ¹⁸ Scott Leckie, "Another Step Towards Indivisibility: Identifying the Key Features of Violations of Economic, Social and Cultural Rights", *Human Rights Quarterly* 20:1 (1998) 100-101.
- ¹⁹ For more details on the cross-cultural approach to human rights, see An-Na'im, "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment", 19-43.
- ²⁰ R. Panikkar, "Is the Notion of Human Rights A Western Concept?", in *Human Rights Law*, ed. Philip Alston (Aldershot: Dartmouth Publishing Company, 1996) 170.
- ²¹ See Diane F. Orentlicher, "Relativist and Religion", in *Human rights as Politics and Idolatry*, Michael Ignatieff (Princeton: Princeton University Press, 2001) 151-153.
- ²² Donnelly, *Universal Human Rights in Theory and Practice*, 64.

- ²³ See, for instance, Tilley, "Cultural Relativism", 501-547 and An-Na'im, "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment", 19-29.
- ²⁴ David Little, John Kelsay, and Abdulaziz A. Sachedina, *Human Rights and the Conflict Culture: Western and Islamic Perspectives on Religious Liberty* (Columbia: University of South Carolina Press, 1988) 85.
- ²⁵ Rolf K nnemann, "A Coherent Approach to Human Rights", *Human Rights Quarterly* 17:2 (1995) 340.
- ²⁶ Heiner Bielefeldt argued that the Church today often considers human rights to be an expression of Christian values, whilst it had for a long period resisted the emancipatory claims of the modern concept of rights. See Bielefeldt, "Muslim Voices in the Human Rights Debate", 600-602.
- ²⁷ Bielefeldt, "Muslim Voices in the Human Rights Debate", 593.
- ²⁸ For more details, see Hilary Charlesworth, "The Challenges of Human Rights Law for Religious Traditions", in *Religion and International Law*, eds. Mark Janis and Carolyn Evans (The Hague: Martinus Nijhoff Publishers, 1999) 401-415.
- ²⁹ For more details on refuting chief arguments for cultural relativism, particularly absolutism and ethnocentrism see John J. Tilley, "Cultural Relativism", *Human Rights Quarterly* 22:2 (2002) 538-541.
- ³⁰ Abdullah A. An-Na'im, "The Contingent Universality of Human Rights: The Case of Freedom of Expression in African and Islamic Contexts", *Emory International Law Review* 10:3 (1997) 37.
- ³¹ Ignatieff, *Human rights as Politics and Idolatry*, 56-58.
- ³² Ignatieff, *Human rights as Politics and Idolatry*, 20-21.
- ³³ A major distinction drawn is between the electoral and nonelectoral forms of participation, each of which in turn has its variable characteristics. Within the realm of electoral participation, there are universal adult suffrage; a suffrage limited by sex, income, or some other criterion; elections where voting is a right; elections where voting is a privilege or even a duty; and so forth. For more details, see Donnelly, *Universal Human Rights in Theory and Practice*, 116-117.
- ³⁴ See, for instance, Otfried Hoffe, "Cultural Imperialism or Intercultural Discourse", *Qantara.De* <http://www.quantara.de/webcom/show_article.php/_c-285/_nr-5/i.html> (18 February 2003) accessed 5 September 2003.
- ³⁵ See, for instance, An-Na'im, "The Contingent Universality of Human Rights: The Case of Freedom of Expression in African and Islamic Contexts", 36-38.
- ³⁶ For more explanation of the persistence of cultural arguments, see Donnelly, *Universal Human Rights in Theory and Practice*, 99-100.
- ³⁷ Arati Rao, "The Politics of Gender and Culture in International Human Rights Discourse", in *Women's Rights, Human Rights: International Feminist Perspectives*, eds. Julie Peters and Andrea Wolper (London, Routledge, 1995) 173.
- ³⁸ Ignatieff, *Human rights as Politics and Idolatry*, 48.
- ³⁹ The advocacy of new fashionable rights, such as homosexual rights, within movements of human rights has arguably damaged the legitimacy of the universality of human rights, particularly among Muslims.
- ⁴⁰ Ignatieff, *Human rights as Politics and Idolatry*, 70.
- ⁴¹ *Ibid*, 7.
- ⁴² Michael Goodhart, "Origins and Universality in the Human Rights Debates: Cultural Essentialism and the Challenge of Globalization", *Human Rights Quarterly* 25:4 (2003) 937 and Ignatieff, *Human rights as Politics and Idolatry*, 7.
- ⁴³ See, Goodhart, "Origins and Universality in the Human Rights Debates: Cultural Essentialism and the Challenge of Globalization", 960-963.
- ⁴⁴ See Mary Robinson, "Ethics, Human Rights and Globalization", A Lecture Delivered at The Global Ethic Foundation, Germany, (21 January 2002), viewed on line at <www.weltethos.org/pdf_dat/rob_eng.pdf> accessed 25 February 2004 and Bertrand Ramcharan, "Human Rights: The Way Forward", Address before the UN University, Human Rights Day Panel, New York, (10 December 2003), viewed on line at <<http://www.ony.unu.edu/seminars/globofhumanrights-10dec2003/ramcharansspeech.pdf>> accessed 25 February 2004.
- ⁴⁵ Jacques Hallak, "Globalization, Human Rights and Education", (Paris: UNESCO, International Institute for Educational Planning, 1999) 18.
- ⁴⁶ See, Ignatieff, *Human rights as Politics and Idolatry*, 56 and Jerome J. Shestack, "The Philosophic Foundations of Human Rights", *Human Rights Quarterly*, 20:1 (1998) 215-217.
- ⁴⁷ For more details, see Milner, Poe and Leblang, "Security Rights, Subsistence Rights, and Liberties: A Theoretical Survey of the Empirical Landscape", 407-410.
- ⁴⁸ Steiner and Alston, *International Human Rights in Context*, 256.
- ⁴⁹ See, Ignatieff, *Human rights as Politics and Idolatry*, 74.

⁵⁰ *Ibid*, 6.

⁵¹ See, for instance, Susan Waltz, "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights", *Human Rights Quarterly* 23:1 (2001) 44-72 and Preis, "Human Rights as Cultural Practice: An Anthropological Critique", 286-315.

⁵² The six principal human rights conventions are the International Covenant on Economic, Social and Cultural Rights (CESCR); the International Covenant on Civil and Political Rights (CCPR); the International Convention on the Elimination of all Forms of Racial Discrimination (CERD); the International Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Convention on the Rights of Child (CRC).

⁵³ UN document, "Ratification and Reservation", Office of the UN High Commissioner for Human Rights (OHCHR), viewed on line at <<http://www.ohchr.org/english/countries/ratification/3.htm>> accessed 15 March 2004.

⁵⁴ Article 29 (2) of the UDHR.

⁵⁵ Article 29 (3) of the UDHR.

⁵⁶ Article 19 (c) of the Vienna Convention on the Law of Treaties.

⁵⁷ See, for instance, UN document, A/CONF.157/23 of 12 July 1993, the World Conference on Human Rights, Vienna Declaration and programme of Action.

⁵⁸ American Anthropological Association, "Statement on Human Rights", Submitted to the UN Commission on Human Rights, (December 1947), in *Human Rights Law*, ed. Philip Alston (Aldershot: Dartmouth Publishing Company, 1996) 115.

⁵⁹ The paragraph stated the following: "All human rights are universal, indivisible, and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights." UN document, A/CONF.157/23 of 12 July 1993, the World Conference on Human Rights, Vienna Declaration and Programme of Action, Part I, Paragraph 5.

⁶⁰ The UNGA resolution leading to the adoption of the 1986 Declaration on the Rights to Development was mainly sponsored by developing countries, as 146 countries voted for the resolution to 1 against (the US), with 8 abstentions of mainly Western countries. Similarly, the inclusion of several paragraphs on this issue within the 1993 Vienna Declaration and Programme of Action was largely the result of efforts by non-Western countries. For more details, see Brigitte I. Hamm, "A Human Rights Approach to Development", *Human Rights Quarterly*, 23:4 (2001) 1008-1009, Hans-Otto Sano, "Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development", *Human Rights Quarterly* 22:3 (2000) 734-735 and UN document, A/CONF.157/23 of 12 July 1993, the World Conference on Human Rights, Vienna Declaration and programme of Action.

⁶¹ See, for instance, Brigitte I. Hamm, "A Human Rights Approach to Development", *Human Rights Quarterly*, 23:4 (2001) 1008-1010 and Arjun Sengupta, "On the Theory and Practice of the Right to Development", *Human Rights Quarterly*, 24:4 (2002) 838-845.

⁶² Brigitte I. Hamm, "A Human Rights Approach to Development", *Human Rights Quarterly*, 23:4 (2001) 1008.

⁶³ UN Publication, "Arab Human Development Report", UN Development Program (2003) 19.

⁶⁴ UN document, A/CONF.157/23 of 12 July 1993, the World Conference on Human Rights, Vienna Declaration and Programme of Action, Paragraph 10. However, the same paragraph stated that "while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights."

⁶⁵ UN publication, "Arab Human Development Report", UN Development Program (2002) 15-20.

⁶⁶ For more details, see Preis, "Human Rights as Cultural Practice: An Anthropological Critique", 290 & 311, Ignatieff, *Human rights as Politics and Idolatry*, 57 and UN publication, "Arab Human Development Report", UN Development Program (2002).

⁶⁷ For more details, see Charlesworth, "The Challenges of Human Rights Law for Religious Traditions", 407.

⁶⁸ Afghanistan, Egypt, Iran, Iraq, Lebanon, Pakistan and Saudi Arabia.

⁶⁹ Of the fifty-seven members of the Organization of the Islamic Conference (OIC), forty member states have ratified both the International Covenant on Civil and Political Rights and the International Covenants on Economic, Social and Cultural Rights. See UN Document, Office of the UN High Commissioner for Human Rights (OHCHR), Ratification and Reservation, available on line at <<http://www.ohchr.org/english/countries/ratification/3.htm>> accessed 15 March 2004.

⁷⁰ See, Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder: Westview Press, 1995) 11.

⁷¹ Joseph Esposito, *The Oxford History Of Islam* (Oxford: Oxford University Press, 1999) 549.

⁷² ElHassn bin Talal, Address to the Asian Preparatory Meeting for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Iran, (19-21 February 2001).

⁷³ For more details on the role of Islamist human rights movements, see Neil Hicks, "Does Islamist Human Right Activism Offer a Remedy to the Crisis of Human Rights Implementation in the Middle East?", *Human Rights Quarterly* 24:1 (2002) 361-381.

⁷⁴ The four major schools of thought in Sunni Islam are Hanafi, Maliki, Shafii and Hanbali.

⁷⁵ Bernard Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle East* (London: Weidenfeld & Nicolson, 2002) 82.

⁷⁶ See, e. g., Timothy D. Sisk, *Islam and Democracy: Religion, Politics, and Power in the Middle East* (Washington: US Institute of Peace Press, 1992), 23 and Murad Hofmann, "Human Rights in Islam", *Qantara.De* <http://www.quantara.de/webcom/show_article.php/_c-285/_nr-4/i.html> (11 February 2003) accessed 5 September 2003.

⁷⁷ See, for instance, Abdulrahman Ibn Khaldun, *al moqadimat* [The Introduction] (Beirut: Dar Al-Kotob Al-Ilmiyah, 2003) 159-164, Ali Al-Mawardi, *al ahkam al soltaniyah wal wilayah al diniyah* [The Authoritative Rules and Religious Custodies] (Beirut: Islamic Office, 1996) 61-19 and Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle East*, 83.

⁷⁸ The literal meaning of *ahlul hali wal agd* is the people who bind and loose, meaning influential people in the society. 'Influential people' are defined as scholars, clans' heads, military leaders and persons of high reputation and distinction. Determining who are the influential people or how to select them is an unclear issue in the traditional jurisprudence. However, some *ulama* prefer not to associate influential people's rank with political functions or social assignments, but rather connect them with a certain level of knowledge in the religion of Islam. For more details, see Ali A. Wafei, *Huqooq il insan fil islam* [Human Rights in Islam] (Cairo: Dar Nahdat Misr Press, 1967) 240-241 and Dhafer Al-Gasimie, *nizam al hokm fi al shari'ah wa al tarikh* [The System of Governance In *Shari'ah* and History] (Beirut: Dar Al Nafa'is Press, 1974) 235-237.

⁷⁹ Wafei, *Hoqooq il insan fil islam* [Human Rights in Islam], 238-239 and Munir Shafiq, "Secularism and the Arab-Muslim Condition", in *Islam and Secularism in the Middle East*, eds. Azzam Tamimi and John L. Esposito (London, Hurst and Company, 2000) 145.

⁸⁰ According to Imam Ahmad Ibn Hanbal's view "Whoever overwhelmed by the sword until he became a caliph and was subsequently proclaimed Commander of the faithful, then it would not be lawful for anyone who believes in Allah and the Hereafter to spend his night without seeing him as Imam, whether this Imam was a benevolent or a debauchee". See Al-Gasimie, *nizam al hokm fi al shari'ah wa al tarikh* [The System of Governance in *Shari'ah* and History], 245.

⁸¹ Hassan Al-Turabi, "The Islamic State", in *Voices of Resurgent Islam*, ed. John L. Esposito (Oxford: Oxford University Press, 1983) 243.

⁸² Mustafa Hilmei, *nizam al khilafah fi al fikr al islami* [Caliphate System in Islamic Thought] (Cairo: Dar Al-Ansar Press, 1973) 348.

⁸³ Muhammad Saeed Bahmanpour pointed out that Islam's emphasis on social justice is equivalent to the stress Christianity puts on love and peace, but ironically Islamic societies have seen very little social justice, and Christian communities have had many destructive wars. Muhammad Saeed Bahmanpour, "Religious and Secular Values", *Qantara.De* <http://www.quantara.de/webcom/show_article.php/_c-315/_nr-3/i.html> (20 February 2003) accessed 5 September 2003.

⁸⁴ See the works of Muslim thinkers such as Jamal Eden Alafghani, Muhammad Abduh, Abdullahi A. An-Na'im, Abdullah Al-Hamid, and other reformists who are advocates of adopting modern ideas, including institutionalism, democracy and human rights, based on revisiting Islamic *shari'ah* sources.

⁸⁵ Bernard Lewis presented good explanations for the reasons Muslims do not develop secularist movements like those in the West. See Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle East*, 101-107.

⁸⁶ See, for instance, Mayer, *Islam and Human Rights: Tradition and Politics*, 44 and Abu A'la Mawdudi, *Human Rights in Islam* (London: The Islamic Foundation, 1980) 9-10. Abul A'la Mawdudi, for example, advocated the notion of democracy, in which every individual in an Islamic society enjoys the rights and powers of the caliphate of God and in this respect all individuals are equal. He believed that the political system of Islam is based on three principles: oneness of God (*tawhid*), prophethood (*risalah*), and caliphate (*khilafah*). See Mawdudi, *Human Rights in Islam* 9-10.

⁸⁷ John L. Esposito and John O. Voll, *Islam and Democracy* (Oxford: Oxford University Press, 1996) 25.

⁸⁸ See the Qur'an (2:30).

⁸⁹ For more details on the political system of Islam, see Esposito and Voll, *Islam and Democracy*; Mawdudi, *Human Rights in Islam*; Sisk, *Islam and Democracy: Religion, Politics, and Power in the Middle East*; and Muhammad Hamidullah, *Muslim Conduct of State* (Lahore: M. Ashraf, 1953).

- ⁹⁰ Sisk, *Islam and Democracy: Religion, Politics, and Power in the Middle East*, 18-19.
- ⁹¹ Even within the Western culture, there are diverse perspectives on issues of human rights. Thus, a similar diversity existed in other cultures. For details of this argument, see Little, Kelsay, and Sachedina, *Human Rights and the Conflict Culture: Western and Islamic Perspectives on Religious Liberty*, 25-28.
- ⁹² See, for instance, Wafei, *Huqooq il insan fil islam* [Human Rights in Islam], 5-10 and Murad Hofmann, *Islam: The Alternative* (Maryland: Amana Publication, 1999) 113.
- ⁹³ Muhammad A. Al-Jabiri, *al demoqratiyah wa hoqooq al insan* [Democracy and Human Rights] (Beirut: Centre for Arab Unity Studies, 1997) 207-209.
- ⁹⁴ The Qur'an (51:19).
- ⁹⁵ For more details, see Sheikh Showkat Hussain, *Islam and Human Rights* (Kuala Lumpur: Budaya Ilmu Sdn Bhd, 1991) 7-9.
- ⁹⁶ See, for instance, R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), 43-44 and Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle East*, 96-98.
- ⁹⁷ This is not to ignore the fact that there has been ongoing debate in the West on establishing a balance between rights and responsibility. The writings of John Stuart Mill (1806-1876) represent an example of such debate. See also, for instance, Donald J. Moon, *Responsibility, Rights, and Welfare: The Theory of the Welfare State* (Boulder: Westview Press, 1988), Stuart Rees and Shelley Wright, *Human Rights and Corporate Responsibility: A Dialogue* (Sydney: Pluto Press, 2000), and Amitai Etzioni, *Rights and the Common Good: The Communitarian Perspective* (New York: St. Martin's Press 1995).
- ⁹⁸ See, e.g., Abdullahi A. An-Na'im, "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives", in *Human Rights Law*, ed. Philip Alston (Aldershot: Dartmouth Publishing Company, 1996) 254-292 and Murad Hofmann, *Islam: The Alternative* (Maryland: Amana Publication, 1999) 114-115.
- ⁹⁹ See, for instance, R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986) 42-44, Jack Donnelly, "Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights", in *Human Rights Law*, ed. Philip Alston (Aldershot: Dartmouth Publishing Company, 1996) 150-151, Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, Second Edition, 2003) 72-75, Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle East*, 96-99, and Hicks, "Does Islamist Human Rights Activism Offer a Remedy to the Crisis of Human Rights Implementation in the Middle East?", 380.
- ¹⁰⁰ The "Cairo Declaration on Human Rights in Islam", adopted by the Organization of the Islamic Conference (OIC) in August 1990, is a good example in which human rights generally and ambiguously expressed to avoid controversial issues between Islam and international understanding of human rights as embedded in the UDHR and subsequent international conventions.
- ¹⁰¹ Refer, e.g., to the work of Abu A'la Mawdudi, *Human Rights in Islam* (London: The Islamic Foundation, 1980).
- ¹⁰² See, for instance, Abdullah Al-Hamed, *al ma'ayer al dawliyah li istiqlal al qada fi bawtaqat al shari'ah al islamiyah* [International Standards for the Independence of Judiciary and Islamic Shari'ah] (Beirut: Arab Scientific Publishers, 2004) 37-50, Abdullah Al-Hamed, *lil islah hadaf wa manhaj* [Reform Has a Goal and Program] (Beirut: Arab Scientific Publishers, 2004) 7-12 and Shaheen Sadar Ali, *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man* (London: Kluwer Law International, 2000) 24-25.
- ¹⁰³ See, for example, the works of Abdullahi A. An-Na'im [in English] and Abdullah Al-Hamed [in Arabic] on reform and human rights based on reinterpreting Islamic texts.
- ¹⁰⁴ For more details on this issue, see Aharon Layish, "Saudi Arabia Legal Reform as a Mechanism to Moderate Wahhabi Doctrine", *Journal of the American Oriental Society* 107:2 (April 1987) 284-285.
- ¹⁰⁵ Some Islamic Modernists were busy in the 1950s and 1960s proving that Islam and economic development were compatible. Then, they said Islam and socialism were compatible. Currently, they are arguing that Islam and democracy are synonymous. Such arguments indicate that Islamic texts are susceptible to reinterpretation. See Sisk, *Islam and Democracy: Religion, Politics, and Power in the Middle East*, 17-21 and Hicks, "Does Islamist Human Right Activism Offer a Remedy to the Crisis of Human Rights Implementation in the Middle East?", 362.
- ¹⁰⁶ Abdullahi A. An-Na'im, "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives", in *Human Rights Law*, ed. Philip Alston (Aldershot: Dartmouth Publishing Company, 1996) 286-289 and Abdullahi A. An-Na'im, "Human Rights in the Arab World: A Regional Perspective", *Human Rights Quarterly* 23:4 (2001) 701-732.
- ¹⁰⁷ Donnelly, *Universal Human Rights in Theory and Practice*, 75.
- ¹⁰⁸ As when a non-Muslim becomes a Muslim or a slave becomes free.

¹⁰⁹ For more details, see Lewis, *What Went Wrong? The Clash Between Islam and Modernity in the Middle East*, 64-81.

¹¹⁰ *Ibid*, 69-70.

¹¹¹ See, for instance, John L. Esposito, "Islam and Secularism in the Twenty-First Century", in *Islam and Secularism in the Middle East*, eds. Azzam Tamimi and John L. Esposito (London, Hurst and Company, 2000) 11.

¹¹² In a lecture titled "Democracy in the Muslim Middle East: Do Elections Matter?" (Delivered at the Australian National University on 23 November 2005), James Piscatori identified three notions in the spectrum of ideas about Islam's perception of democracy, democratization and elections. The first accepts that democracy and elections are fully consistent with Islamic principles, whereas as the second notion rejects the idea of popular sovereignty as God's authority is supreme. The third notion stands in between and accepts a form of democracy but not necessarily identical with the Western form of democracy.

¹¹³ The word *Da'wah* comes from the verb *Da'aa*, meaning to call for or to invite.

¹¹⁴ King Abdulaziz Al Sa'ud (ruled from 1902-1953) once told St. John Philby that he preferred Christians to non-Wahhabi Muslims, because Christians act according to their religion, whereas the Muslims who do not follow the Wahhabi understanding are guilty of *shrik*. See Hamid Algar, *Wahhabism: A Critical Essay* (New York, IPI, 2002) 22.

¹¹⁵ The *Salafiyah* creed basically calls for imitating the earliest Muslims in every aspect of life. The literal meaning of *Al Salaf* is predecessors, referring to the first generation and *ulama* in early Islamic centuries. Muhammad Ibn Abdul Wahhab's movement is considered the starting point of the *Salafi* approach of the modern era.

¹¹⁶ Suleiman Al-Hageel, *huqoq al insan fi al islam wa tatbigatiha fi al mamlakah al arabiyah al saudiyah* [Human Rights in Islam and Their Applications in the Kingdom of Saudi Arabia] (Riyadh: Al-Humaidhi Press, 2001) 68-69.

¹¹⁷ Under the subtitle of "The Rise of American Wahhabism", Muqtedar Khan argued that Christian fundamentalists in the United States, such as Jerry Falwell, Pat Robertson, and Franklin Graham, represent a Christian form of Wahhabism, which is similarly intolerant of otherness, oppose civil rights, do not believe in the separation of church and state, and hate people of other faiths. See, Muqtedar Khan, "The Globalization of Wahhabism", *Fellowship Magazine* (July-August 2003), viewed on line at <<http://www.forusa.org/fellowship/july-aug-03/khan.html>> accessed 3 November 2003.

¹¹⁸ Daryl Champion, *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform* (New York: Columbia University Press, 2003) 21.

¹¹⁹ There are differences among the four major schools of Sunni thought in viewing *Qiyas* (reasoning by analogy) and *Ijma* (consensus of religious scholars) as sources of *shari'ah*, in addition to the *Qur'an* and *Sunnah*. The Hanafi school relies heavily on consensus and analogical reasoning; the Maliki school emphasizes the use of *Sunnah* that were current in the Prophet's city; the Shafii school stresses reasoning by analogy; while the Hanbali school rejects the use of analogy as well as the consensus on judicial opinion except as recorded by the jurists of the first three centuries of Islam.

¹²⁰ For more details on the salafiyah creed, visit alsalafiyoon website at <<http://66.34.76.88/>> accessed 25 December 2005 and the salafi website at <<http://www.salafi.net/>> accessed 25 December 2005.

¹²¹ Madawi Al-Rasheed, *A History of Saudi Arabia* (Cambridge: Cambridge University Press, 2002) 51.

¹²² Abdulasalam, Al-Abdulkareem, *mo'amalat al-hukam fi dhaw'a al kitab wa al sunah* [Dealing with Rulers According to *Qur'an* and *Sunnah*] (Riyadh: Dar Al-Habeeb for Publication, 1996) 44-45.

¹²³ Daryl Champion, *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform* (New York: Columbia University Press, 2003) 53.

¹²⁴ Little, Kelsay, and Sachedina, *Human Rights and the Conflict Culture: Western and Islamic Perspectives on Religious Liberty*, 40.

¹²⁵ See Daryl Champion, *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform* (New York: Columbia University Press, 2003) 51-52.

¹²⁶ See, for instance, Matrouk Al-Faleh, *al islah al distorie fi al saodiyah: al qadhaya wa al asielah al asaliyah* [Constitutional Reform in Saudi Arabia: The Issues and The Crucial Questions] (Paris: Arabian and European Est. for Publishing, 2004) 20-29, Madawi Al-Rasheed, *ma'ziq al-islah fi al saoydiyah* [Reform Dilemma in Saudi Arabia] (Beirut: Alsaqi Press, 2005) 65-66 and Abdullah Al-Hamed, *al-mushqilah wa al-hal: al istibdad wa al shura* [The Problem and Solution: The Tyranny and *Shura*] (Beirut: Arab Scientific Publishers, 2004) 51-55.

¹²⁷ See, for instance, Al-Hageel, *hoqooq al insan fi al islam wa tatbigatiha fi al mamlakah al arabiyah al saudiyah* [Human Rights in Islam and Their Applications in the Kingdom of Saudi Arabia], 24-26 and Yahia Zamzami, *hoqooq al insan: mafhumoh wa tatbigatih fi al quran al qareem* [Human Rights:

Their Concept and Applications in the Holy Qur'an], Working Paper delivered at the International Conference on Human Rights in Times of War and Peace, Riyadh-Saudi Arabia (14-17 October 2003).

¹²⁸ Stephane, Lacroix, "Between Islamists and Liberals: Saudi Arabia's New 'Islam Liberal' Reformists", *The Middle East Journal* 58:3 (2004) 345-366 and International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 13-15.

¹²⁹ Petitions presented to the Saudi leadership were endorsed by variously oriented activists. For more details, see, e.g., International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 13-15.

¹³⁰ See, for example, the writings of several Saudi liberals such as Mohammad Said Tayyeb (Lawyer and reform activist), Torki Al-Hamad (author and consultant at the King *diwan*), Wajeha Al-Huwaider (female journalist and women's rights activist), Fawzayh Al-Bakr (female university lecturer), Abdullah Ba-Jebair (journalist), Samar Al-Muqren (female journalist), Maha Al-Hujailan (female journalist) and Azizah Al-Mani (female university lecturer).

¹³¹ Little, Kelsay, and Sachedina, *Human Rights and the Conflict Culture: Western and Islamic Perspectives on Religious Liberty*, 36.

¹³² Beside Saudi Arabia, South Africa and six communist states abstained from the vote.

¹³³ A formal declaration of objection to a treaty has significance beyond merely not voting for, or not signing, that treaty.

¹³⁴ This position was best illustrated in several symposiums (Vatican in 1972, Geneva in 1997 and in Rome 1998) held under direct or indirect sponsorship of the Saudi government.

¹³⁵ The King expressed his views about democracy and elections in an interview given to two widely-read Gulf newspapers: *Al-Siyassah* of Kuwait and *Al-Itihad* of UAE. His views subsequently appeared in several books about Saudi Arabia. See, for instance, Human Rights Watch, *Empty Reforms: Saudi Arabia's New Basic Law* (New York: Human Rights Watch, 1992) 4, Sisk, *Islam and Democracy: Religion, Politics, and Power in the Middle East* 49-50, Anders Jerichow, *Saudi Arabia: Outside Global Law and Order* (Richmond: Curzon, 1997) 4, and Institute for the Secularization of Islamic Society, "Is Islam Compatible with Democracy and Human Rights", viewed on line at <<http://www.secularislam.org/humanrights/compatible.htm>> accessed 7 June 2004.

¹³⁶ Saudi Arabia (official document), Saudi Arabia's Statement delivered by Prince Sa'ud Al-Faisal, Saudi Minister of Foreign Affairs, before the World Conference on Human Rights, Vienna, on 15 June 1993.

¹³⁷ *Ibid.*

¹³⁸ See Saudi Arabia (official document), Saudi Arabia's Statement delivered by Torki Bin Muhammad Bin Saud Al-Kabeer at the 56th Session of the Commission on Human Rights on 6 April 2000.

¹³⁹ For the text of the 2004 revised Arab Charter on Human Rights [in Arabic], see University of Minnesota, Human Rights Library, viewed on line at <<http://www1.umn.edu/humanrts/arab/a003-2.html>> accessed 28 March 2007.

¹⁴⁰ For more details and analysis, see Mervat Rishmawi, "The Revised Arab Charter on Human Rights", *Human Rights Law Review* 5:2 (2005) 361-376.

¹⁴¹ *Ibid.*, 364.

¹⁴² Article 26 of the Basic Law of Governance

CHAPTER FOUR

INTERNAL FACTORS AFFECTING HUMAN RIGHTS IN SAUDI ARABIA

Introduction:

State compliance with international human rights standards, as promoted by the UN human rights system, varies from one country to another. Domestic characteristics of states constitute conditioning variables that determine the extent of international human rights influences on state behaviour. It is, therefore, essential to investigate major endogenous and exogenous dimensions affecting developments of human rights in Saudi Arabia and its adherence to international human rights norms. At first glance, it might seem that domestic factors matter more than international factors in determining state compliance with internationally-recognized human rights norms, but this conventional, general assumption will be examined in the case of Saudi Arabia throughout this thesis.

The central question in this chapter focuses on the extent to which developments in human rights, particularly women's rights, in Saudi Arabia can be related to internal factors. This thesis accepts the argument that internal and external factors affecting social phenomenon such as human rights always overlap to such an extent that it is difficult to separate them in practice. In other words, the extent of influence of a particular form of external pressure depends on certain internal circumstances. Therefore, evaluating accurately the influence of external factors (in the next chapter) is not an easy task without understanding domestic realities and circumstances. While attempting to focus on the domestic factors alone, this chapter also serves as a preface for the next two chapters which will discuss the external factors.

In this chapter, four broad domestic factors are identified. The first is domestic structure, referring to the dominant institutions in the state and society, which comprises mainly, at the governmental level, the Royal *Diwan*¹ (council), the Council of Ministers, *Majlis Al-Shura*, the Council of Senior *Ulama* and the legal system. At the social, civil level, the discussion includes the institutions of civil society and the means available to the Saudi people to influence laws and policies related to human rights. The second factor examined is the degree of compatibility or congruence between international human rights

norms and the widespread domestic beliefs and values of Saudis. In considering this factor, various changes and developments that affect Saudi beliefs and traditions are presented, including the role of education and the exposure to foreign ideas and cultures by foreigners, the media and the Internet.

Thirdly, the chapter looks at the role of major political crises and events. Crises are mostly associated with both the rise of opposition voices and the state's adoption of new policies, which eventually affect, positively or negatively, human rights. Crises often lead to the creation of political climates in which change and reform are likely to take place and be accepted. In Saudi Arabia, a few crises occurring during the last five decades motivated the government to adopt new policies and reforms, or at least to promise to make reform. Although the crises discussed combine domestic, regional and international elements, the focus is on their domestic dimensions and influence on human rights. This section examines: the crisis of internal power struggle combined with external threat in the 1960s; the siege of the Grand Mosque of Makkah in 1979; the Gulf War Crisis in 1990; and the 11 September attacks and the war on terrorism within and outside the Kingdom.

Public opinion in Saudi Arabia constitutes a growing factor within the domestic domain of influence. The fourth section therefore examines the relationship and interaction between public opinion and the recent changes in policies related to women's rights, given that the rights and the status of Saudi women are of central importance to the thesis. How Saudi Arabia has responded to influences arising from its interaction with the UN human rights system and from becoming part of the international legal arrangements is, to an extent, related to how the Saudi people perceive human rights norms and to their views on factors affecting changes in those norms. Accordingly, this section also explores through an opinion survey on how the Saudi people perceive human rights and their views about factors affecting the growing calls to increase the role of women in public life and adopting policies that aim at protecting and promoting women's rights.

1- Domestic Structure:

The effects of various forms of international influences depend, to an extent, on state's domestic structures.² Major political institutions of the state, the nature of civil society and the ways in which state and society are linked and how they interact are essential components of domestic structure,³ which will be explored here.

In Saudi Arabia, the current domestic structure of the state is linked to Islamic, Wahhabi perspectives, which were discussed earlier, and to the traditions and customs of the Saudi people. The central institution of the state is the monarchy, and the monarch is both the chief of state and the head of government. The Basic Law of Governance adopted in 1992⁴ declared that Saudi Arabia is a monarchy ruled by sons and grandsons of King Abdulaziz and that the *Qur'an* and the *Sunnah* are the country's Constitution.⁵ Prior to the development of huge oil revenue, legitimacy of the Saudi state was only derived from Islam and the enforcement of the *shari'ah*. The current Saudi political system is to a large extent the one shaped by King Faisal (1964-1975), where the King enjoys unqualified power, but where the support of the *ulama* is essential in upholding the legitimacy of the King's rule. Although the King's powers are still theoretically limited within the bounds of the *shari'ah*, the monarch's position has grown stronger compared to the *ulama* since the foundation of the modern Saudi state, as explained later. The increase of power in the hands of a few people in the state and the decrease in the *ulama's* authority have affected the process of formulating laws and policies, including those concerning human rights.

In the process of decision-making, the two primary executive offices of the monarchy currently are the Royal *Diwan* of the King and the *Diwan* of the Crown Prince, and both have principal advisors in different fields. Laws and decisions by the government must be approved by Royal decrees normally after discussion with close advisors in the *Diwans* and/or in the Council of Ministers. In both *Diwans*, the King and the Crown Prince hold regular *majlises* (public audience) in which citizens are provided with an opportunity to make personal appeals for redress of grievances or for assistance in private matters. Explaining complaints and presenting written petitions⁶ are well-established customary practices. As prescribed by law, all citizens and non-citizens have access to the two main *majlises* or others that are held by other princes and top officials.⁷ This form of freedom of expression, common in tribal environments, is widely publicized by the government, despite its deficiencies in range (as essentially oriented to private matters) and in numbers as only limited numbers of people can be accommodated. In addition to emphasizing the image of members of the royal family as problem solvers, this form of 'desert democracy' provides in most cases a beneficial means for the victims of human rights abuses to gain justice.

In comparing the Saudi political system to other systems, the Council of Ministers could be regarded as the formal executive branch of government. It functions as a regulatory authority, and resolutions by the Council must be ratified by royal decree in order to become laws.⁸ Since its establishment in 1953, the Council, appointed and responsible to the King, has advised on the formulation of general policy and directed the activities of the growing bureaucracy. In 1993, King Fahad announced reforms regarding the Council, including term limitations of four years and regulations to prohibit conflict of interest for ministers and other high-level officials.⁹ However, the Council still has no power separate from the King who must approve all its decisions, in his capacity as prime minister. Although the real power remains in the hands of the royal family, the government has managed to use capable technocrats at various levels who have an influence in the decision-making process. While the Council is the formal body for decision-making, purposeful debate of decisions is restrained, given the authority of the King and other influential princes. Major decisions of the Council are usually decided by the King typically after discussion with some advisors, in private or informal session at the Royal *Diwan*.¹⁰

As noted in chapter one, *Majlis Al-Shura* represents a formalization and institutionalization of the Islamic, traditional system of consultation.¹¹ In addition to the gradual expansion of its membership from 60 in 1992 to 150 members in 2005, the powers vested in *Majlis Al-Shura* have also gradually expanded and its methods of conduct have progressively diversified. In early 2002, women started to participate in the *Majlis* as consultants, and by November 2003 the *Majlis*'s recorded sessions were televised.¹² In December 2003, the *Majlis* was provided with new powers including proposing new laws or amendments without seeking permission from the King.¹³ Some ministers addressed *Majlis Al-Shura* and provided responses to questions posed by its members, in an attempt to illustrate the *Majlis*'s investigative role. While *Majlis Al-Shura* is still seen by critics as a toothless institution, others may regard it as a step towards greater participation in decision-making. However, the nature of the appointment of the members provides the government with considerable influence on the *Majlis* performance. The continued absence of independence and the lack of its genuine supervisory powers have also allowed the government to maintain power beyond public accountability, which has negative effects on the protection of people's rights.

Compared to other influential groups, the official and unofficial *ulama* generally have considerable influence over state policies and constitute integral parts of the domestic structures. The *ulama* used to perform important roles, as an 'interest group' operating as a part of civil society. However, the growth of modern state structures taking place since the early 1960s has weakened their role. The senior *ulama* do not operate independently anymore but in the framework of state-controlled and funded institutions. In most cases, the *ulama* collaborate with the state and often play the role of defending, or silently accepting, government policies. Beside their influence on the executive and legislative branches, the *ulama* have considerable power in the judiciary and the legal system in general. Looking at the structure and nature of the judicial system provides useful information about the means available for protecting and promoting human rights in Saudi Arabia. The Council of Senior *Ulama*, the Supreme Council of the Judiciary, the Board of Grievances and the Ministry of Justice collectively form the judicial branch of government. However, each institution has its own functions and formation.

As noted earlier, the sources of the legal system are in the country's Constitution, which are the *Qur'an* and the *Sunnah*. Despite the fact that these two theoretically form the umbrella for the legitimacy of all laws that are passed, traditional customs and values influence the way in which Islamic texts are being interpreted, as discussed earlier in chapter three. The legal system is founded on the books of Islamic jurisprudence based largely on the *Hanbali* School, although judges have an absolute freedom to conclude their judgments based on *ijtihad*. *Shari'ah* courts exercise jurisdiction over all criminal or civil cases that have not been expressly assigned to other tribunals. As prescribed by law, various levels and bodies within the judiciary enjoy in practice a reasonable degree of independence, which is important for the protection of human rights.

Equally essential to human rights is the process of initiating laws applied within the judicial system. Laws in Saudi Arabia consist of two parts: the *shari'ah* rules; and regulations (*anzimah*).¹⁴ The legal system of the Kingdom is generally based on the *shari'ah*, although several modern codes have been introduced to regulate the functions of modern society and deemed to be compatible with the *shari'ah*. Disputes in areas such as commerce, labour, customs, taxes and banking are held before specialized legal commissions or tribunals, which are formed outside the Ministry of Justice and are administratively independent from it, including the Board of Grievances and the labour and commercial tribunals, as indicated in chapter one. In addition, as a way for seeking

justice, access to high officials and the right to present directly petitions are well-established Saudi traditions.

Despite the existence of several judicial institutions and the clearly prescribed independence of the judiciary, the legal system in the Kingdom is frequently targeted by human rights activists for the lack of protection for individuals against unfair trials. With the exception of cases concerning influential individuals or political activities, judges have a reasonable level of independence in cases where ordinary persons are charged with typical criminal acts. As noted in chapter one, the three laws of 2002 revising judicial and securities practices were meant to develop greater transparency in the administration of justice and the maintenance of due-process rights.

Domestic structures in the Kingdom are not clear regarding the notions of separation of powers or the provision of checks and balances among branches of the government. Saudi structures are largely shaped by social norms in which the society values highly privacy, patron-client relations and the tradition of informal, personal links. Accordingly, the monarchy, as a fundamental feature in the political structure, is characterized by personal favouritism and patronage relations. Informal and non-institutional processes of discussion and consensus-building remain important elements of the political structure, although attempts have already been made to institutionalize this process through the establishment of institutions and the passage of laws. While such political developments can be seen as gradual trends towards a more open political system, the Kingdom has not yet allowed all social interest groups to operate freely.

The numbers of organized and semi-independent 'interest groups' have been on the rise. As they are regarded as forerunners of a civil society in the Kingdom,¹⁵ those interest or pressure groups work to advance their interests and to protect their rights through attempts to influence governmental policies. With the exception of traditional means, civil society does not have the opportunity to influence institutionally the government's decisions. However, the government traditionally takes public opinion into consideration on important issues through wide networks of informal information gathering on "any societal item that may have political connotation."¹⁶

Merchant communities, as an interest group, have formed well-structured chambers of commerce and are able to have an impact on commercial policies. Moving beyond traditional links based on tribal or regional identities, chambers of commerce have allowed common interests to develop among their members. The Council of Saudi

Chambers of Commerce and Industry is an important umbrella organization that helps to mediate between Saudi society, particularly businessmen, and the state.

Following the 2000 announcement to allow the establishment of national human rights NGO, the NHRA was formed in March 2004, consisting of 31 male and 10 female members. The NHRA supposedly upholds the basic rights guaranteed to the citizens by the *shari'ah* and other regulations. It includes a special panel to monitor violations of women's rights and redress injustices inflicted on women. As reported, the NHRA issues periodical reports on the situation of human rights in Saudi Arabia and works towards implementing international human rights conventions ratified by Saudi Arabia.¹⁷ Dismissing doubts on the NHRA's independence, the Council of Ministers issued a statement ensuring the independence of the NHRA with authority to deal with all matters related to human rights.¹⁸ Despite the close association of its members with the government,¹⁹ NHRA was given a margin of freedom to observe the conduct of some governmental agencies and to comment on some problems related to human rights.

Welfare organizations and charitable institutions form interest groups that are Islamically motivated. These groups mainly seek, through continued contacts with the state, to provide services for segments of the public and to strengthen conservative beliefs and traditional values. Furthermore, the number of scientific and professional societies has increased recently; they operate semi-independently to serve the scientific and professional interests of those groups. More importantly, other civil organizations were allowed in recent years to operate in fields connected with public policies and human rights, including the Saudi Journalists Association (SJA), the NHRA and labour committees in large companies. Declared to be independent, it remains to be seen to what extent such organizations will influence the process of decision-making, although they are highly likely to function as advisory bodies in their fields, rather than pressure groups in a democratic sense. While such bodies could be regarded as seeds that have the potential of a functioning civil society, it is premature to conclude that civil society organizations have already operated freely or achieved great influences on policy-making. The nature of the Saudi political system dictates bringing the organizations of civil society under control, as they have the potential, when they operate freely, to challenge the government.

In summary, in the light of existing structures of various branches, rights of citizens are shaped by tribal and traditional political cultures promoted by different circles in the state and society. The current domestic structures, even with the afore-mentioned

reformist steps, reflect moves towards formal institutionalization and development of an old process of consultation and tribal leadership, rather than the introduction of a genuine process of democratization, although these steps could be seen as seeds for prospective political pluralism in the long run. The links between the state institutions and the society indicate limitations of influence of the latter on the former. Accordingly, there is little reason to believe that developments of human rights, particularly women's rights, in the Kingdom are correlated merely to developments in the domestic structure of the Saudi political system. This conclusion evidently tends to support the view that domestic factors alone, let alone one factor, do not convincingly explain developments towards human rights in Saudi Arabia.

Resistance to major reforms in the state institutions is based to some extent on the fragility of the political structure. Cautious reforms are caused by fear that reform may lead to dissolution, similar to what happened in the Soviet Union.²⁰ For the government, any loosening of authority would accelerate the Kingdom's fissionable tendencies.²¹ Due to the high security concerns, all state institutions are designed to ensure stability and to give priority to security over all other issues including the maintenance of human rights. While the issue of women's rights may appear as a social and cultural matter that is unrelated to the stability or security of the state, its relations to the dominant traditionalist views among conservative Saudis gives the issue of women a political dimension. As promoting women's rights and a culture of tolerance in the Kingdom became a political goal to dismantle fundamentalist trends, security concerns of the state have intersected with the promotion of particular human rights.

2- Cultural Congruence:

As indicated in the theoretical framework, promoting human rights norms is likely to have more impact at the domestic level if the domestic social understandings fit those norms. In other words, the level of international impact depends on the level of domestic 'normative fit'.²² While international human rights norms are not closely compatible with the Islamic beliefs and traditional Arabic values prevailing in Saudi society, there have been growing signs that suggest that Saudi society is undergoing a process of socio-cultural transformation.

In addition to the paramount role of Islam, Arabic traditions and tribal customs play an essential part of Saudi political and social life, in which blood relationships are so important. Prior to the time when Saudi Arabia was the recipient of huge oil revenues, life in the Kingdom was hard and society revolved around the tribe or the community, work and the mosque. Few Saudis then had knowledge of the outside world. However, although the Saudi culture is still overwhelmingly Islamic and traditional, the process of urbanization and modernization and the introduction of education have affected Saudi society. Modernity, which has emerged over centuries in Europe, has existed in the Kingdom for only few decades. Saudi Arabia has witnessed an internationally unprecedented pace of change in the physical and intellectual environments, leading to economic, social and political upheavals that necessitate reforms. Presently, the Kingdom is highly urbanized with 79.7 percent of its people living in urban areas.²³ Physical and non-physical changes surrounding Saudi society naturally lead to changes, albeit limited so far, in their values and traditions. Change is also likely to beget more change, but the question remains whether this change has moved Saudi culture closer to compatibility with the international human rights values.

Education has been a major vehicle for the transmission of new values into Saudi society. The availability of a variety of educational choices and curriculum changes aiming to achieve compatibility with local and international demands have substantially increased the potential for more influences on socio-cultural values. One of the major objectives of education in the Kingdom is to deal with technological changes and rapid developments in social and economic fields. In the last four decades, the literacy rate for Saudi males and females has risen dramatically. In 1970, the literacy rate was 15 percent for men and 2 percent for women.²⁴ In recent statistics, the illiteracy rate in the year 2003 is 16.9 percent (7.77% for male and 25.68 for female).²⁵ This sharp drop in the illiteracy rate would normally lead to the unsettling of taken-for-granted ideas that existed in an illiterate society.

Although the educational system has generally reflected conservative trends and is never fully separated from its Islamic roots, hundreds of thousands of Saudi students have studied abroad, mostly in Western universities, bringing with them new ideas and different values.²⁶ It is widely acknowledged that the education which will lead to employment prospects involves knowledge of English. The ability to speak fluent English has become a sign of privilege, not only economically but also socially. It is commonly argued that

learning languages is not a matter of mastering vocabularies and grammatical structures only, but also involves getting to know the culture of the language. In addition, many non-Saudi nationals participated, as teachers coming mainly from Arab countries, in educating Saudi citizens. Since the establishment of modern educational institutions, after the Ministry of Education was set up in 1954, foreigners mainly from Egypt and Jordan have taught different subjects in public schools and universities, including religious topics. Therefore, education has played a role in importing new ideas into society through studying abroad, learning foreign languages, or being taught by non-Saudi teachers.

The Saudi society is heavily exposed to foreign cultures by numerous means, but especially by face-to-face contacts. Because travelling abroad is an option available to the majority of Saudis, it is perhaps hard to find a Saudi under the age of 45 who never travels abroad, whether for study, business, tourism or even seeking medical treatment. For example, more than a million Saudis have lived or studied in the US alone.²⁷ While closer contacts with other cultures may reinforce the national identity and strengthen one's feelings of his/her own culture,²⁸ the influences absorbed while travelling abroad can not be underestimated in their affect on people's views in many material and non-material aspects. Travelling abroad usually, but not necessarily, promotes pragmatic perspectives and increases tolerance of other cultures.

Saudis also are accustomed to seeing and interacting with people from all over the world in their own country; more than a quarter of the population of Saudi Arabia are foreigners. According to the 2004 statistics, there are more than six million foreign residents, constituting more than 27 percent of the population.²⁹ The greatest number of foreigners comes from Asian countries as well as Arabic-speaking countries, in addition to hundreds of thousands of Westerners. Furthermore, there are about three million foreigners³⁰ who work in domestic jobs such as maids, drivers and servants. In Saudi homes, servants and maids are given, in most cases, exclusive responsibility for raising children. The new Saudi generation therefore is subjected to the influence of foreign maids who have some of the responsibility of raising this generation and potentially of injecting it with new ideas.

Among the most important aspects effecting change in cultural values in today's world of globalization and modernization is the revolution in information technologies, particularly the Internet and satellite television channels. Both technologies have provided peoples in closed, conservative, societies with great opportunities to expand their

knowledge about themselves and about others. Equally, they both pose threats and challenges to authoritarian governments and to conservative, traditional customs. In Saudi Arabia, access to satellite television is available to most people, providing viewers with hundreds of free-to-air television channels. In spite of many religious *fatwas* prohibiting the use of satellite dishes and the 1994 royal edict banning their sale, according to some estimates about 90 percent of Saudi Arabia's households have satellite receivers.³¹

The growth in installation of satellite dishes in the Kingdom occurred in the early 1990s, whereas Internet access to the Saudi public began in early 1999. For the Internet, the Saudi government realized its importance for the process of modernization and its benefits for the economy. Nevertheless, in granting the Saudi public unrestricted access to the Internet, the implications of its influence on social values and political trends created concerns for the government. Therefore, the government adopted various measures for controlling access to the Internet, including the creation of a centralized Internet unit by which all traffic was routed through one main proxy which facilitated the blocking and filtering of undesirable sites. However, given the decentralized nature of the Internet, Saudis go around the official proxy and the blocking and monitoring mechanisms by following a few simple technical steps.³²

According to some sources, the estimated number of Internet users in Saudi Arabia has jumped from 200,000 in 2000 to more than 2.5 million users in mid 2005. 69 percent of users are between 16-35 years old and more than 60 percent of the total users are female.³³ This increasing demand, especially among Saudi youths, to obtain access to the Internet would lead to widening the impact of the Internet on domestic values and to creating a new culture that has the potential to change the current understanding, among other things, of human rights standards. More than 50 percent of the Saudi population is below the age of 20, and only 17.2 percent are above the age of 40.³⁴ The new generation is increasingly influenced by various internal and external factors, including new information technologies, satellite television and the Internet. Internet experiences among young Saudis have the potential to broaden their knowledge and stimulate their critical thinking, which is regarded as an essential pre-requisite for the process of changing norms. The Internet has been playing a role in changing perceptions about values and beliefs, particularly norms relating to the rights and the status of Saudi women, as more than 60 percent of Internet users are females.³⁵

In looking at viewers' participation in programs aired by Arabic satellite channels and at writers and browsers visiting Internet forums (*montadayat*) and chat rooms, it is noticeable that most of the participants come from Saudi Arabia. With such beyond-censorship technologies, Saudis have become accustomed to view, and freely interact with, debate about various political, economic and socio-religious questions. However, the main use of both vehicles of globalization (the Internet and satellite television) by Saudis is not the engagement of discussion about political or social issues, but entertainment and dating.³⁶

Technologies available to Saudis therefore contribute to the breaking down of barriers in Saudi society and to accelerating the process of cultural transformation from a purely traditional, tribal life into a modernized, sophisticated society. The result is that traditional economic, political and religious behavioural standards have come under increasing pressure within the Kingdom, causing new social trends which accept or positively welcome change, development or reform of some pre-existing social and political standards.³⁷

Saudi Arabia has maintained that its policies are intended to modernize and develop the country while preserving its traditions and values. It is politically expedient to stress that the modernization process could occur without changing the traditional value system of the society. However, some Saudi human rights activists have criticized trends that emphasize particularities of the Saudi people, arguing that such emphasis has deepened people's ignorance of their human rights.³⁸ Such activists also argued that violations of human rights, such as torture, arbitrary arrest or confiscation of passports, deserve condemnation by the standards of every culture and religion.³⁹ This emerging trend among segments of Saudi intellectuals could contribute to decreasing differences between international and local perspectives in relation to human rights.

Being exposed to various types of cultural effects, Saudi youth has different ideas, values and attitudes than their parents. The gap between the generations is easily noticeable and probably widening, despite the existence of fundamentalist trends among some in society. However, even among the most ardent reformists, there is virtually no declared desire to abandon Islamic beliefs and values, but there is a growing debate on what Islamic values are. Saudis are now questioning whether some practices pertaining to women are based on Islamic teachings or traditional and tribal values, as explained in chapter seven. As a result of educational and economic changes as well as exposure to

wider cultural perspectives, frustration at constraints placed on females by the patriarchally dominated society is increasing.⁴⁰

Political developments may take the direction of revolution, as previously seen in several political systems around the world. Accordingly, political structure can be subject to change in short periods of time, whereas evolutionary changes in traditions and customs usually occur over longer periods of time. Domestic, cultural factors thus play a role both in preserving traditions and values and accelerating the pace of their change. In the case of Saudi Arabia, influences of, and changes caused by, urbanization, development, education, exposure to foreign cultures and new communication technologies have already had consequences, especially on traditional notions that are not explicitly prescribed in the Islamic sources. For example, some social structures and relations have changed in the last few decades. Traditional family structures have transformed from an extended family living in one house to a nuclear family unit, and the autonomy of the individual has increased. Some acts, previously considered socially shameful, have been redefined in urbanized segments of society, such as the limits of women's veiling, their interaction with men and their role in public life.⁴¹ Eventually, there is a high likelihood of these factors having an even more profound impact on Saudi traditions and customs. However, it is risky to conclude that traditional notions, beliefs and values have already changed to the extent in which near, let alone complete, congruency between international norms and domestic values already exists. Nevertheless, exposure to foreign cultural influences is evidently on the rise despite some resistance, giving potential to encourage genuine reforms in the long term.

3- The Effects of Crises:

Crises often beget a state's adoption of new policies. In a time of crisis, states undertake measures which may affect human rights, positively or negatively. More importantly, crises are associated with fuelling opposition groups and individuals with courage to pressure governments for change and reform. While security concerns in the time of crises could lead to a deterioration in fundamental freedoms and expand and justify oppression, crises can be used as vehicles to forge a broader consensus to press governments for reform. In this section, identifying major political crises and events that have occurred in the Kingdom, along with the historical circumstances associated with

them, would contribute to an understanding of developments and changes in human rights in Saudi Arabia.

Because of the importance of Saudi Arabia to the stability of the Gulf region and to the world economy, any crisis in the Kingdom is likely to have regional and international impact. The crises/events discussed below thus are not entirely domestic. However, the focus is on the domestic dimensions of the crises, attempting to evaluate the significance of these events on measures, reforms or demands for changes that were associated with such crises.

In the last fifty years, Saudi Arabia has gone through four major crises in which the government had to take action that, directly or indirectly, affected the situation of human rights. As a consequence of these crises, there have been various vague promises of reform, but the government has fulfilled only those promises that gained popular momentum. Government policies initiated in response to political crises/events are not necessarily welcome by the public or democratically desirable, as they usually centre on the state's survival in the first place. The clash between the secularizing influences of modernization and the rejection of secular trends by Islamists in Saudi society has led to a great deal of political tension over the years. All crises in contemporary Saudi Arabia are very much connected with such clashes. Consequently, the formulation of programs of cautious, limited reform by the government has largely been in response to events.

A- The Crisis of Internal Power Struggle Combined with External Threat in the 1960s:

During late 1950s and the 1960s, a political crisis took place between King Sa'ud and his half-brother Crown Prince Faisal on the one hand, and between King Faisal and President Nasser of Egypt on the other. Secular Arab nationalism and anti-imperialist slogans, led by Nasser, swept the Arab world in the 1950s and 1960s and resulted in several coups; in Iraq, Syria, Libya, and later in Yemen. Nasser's criticism focused on the nature of the closed, traditional political system of Saudi Arabia and on some practices related to human rights, like the legitimization of slavery. The popularity of Nasser and his ideas reached segments of Saudi society, including some members of the royal family.⁴²

The period between 1958 and 1962 witnessed a critical political crisis within the royal family,⁴³ dividing its members over the fitness of King Sa'ud as a ruler and concerning a reform movement promoted by Prince Talal and other like-minded princes

and citizens.⁴⁴ While progressive views among some princes called for popular support in the form of representative government as a better safeguard for the political system, conservative princes believed that the best solution was to create a centralized economic and political system.⁴⁵ That period was rich in discussion on, and calls for, important political reforms. These included progressive views on various issues such as slavery, freedom of speech and assembly, and the formation of a constitutional, democratic government.⁴⁶ Those issues were new in Saudi society and mostly connected with the civil and political rights of the Saudi people.

In June 1960, a group of princes, known as the 'free princes', along with some educated citizens, submitted a proposal to King Sa'ud for constitutional reform, proposing an elected body with legislative powers, a limited monarchy and a draft of a constitution which would bring Saudi Arabia closer to a constitutional monarchy.⁴⁷ The agenda of those reformist voices included some measures for the protection of human rights, including freedom of thought, speech and assembly and rights to set up political organizations and trade unions and to strike and hold demonstrations.⁴⁸ Seeking to strengthen his rule, King Sa'ud allied himself with the 'free princes' and responded partially to their pressure by forming a government in late 1960 which included liberal princes and Arab nationalists.⁴⁹ In December 1960, the Council of Ministers reportedly approved the creation of a partially-elected national council and the drafting of a constitution, but this report was denied three days later.⁵⁰

King Sa'ud was criticized for the inclusion of Arab nationalists in his cabinet and for his economic mismanagement. Moreover, the Americans had suspicions about King Sa'ud's decision to give increased influence to Arab nationalists because of their anti-Western attitudes. Under such circumstances, the royal family led by Crown Prince Faisal decided to depose King Sa'ud with the support of the *ulama* and the approbation of the West.⁵¹ In an atmosphere of inter-family power struggle and external threat posed by Nasser's anti-monarchy campaigns, King Faisal introduced a political reform package known as the Ten-Point Program, arguably responding to calls for reform by President Kennedy,⁵² especially with regard to outlawing slavery. Besides promising the promulgation of a constitution, Faisal's Ten-Point Program called for the establishment of *Majlis Al-Shura*, an extension of municipal elections to other parts of the country, an independent council for the judiciary, 'limited' freedom of expression, abolition of slavery and the establishment of health, education and social welfare systems.⁵³

A form of electoral process had existed earlier, as a part of public life in the Hejaz region, to elect members of *Majlis Al-Shura*, municipal councils and some commercially-based societies.⁵⁴ Between 1926 and 1963, municipal elections took place on a regular basis in some cities, mainly in Makkah and Jeddah. In response to the crisis, King Faisal extended municipal elections to other provinces including the capital Al-Riyadh. However, the results of the 1963 municipal elections were disregarded, following the government's announcement that new elections would be held based on the revised rules.⁵⁵ It took fourteen years to introduce the new laws, by which the Ministry of Municipal and Rural Affairs was created in 1977. It is worth noting that the new laws strengthen the authority of the government by allowing only half of the members of municipal councils to be elected, whereas the second half are to be appointed by the Minister of Municipal Affairs.⁵⁶ Articles related to elections in the 1977 Municipalities and Villages Law remained deactivated until 2003, when the government announced its intention to hold municipal elections within one year.⁵⁷

Given the evaporation of Nasser's influence and threat, which increased the sense of stability among Saudi elites, and with petrodollars pouring into the Kingdom's treasury since the 1970s, thoughts of political reforms including the re-installment of *Majlis Al-Shura* or municipal elections were pushed aside. The re-establishment of *Majlis Al-Shura*, the promulgation of the constitution in 1992, and to re-activation of municipal councils in 2003 were introduced to fulfil previous promises.

Instead of focusing on civil and political rights, King Faisal concentrated on the economic and social aspects of his Ten-Point program. His introduction of women's education and television in the 1960s were the most controversial aspects of his social modernization, in which force was used against conservative protesters to implement such innovative projects. Given that Saudi Arabia's disadvantage in the use of mass media was exploited by President Nasser and his Arab-nationalism propaganda, King Faisal developed radio facilities and initiated television broadcasting to strengthen domestic unity and promote Islamic trends in the face of secular and communist perspectives that posed a threat to the Saudi state.⁵⁸ Although the Saudi media was meant, among other things, to reinforce prevailing social norms and cultural traditions, it had the effect of raising awareness among Saudis of the outside world, materially and culturally, and of contributing to public pressure for change.⁵⁹ Similarly, the most important social reform implemented by King Faisal was his introduction of women's education in the early

1960s. Since then, the role of Saudi women has been gradually changing, leading to an improvement in their rights, as discussed later.

In recognition of their essential role for the state legitimacy, King Faisal allowed the *ulama* to impose some of their strict Islamic interpretations on the public, which resulted in placing greater restriction on their rights. Under security concerns caused by this crisis, King Faisal's reign allegedly witnessed violations of the human rights of dissidents and domestic opponents.⁶⁰ Furthermore, freedoms of opinion and expression were severely restricted in the name of Islam and the maintaining of national unity. King Faisal's vision was to focus on economic and social rights, and he considered political and civil rights to be a threat to the security of the state led by the royal family. Nonetheless, modernization and education during his rule were accepted as essential for raising living standards of the Saudis and for generating an influence on their traditional values.

B- The Siege of the Grand Mosque in 1979:

Accommodation between tradition (the old) and modernity (the new) was the corner stone of King Faisal's reform program, by which he thought it possible to combine peacefully the two likely-conflicting concepts. King Faisal's social progressive program did not go unchallenged, and eventually led to a crisis. The backbone of Al-Sa'ud rule rests heavily on the religion of Islam as interpreted by the *ulama*. The King was shrewd enough to utilize the prominent *ulama* and made them a controlled-part of the state, establishing religious institutions run by appointed *ulama*. The actual threat occurred from a group influenced in their interpretation of Islam by the *Ikhwan* movement that challenged the rule of King Abdulaziz in 1926.

In November 1979, a Saudi Muslim fundamentalist group⁶¹ led by Juhaiman Al-Otaibi occupied the Great Mosque in Makkah, accusing the Saudi government of material and moral corruption and calling for its overthrow. Like the *Ikhwan* movement, the Al-Otaibi group rejected both close relations with the West and the authority of the state-controlled *ulama* with its monopoly in interpreting Islam.⁶² Action by the Al-Otaibi group was a reaction to foreign influences and Western lifestyle which had begun to emerge in the Kingdom from the early 1960s, including changes related to women such as their education, employment and their appearance unveiled on television.

Influenced by the 1979 Iranian revolution and responding to Khomainsi's call on Shiite minorities in the Gulf region to claim their rights, Saudi Shiites in the east province

attempted to celebrate publicly their traditional commemoration of the death of Hussein, grandson of the Prophet Mohammed, a Shiite practice that was banned by the government. While police forces were confronting the uprising in Makkah, units from the National Guard engaged with Shiite celebrators to stop them from publicly celebrating the commemoration, which resulted in riots in several Shiite towns in which at least twenty were reportedly killed.⁶³ The human rights of Shiite minorities were subjected to further violations and limitations as a result of this event. At the same time, activities of the Shiite minorities increased, demanding respect for their rights.

The government drew several lessons from the Al-Otaibi insurgence on how to balance modernization and tradition. Following the Grand Mosque siege, the religious establishment was flattered and indulged and the powers of the Organization for the Propagation of Virtue and Prevention of Vice (OPVPV) were increased. Moreover, police surveillance on both Shiite and Sunni fundamentalists has grown since the events of 1979, which negatively affected the human rights of those individuals. The government response to this event was to pacify public attitudes towards Juhaiman's insurrection by putting renewed energy into the restrictions on foreign influences and on women, empowering conservative trends in women's education and employment, and limiting their appearance on television, as indicated later in chapter seven. Furthermore, in 1980, King Khalid emphasized his attachment to the principle of *shura* and ordered a review of the *shura* regulations in preparation to re-establish *Majlis Al-Shura*.⁶⁴

As a result of this crisis and to strengthen stability of the state, the government indirectly promoted religious practices and attempted to avoid provocation of fundamentalist opposition by allowing them to impose the Islamic 'Wahhabi' moral code on the public. The status of personal freedoms and women's rights thus deteriorated. While this crisis increased the margin of freedoms to, and the activities of, religiously-oriented circles, it contributed to furthering limitations on progressive, liberal groups in Saudi society.

C- The Crisis of the 1990-1991 Gulf War:

This crisis paved the way for several changes in political and social spheres. It led some Saudis to question the military, economic and political structures in their country and the measures available to protect their rights. The presence of hundreds of thousands of foreign forces, including tens of thousands of Western women, posed a major problem

to the Saudi authorities, which were apprehensive about making the forces acceptable in the conservative Saudi environment.⁶⁵ In the post Gulf War era, some religious scholars, academics and Western-educated figures alike have articulated the need for reform and sent open letters to the King demanding, among other things, a consultative council, as well as openness and transparency in the political process. The government received, in 1991 and 1992, petitions from Neo-Islamists (*Al-Sahwah Al-Islamiyah*) and others.⁶⁶ However, opposition came mainly from Islamist circles which gained some public support for their cause. They were initially critical of the government's decision to invite Western troops to defend the Kingdom and implicitly questioned its ambiguous relationship with the West. Later, they demanded that the *ulama* should play a greater role in all governmental agencies, raising several reform points in their March 1991 petition⁶⁷ and the July 1992 prolonged petition,⁶⁸ in which the Islamists articulated their socio-political critique of the government. The theme of both petitions was to Islamize all government policies and to improve social justice, demanding the respect of human rights as defined by the *shari'ah* and the independence of the judiciary.⁶⁹ Unsurprisingly, the Council of Senior *Ulama* issued a *fatwa* denouncing the circulation of the petitions as an un-Islamic method of offering advice to the ruler and accusing those who prepared them with ill intentions.⁷⁰

The milestone in the activities of the Islamically-oriented rights' advocates was the establishment of the Committee for the Defence of Legitimate Rights (CDLR) in May 1993. According to the brief declaration of the founders,⁷¹ the general purpose of the committee is to help to lift injustices, support the oppressed and defend the rights laid down in the Islamic *shari'ah* for mankind, inviting the public to provide information on cases related to injustice.⁷² The statement mainly consisted of some *ahadeeth* (sayings by the Prophet Mohammed) that call for lifting injustices, without details on what *shari'ah* rights are. The Council of Senior *Ulama* denounced the establishment of the CDLR and the use of foreign media, explaining that *shari'ah* courts are available to all to solve all kinds of injustice.⁷³ Following the *fatwa*, the government dismissed the founders from their jobs, closed their private businesses and confiscated their passports. Police raided the founders' homes and offices, and some of them were arrested for several weeks for questioning.⁷⁴

Unlike the 1979 fundamentalist movement, Islamist leaders of the early 1990s movement used Islamic language to articulate public grievances that related to the current

circumstance felt by the Saudi people, including a mild economic recession and flaws in social justice.⁷⁵ Reflecting some visible social, economic and political problems, those leaders grounded their criticism and resentment on basis of the violation of the legitimate rights of the people, inefficient economic management, and lack of attention to strategic planning.

Since the Gulf War, issues of rights and reforms have been increasingly attracting the attention of various segments of Saudi society. Faced with public manifestations of discontent, the government introduced during the first half of the 1990s a reform package that went hand in hand with the augmentation of state control over activities of suspected dissidents. At the tactical level, the government, with the support of the official *ulama*,⁷⁶ responded to the opposition through intimidations and arrest campaigns accompanied by restriction of movement and the banning of preaching, meetings and all independent activities. At the political organizational level, the government passed laws to clarify its political structures and established several governmental bodies to institutionalize the process of consultation and to regulate Islamic activities,⁷⁷ thereby ensuring government control and supervision of activities that promote Islamic trends.

The 1992 reform package included the creation of *Majlis Al-Shura* and the promulgation of the Basic Law of Governance and the Law of Provinces.⁷⁸ As noted in chapter one, the Basic Law of Governance contains provisions on human rights. The main objectives of the two strategies - introducing reform combined with suppressing influential dissidents - were to deflate internal and external pressures and to ensure the retention of the existing distribution of political power.⁷⁹ This reform package cannot be considered as a revolution in the political process; rather it reaffirmed and formalized the tradition. In his speech about the reform, King Fahad referred to *shari'ah* sources and the Arabic/Saudi traditions as being the basis of such reform.⁸⁰ While these reform measures are seen by some as "merely symbolic steps that changed little"⁸¹ and left the royal family's power basically undiminished, what is relevant here is that the government responded to domestic and international circumstances caused by, and associated with, the Gulf War crisis.⁸² The government's response to this crisis left a mix of influences, both positive and negative, on human rights.

In the aftermath of this crisis, the issue of the people's rights was central in the debate, as expressed from both liberal and Islamic perspectives. Similar to its responses to previous crises, the government tried to maintain traditional, religious values by partially

appeasing the religious establishment, while their hold on absolute power was generally intact, despite some structural reforms. While being mostly nominal, in an absolute monarchy these reforms could be considered as progressive steps towards the institutionalization of the state. With the codification of some human rights standards, such reforms could be also viewed as positive steps that could eventually lead to greater developments towards human rights. On the other hand, all forms of independent activities following the Gulf crisis were controlled and the margin of freedom of expression was narrowed, which negatively affected human rights. However, despite deterioration of the rights of suspected dissidents, by using information technologies, opposition activists have broken the silence and have thus helped to increase public awareness of problems in the economic, social and political life of the Kingdom.

D- The 11 September 2001 Attacks and their Aftermath:

The tragic attacks of 11 September, and the events occurring in their aftermath,⁸³ constitute the most significant crisis to have tremendous influence on Saudi Arabia. Since the attacks, in which Saudi citizens were extensively involved, the Kingdom has been struggling with external and internal demands for change. Its religious-political system has been under unprecedented outside media and scholarly attention, largely accusing the country of being a terrorist-breeding ground. Domestically, the media started questioning some practices promoted by the *ulama*. Saudi dissidents and many like-minded reformists view the 11 September attacks “as an opportunity to intensify the push for political, social and educational change.”⁸⁴ The suicide bombings in Riyadh in May 2003 convinced the government to re-consider its position in relation to reform. Since the 11 September attacks, Saudi Arabia has witnessed extraordinary, intensive internal formal and informal debates on issues related to political, religious and social life including human rights.

The 11 September attacks and their aftermath have produced a great momentum for reform in the Kingdom. By placing limitations on, and firm control over, the religious establishment, the role of the *ulama* and their conservative views decreased, and the calls for reforms by domestic reformists and exogenous activists dramatically increased. Furthermore, the involvement of some Saudi activists in Al-Qaida made Western governments no longer able to maintain their traditional position of turning a blind eye to Saudi Arabia’s domestic issues.⁸⁵

In relation to freedom of expression, Saudi reformists were generally allowed to articulate their views, not only in religious and social arenas but also in some political spheres. Prior to this crisis, writing or publicly demanding elections was considered to be an offence. *Ulama* who were imprisoned for their political views in the early 1990s are now tolerated and have taken part in government-sponsored national dialogue meetings. The May 2003 events galvanized public debate, and discussions on religious intolerance became a common topic for many articles and editorials in Saudi newspapers. While state-controlled media avoided discussing linkages between violence and the closed nature of the political system, Saudi reform activists noted that the causes of extremist violence included “the delay in adopting radical reform and the absence of popular participation in the decision-making process.”⁸⁶ In 2003, Crown Prince Abdullah received more than five petitions from variously-oriented and reform-minded groups, urging the government to take action towards genuine political and social reforms including the establishment of constitutional monarchy based on elected institutions and the separation of powers.⁸⁷

Under such a climate, and as the Kingdom confronts several social and economic challenges,⁸⁸ calls for reform could be articulated and circulated, in most cases. These challenges, among other factors, have generated loud voices for reforms and created a common ground for all variously-oriented reformists, which resulted in increasing pressure on the government. Issues such as the need for transparency and accountability in the state’s financial affairs, promoting social justice and protecting human rights including women’s rights are increasingly pointed out in public by some Saudis as root problems. Consequently, several developments have taken place towards economic, social-religious and political reforms including in the area of human rights, particularly women’s rights.

The agenda of the petitions⁸⁹ presented to the government are clearly connected in many ways with human rights and fundamental freedoms. The petitions urged the government to reform various aspects in political, social and economic life including public elections, social justice, civil rights, an independent and reformed judiciary, the creation of human rights institutions and freedom of speech, assembly and association. Unlike demands for reform of the early 1990s which intended to Islamize the state institutions and policies and attempted to challenge the royal family; the current reform movement has aligned itself with the government and framed its demands on the basis of modernizing the state structure through a ‘social contract’ that is consistent with general

Islamic principles.⁹⁰ While the package of reforms proposed was designed within an ambiguous framework of the *shari'ah*, it sought to improve the situation of human rights and to bring it closer to what has been recognized internationally. The reformists advocated expanding public participation through an election for a *Majlis Al-Shura*, enjoying real legislative and oversight powers and the establishment of civil society institutions.⁹¹ While reformists may vary in their detailed understanding of the agenda, both sides of the reform spectrum affirmed the need to tackle financial corruption⁹² and the abuse of official powers. Reformers from both the liberal and Islamist camps are committed to preserving the monarchy and have called for state-led reform, despite their suggestions to establish institutions to curb the powers of ruling family.⁹³

In response to these events, the government reacted in various ways, including recognition of the legitimacy and necessity of reform. Restrictions on the media and on public forums to address socio-cultural issues were lifted. The Saudi media has subjected socio-cultural problems and customs to an unusual level of open discussion, criticizing several aspects of the status quo in society and in some governmental agencies. Topics such as the educational system, religious curriculums, poverty, unemployment, human rights, the treatment of foreign workers, the rights of women and several social problems/customs have become familiar to Saudis in their own media.

Regarded as the head of the reformist wing within the royal family, King Abdullah on numerous occasions stressed the need for reform, advocating the relaxation of restrictions on public debate.⁹⁴ He debated various issues with reformers, including promoting transparency, expanding the margin of freedom of expression, and holding elections.⁹⁵ Top officials on several occasions have stressed the need for reform and that the Kingdom has to proceed with dialogue and to introduce changes in its political and social life.⁹⁶ While generally welcoming reform in broad terms and praising the reform project, the government did not respond to the actual content of the reformers' agenda. The government showed an interest in controlling public debate about reforms by establishing the King Abdulaziz Centre for National Dialogue (KACND) in mid 2003 and in containing independent activities by allowing the creation of the NHRA in March 2004, while acting firmly against independent reform advocates who refused to refrain from calling for genuine reforms.

The establishment of the KACND was to sponsor and organize sessions in which prominent individuals coming from different backgrounds would meet and discuss

designated topics of national interest.⁹⁷ It is meant to be a semi-official forum for the exchange of ideas and the promotion of pluralism. The significance of these sessions comes not only from the participation of various Islamic sects' representatives and people with secular and liberal orientations, but also from the reasonable margin of freedom to discuss issues related to the set agenda of each session. Recommendations concluded in sessions were formally presented to the King.⁹⁸ Some recommendations reflected concern over human rights issues and contained demands for more freedoms and a wider margin of public participation in the decision-making process.⁹⁹

Within the right to fair, open trial, three independent reformists appeared in August 2004 before a judge in open court hearing. Following their calls to reform the Kingdom's political and religious life, the defendants were charged with sowing dissent, creating political instability, circulating leaflets and using foreign media to incite people against the government.¹⁰⁰ While the court sessions subsequently became closed, the event is significant because trials are normally held entirely behind closed doors. This open political court, in its early sessions, was the first public trial of its kind and marks a new step, as political prisoners are usually detained without trial. In this trial, lawyers were permitted to defend political activists, and representatives of local and international media were allowed to cover the trial. Despite their limited effects on the eventual imprisonment of the accused,¹⁰¹ these developments indicate a change in how the Saudi authorities handle those arrested for political activism.

In a similar event, a Saudi academic was sentenced in September 2004 to five years imprisonment, following his comments on Aljazeera television in April 2004. He was found guilty of sowing sedition and inciting disobedience to the ruler. Ironically, the same person had earlier spent almost eight years (1995-2002) in prison without trial. In the post 11 September era, the government no longer feels able to accept the consequences of the imprisonment of prominent figures without bringing them to trial. For ordinary citizens, the series of bombings in the Kingdom reportedly engendered a severe deterioration of the rights of suspected militants, including detention without trial. Some Saudi activists, therefore, called on the government to respect the rule of law when detaining suspected terrorists and to stop encroaching on people's basic freedoms in the name of fighting terrorism.¹⁰²

In deflecting internal and external criticism, the government handled calls for political reform with a deeply cautious attitude and much suspicion, while tolerating and

encouraging talks about socio-cultural issues, including the role of women. Critics diminish the importance of political reform initiatives implemented or promised by the government in the absence of an influential civil society.¹⁰³ They assert that the government reacted to demands for reform in an ad hoc context, in which ostensible steps were taken temporizing current situations. Despite speculation about reform steps, such as partial municipal elections, the creation of NHRA or KACND, as being “gimmicks meant to co-opt critics and project a more acceptable face of the regime...”¹⁰⁴, these steps could help in forming more consensus and a wider momentum to pressure the government for genuine reforms.

Unlike previous crises in which the government responded with greater adherence to the *shari'ah* and local traditions, the current calls for reform and the government's actions are connected more with patriotic identities and national interests. At the official level, greater attention has been given to strengthen patriotic identities by various means including media focus on this issue. At the unofficial level, activists from different backgrounds have formed a new constituency made up of Islamists and liberals, Sunnis and Shiites that emphasize patriotic identities and national interests in their arguments. As articulated in their joint petitions, the new ‘Islam liberal’¹⁰⁵ trend has focused on both political and social reforms, which include progressive views on human rights. Within human rights, this post 11 September movement has started questioning some human and women's rights practices guarded by a mixture of Islamic and traditional values.

Whereas the government has lifted restrictions on the media and the public to address socio-cultural issues, it has evidently continued to restrict public discussion on problems related to the political system and to overlook some forms of corruption. It appears that the government's intention is to control and sponsor activities so as to guide a slow, cautious process of reform, targeting first and foremost socio-cultural trends. The government's action against independent voices is seen by one Western observer as exposing the limits of its commitment to comprehensive or genuine reforms.¹⁰⁶ Nonetheless, since the 11 September attacks, the government has adopted several measures and introduced reformative steps, which aim at greater protection of human rights. These measures and developments have an impact on human rights practices and were designed to influence public opinion, particularly in relation to women's rights, as explained in the next section.

4. Domestic Public Opinion:

There is commonly a linkage between public opinion and human rights practices in any given country. In Saudi Arabia, the issue of women's rights and their public role has been an open topic for discussion in recent years. The government has adopted policies towards expanding the role of women in public life, and officials have been sending various implicit and explicit messages to the public to influence their perceptions on this issue. The Saudi media has been used to raise public awareness of the need for increasing the role played by women in society and the importance of protecting and promoting women's rights. The Saudi *ulama*, intellectuals from diverse backgrounds and the general public alike have shown an interest in debating these issues. Such official and non-official efforts and debates have an influence on, and have been also constrained by, public opinion. Accordingly, it is essential to look at changes in the role of public opinion in Saudi Arabia and explore briefly factors affecting its formation.

To explore further aspects of the public debate on human and women's rights, the second part of this section summarizes the results of a survey conducted in early 2006, whereas the details of the survey are contained in Appendices I and II. Consisting of fourteen questions, the survey aimed at serving the central objectives of the thesis by asking direct and indirect questions about attitudes towards human rights in Saudi Arabia, the influence of the UN human rights system and the changes in the role and the rights of Saudi women. The crucial objective of the survey was to examine the Saudi people's perceptions of human rights in the Kingdom in general and of factors affecting the recent developments in, and the mounting discussions about, the role and the rights of Saudi women in particular. As the UN human rights system comprises one side of the triangular dimension of the thesis topic, Saudis' perspectives on the influence of the UN human rights system in changes related to women have provided an important contribution to the central question of the thesis.

A. The Role of Public Opinion:

The formation of public opinion and public policies involves a mixture of complex, overlapping internal and external factors. It is therefore a problematic question whether public opinion affects government policies more than government policies affect public opinion, or vice versa. However, officials who were appointed or achieved their

positions through familial or other succession would not necessarily feel the need to please the public, compared to elected officials who usually listen to their constituents.¹⁰⁷

There are various levels of interaction among the people, the media, and public policies. Domestic public opinion usually, though not necessarily, plays an influential role in formulating policies, particularly policies connected with social norms and values. Alternatively, various forms of influence affect public attitudes towards social and political issues, including human rights. Unlike the traditionally state-control media, modern forms of media and communication technologies, such as the Internet and satellite television, have been playing a new role in shaping public opinion in Saudi Arabia, as well as in other parts of the world.

In addition to international factors, public opinion in Saudi Arabia is shaped by diverse domestic influences, including governmental policies, education, different types of media and influential groups such as the *ulama*, intellectuals, heads of leading families, and tribal leaders. Given the nature of the Saudi political system, officials typically utilize all available means in attempting to influence public opinion. Simultaneously, public policies in the Kingdom are formulated on the basis of various factors including public opinion. Accordingly, there is an interaction between public opinion and public policies, and surveys provide an essential mechanism for measuring and analyzing public opinion and providing a better understanding of the reciprocal relationship between the two.

Media coverage of public opinion about various political and social issues is uncommon in Saudi Arabia, and the rarely conducted surveys go largely unreported. Nevertheless, there have been particular academic studies in which Saudi public opinion on some social issues was reported and examined.¹⁰⁸

In Saudi Arabia, the Internet has become an increasing contributor in the formulation of public opinion, as critical and sensitive political and social, local or international, news first appears on Internet news forums.¹⁰⁹ Public access to the Internet has allowed people to be more aware of the outside world and to be able to read, write and interact with critical perspectives of their society and their government. Encouraged by the anonymous nature of the Internet and the ease of overriding blocking mechanisms imposed by the government, the Saudi public is able to express, more freely, its opinion about social and political issues. The outlet of expression provided by the Internet has the potential to influence people's attitudes about various issues, including human and women's rights.¹¹⁰ Therefore, it has been commonly argued that Internet bulletin boards

and forums (*montadayat*) have been greatly influencing public opinion in Saudi Arabia and becoming an increasing source of news and commentaries.¹¹¹ A recent study on the impact of the Internet on Saudi female attitudes indicates that the Internet has influenced those females who participated in the study in several ways, essentially by stimulating their critical thinking and changing their previous perceptions.¹¹² For instance, the Internet has contributed to changing their views on the superiority of the Saudi culture and encouraged them to become rebellious against some cultural and religious values such as studying abroad without *mahram* (guardian).¹¹³ As the Internet provides an encouraging element for critical thinking, there is considerable potential for perspective transformation and changes in public opinion about various issues, including human rights. As noted in chapter seven, recent surveys found a notable rise in the ranking of women's rights among issues facing Saudi Arabia.¹¹⁴

Individuals with higher education qualifications typically play a more influential role in shaping public opinion, given their leading positions in political and social lives in most societies. In a country like Saudi Arabia, holders of educational qualifications from Western universities usually have better opportunities to influence public opinion. Highly educated persons are typically active in promoting new trends that may challenge established social norms or political orientations. In the Kingdom, the majority of government officials and leaders of public opinion either hold postgraduate degrees or have studied abroad or both in most cases. In looking at the educational qualifications of most influential figures, one notes that many of them have postgraduate degrees obtained from Western universities, particularly journalists, university professors, *Majlis Al-Shura*'s members, and high-ranking public servants.

One of the most important issues related to the role of public opinion is its potential to make an effective contribution to the formulation of human rights policies. Norms of human rights involve not only social values observable by individuals but also those measures enshrined in official rules. The formulation of public policies that lay down standards for human rights is usually influenced by various, complex, and interrelated internal and external considerations of which public opinion is only one. For instance, the decision to outlaw slavery in Saudi Arabia in the early 1960s was largely based on external considerations, rather than on domestic public opinion against such practice.¹¹⁵ A contrary example is the maintenance of the religiously-based laws of corporal punishments, which are presumably supported by widespread public opinion,

despite some lessening in their application.¹¹⁶ Therefore, it is risky to generalize about the role of public opinion in relation to human rights as a whole.

People's awareness of the need to promote human rights is a factor that may strengthen the effect of public opinion in the process of human rights policy-making. However, despite some progress, the Saudi public has a limited awareness and knowledge about human rights, as internationally promoted, and the complexities surrounding domestic and international factors that may stimulate changes in human rights. This assumption is supported by the survey conducted for this thesis (discussed below), in which Saudis were asked about various issues related to human and women's rights in Saudi Arabia, including factors affecting the recent trends in the provision of rights and in the role of women.

B. The Survey: General Findings:

Within the limitations of the survey and its methodology (discussed in Appendix I), the age group 'between 20-40 years' constitutes the largest age group in the sample. Since the other two age groups comprised a small segment of the respondents, they may not be fully representative. Nevertheless, the age group 'between 20-40 years' represents the current generation of educated and better-informed Saudis. It provides the perspectives of an important segment of society that has the potential to influence the next generation, while still being subject to exposure to a variety of influences. As the age group 'above 40 years' has witnessed sweeping transformations in material life and several changes in social norms and traditional customs, the age groups 'between 20-40 years' and 'less than 20 years' are likely to experience additional changes in social norms and political orientations, which likely would influence the situation of human rights. The results showed that the age group 'less than 20 years' has been mostly inclined to conservative opinions about human rights, possibly linked to the influence of various conservative views from their parents, schools or mosques. However, as the youngest group, this particular age group could perhaps have greater potential to be influenced by the ongoing processes of change.

While the difference between male and female was insignificant at the overall level, women however tended, in some questions, to be more conservative than men in their views about human rights. This slight variation may be interpreted as a consequence of the greater freedoms available to men compared to women. Men in Saudi society are

more likely than women to be exposed to varying new forms of influence. As explained in chapter seven, Saudi men usually have better access to information and enjoy more freedom of association and movement, which allows them to be more knowledgeable about public issues such as human rights and their international dimensions. In general, males have an interest in infusing females with conservatism as a means to protect both their honour and their superior position.

Postgraduates and overseas-educated Saudis constitute only a minority in society at large, and the survey sample reflects this (22.1 percent of the sample). Nonetheless, for reasons already noted, they could be more influential in relation to developing political, economic and social policies, including human rights, than those who lack such qualifications and/or positions. Thus, findings pertaining to highly educated, including overseas educated, respondents should be seen as a focal point in the general findings.

Despite their occasional significance, age and sex were generally insignificant factors in determining respondents' perceptions on human rights and factors affecting women's rights in the Kingdom. By contrast, whether or not participants have been educated abroad and, to a lesser extent, their levels of education have significantly affected their attitudes.

A large number of the study samples deemed that domestic traditions are part of the picture when looking at human rights standards that are currently observed and applied in the Kingdom. As shown in the data description and analysis (Appendix II, question 5), the younger the age and the lower the education level, the more likely it is that they are led to believe that human rights standards are drawn from the *shari'ah* only. However, the overall result clearly indicated that there is significant belief in the involvement of domestic traditions into human rights standards in Saudi Arabia, as the majority of participants (82.7 percent) have included domestic traditions within the sources of the current standards of human rights. Given the involvement of domestic traditions when assessing human rights standards in the Kingdom, it seems reasonable to suggest that Saudis may be more likely to tolerate changes in human rights standards, embodying these traditions, than changes that may go against the *shari'ah*.

The general results indicated that a sizeable proportion of participants (37.9 percent) was not content with human rights standards as observed in the Kingdom. As previously noted, statistical data revealed a significant link between being educated abroad and, to a lesser extent, holding postgraduate degrees and those negative perceptions about

the current human rights standards. This dissatisfaction with the current human rights standards might suggest that some changes in human rights norms are likely to be accepted and perhaps welcomed by a significant proportion of the Saudi elite.

In looking at perceptions regarding the closely related statements, respondents changed their opinions about whether human rights standards in Saudi Arabia are at a satisfactory level when these standards were presented in comparison with neighbouring countries. This suggests that linking human rights standards to a particular regional and related cultural context could affect perceptions about these standards.

Nearly half of the survey respondents (46.6 percent) believed that issues of human rights have received increasing attention from the government, compared to 40.3 percent who agreed that the Saudi public has been increasingly attentive to human rights. Although the difference is insignificant, detailed statistical data (Appendix II, questions 8 and 9) indicated that the level and place of education were significant in influencing respondents' perceptions about the attention given to human rights. With presumed limited pressure from the public, the understanding about the role of international influence in motivating the government's attention to human rights may increase.

People's knowledge and positive perceptions about the UN human rights system and international human rights instruments may possibly empower the role of the UN human rights system in influencing the situation of human rights in any given country. Governments are likely to respond positively to influences wielded by the UN human rights system when the public are aware of, and have positive attitudes towards, the UN human rights system. Yet slightly under 40 percent (39.1) of respondents knew that Saudi Arabia is party to some of the international human rights instruments, whereas approximately half (48.9 percent) responded with a 'do not know' answer. On perceptions of the influence of CEDAW, the first convention specifically on women's right acceded to by Saudi Arabia, over a third (34.5 percent) answered 'I do not know' or simply avoided answering the question. In general, questions that contained a specific reference to the UN efforts on human rights or to Saudi Arabia's engagement with the UN human rights system at large had the most 'do not know' answers. Such results could be seen as a reflection of limited publicity about Saudi Arabia's accession to international human rights treaties. This may support the argument that ignorance about the contents of those questions indicates a limitation of the UN human rights system in reaching large segments of the Saudi public and in empowering public opinion.

The three related statements about internal and external factors affecting the recent trends on women's rights are considered as a backbone of the survey and a core issue when interpreting the data. Their results contributed to the establishment of a better understanding of public perceptions on the social and political dynamics revolving around the issue of women's rights and their role in society. That recent developments of women's rights were influenced by international factors represents the most accepted statement in the survey, (Appendix II, questions 11-A, B and C) with the highest degree of agreement (72.5 percent). This suggests it is reasonable to argue that international factors may have been important in recent trends to give women in Saudi Arabia more rights and to expand their public role.

In attempting to clarify respondents' perceptions about the influence of the UN human rights system, CEDAW was included in the three related statements as representative of the efforts exerted by the UN human rights system in the field of women's rights. As about 40 percent of respondents disagreed that recent trends on women's rights are linked to Saudi Arabia's accession to CEDAW, an evident correlation between the two is difficult to establish. This may imply that the Saudi people by and large have not observed a direct influence of CEDAW on public debate and reformative steps concerning women's rights.

The survey sought to see how far the effects of international human rights instruments on joining states were seen as positive. The result was inconclusive because what is positive differs according to the respondent's starting point. Even conservatives who agree that international human rights instruments were influential probably would disagree with the statement that the influence is positive, because they typically believe that the effects of international human rights instruments are negative. On the other hand, advocates of change are likely to consider that effect as providing a positive outcome.

According to the survey results, a large number of Saudis believe that international influences and pressures have more impact on women's rights than domestic factors relevant to the media and education. Nonetheless, the weight given to the direct influence of the UN human rights system is insignificant, as a bulk of the study samples indicated a lack of knowledge about the UN human rights system and Saudi Arabia's engagement with it.

Conclusion:

Resulting from a growing consensus for reform, and public and official recognition of its benefits, Saudi Arabia is witnessing changes, including in the field of human rights. It appears that those who aspire for greater freedom and openness within the Islamic framework are on the increase, especially in the last few years, at the expense of those who cherished tradition and static fundamentalism. However, the question posed here is whether those changes taking place in the Kingdom are merely the result of domestic-level factors, or whether they are connected somehow to international circumstances that help to build up the momentum for such change. It is realistic to conclude that domestic factors do not completely explain changes taking place in the Kingdom. Because of the nature of human rights as a comprehensive concept comprising political, social and economic aspects, and due to the overlap between domestic and international factors, it is problematic to assess accurately, in isolation from the international influences, the extent to which internal factors affected the situation of human rights in the Kingdom.

It appears that neither the current domestic structure nor the present cultural congruence would allow the occurrence of profound changes in human rights practices at this stage in time. However, influences and pressures associated with the domestic crisis following the 11 September attacks, along with its international and domestic implications, helped forge a powerful movement supportive of reform in its general sense. After being closed for centuries, Saudi Arabia's openness to the outside world has undoubtedly compelled the government, as well as the society as whole, to start changing their views about practices related to human rights. Domestic factors broadly appear to matter more in engendering direct and effective pressures, but international variables certainly facilitate and empower the internal pressure for reform. Steps taken by the government following the 11 September attacks indicated that external pressure has been given greater weight, especially in relation to restricting and monitoring of Islamic activities, changing school curriculums and lifting restrictions on the media in regard to socio-cultural issues.¹¹⁷ In this context, it is interesting to note that some government officials maintain that while the government is very keen for reform, Saudi people restrain the process of reform,¹¹⁸ which may explain the slow, cautious steps towards reform. However, if this argument is correct, then why is the government so keen for reform under

particular circumstances? External considerations can conceivably explain the government's keenness for reform.

Since the founding of the contemporary Saudi state, dissident groups have periodically pressured the government to make concessions, without any genuine success. However, when such internal pressures coincide with external pressures, the likelihood of achieving more concessions is undoubtedly greater. Factors such as the nature of the Saudi political system, the importance of Saudi Arabia to the world economy, as well as to the Muslim world, and the strategic relationship between Saudi Arabia and the West, particularly with the US, necessitate the Saudi government to take external considerations seriously.

There are different signs, including those views expressed in the survey, that clearly suggest that Saudis are undergoing a process of change in their perspectives on human rights in general and women's rights in particular. Also, the influence of public opinion on public policy is increasingly on the rise, given the new, various means available to the Saudi people for expressing their opinions with greater freedom compared to decades ago. Nonetheless, public opinion in Saudi Arabia was affected by a variety of internal and external influences, including the substantial government influence.

The survey's general results suggest some possible potential for further changes in human rights in Saudi Arabia. As evidenced, most respondents are dissatisfied about human rights as observed currently in the Kingdom, agreed that the government is paying an increasing attention towards human rights, agreed with the statements regarding the recent trends to improve women's rights, and believed that domestic traditions are among the sources of human rights standards in Saudi Arabia. The general results also support the view that studying abroad and, to lesser extent, holding postgraduate degrees are significant factors in determining Saudis' perspectives about human rights and the role of international versus internal factors. According to most respondents, there has been a significant link between international factors, rather than domestic factors, and the recent trends to protect and promote the rights of women in Saudi Arabia and to increase their public role. Although respondents gave lesser weight to CEDAW and to the UN human rights system at large, the overall results support the hypothesis that international factors play an important role in affecting human rights, and women's rights in particular, in the Kingdom.

ENDNOTES (CHAPTER FOUR)

- ¹ The Royal *Diwan* is the central department of the monarch, which includes a number of advisors and senior public servants. Under the direct authority of the King, the *Diwan* formulates major decisions of the state and assists organizing the King's functions.
- ² For more details, see Thomas Risse-Kappen, "Bringing Transnational Relations Back In: Introduction", in *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions*, ed. Thomas Risse-Kappen (Cambridge: Cambridge University Press, 1995) 3-33.
- ³ See Risse-Kappen, "Bringing Transnational Relations Back In: Introduction", 6.
- ⁴ Following his conquest of *Hejaz*, King Abdulaziz issued in 1926 *al talimat al asasiyah lil mamlakah al hejaziyah* [Basic Regulations of the *Hejazi* Kingdom], in which political, organizational structures for the *Hejazi* Kingdom were declared including *Majlis Al-Shura* and some regional councils. However, after unifying the rule of King Abdulaziz under one name (Kingdom of Saudi Arabia), those structures were gradually re-shaped. For more information, see Foad Hamzah, *al bilad al arabiyah al saodiyah* [The Country of Saudi Arabia] (Riyadh: Al Nasr Press, 2nd edition 1968) 87-97 and Abdullah Al-Othaimean, *tareekh al mamlakah al arabiyah al saodiyah* [the History of the Kingdom of Saudi Arabia] (Riyadh: Darat Al Malik Abdulaziz Press, 2nd edition, 1999) 302-305.
- ⁵ Article 5 of the Basic Law of Governance.
- ⁶ Petitions presented to Saudi officials are in most cases related to private matters and rarely in public matters.
- ⁷ See, for instance, Article 43 of the Basic Law of Governance.
- ⁸ Article 1 of the Law of the Council of Ministers.
- ⁹ See, Article 9 of the Law of the Council of Ministers. Also, According to the 1993 Law of the Council of Ministers, the Council is responsible for drafting and overseeing the implementation of internal, external, financial, economic, educational, and defence policies and general affairs of the state. It is the final authority for the nation's financial, executive and administrative affairs. Its resolutions are not binding unless agreed upon by a majority vote, and in case of a tie, the prime minister's vote is the tie-breaker. See, Articles 19, 20, and 21 of the Law of the Council of Ministers.
- ¹⁰ See Daryl Champion, "The Kingdom of Saudi Arabia: Elements of Instability Within Stability" *Middle East Review of International Affairs Journal* 3:4 (1999) 9, viewed on line at <<http://www.biu.ac.il/SOC/besa/meria/journal/1999/issue4/jv3n4a4.html>> accessed 26 May 2004 and David E. Long, *The Kingdom of Saudi Arabia* (Gainesville: University Press of Florida, 1997) 55.
- ¹¹ It is interesting to know that when King Abdulaziz captured the *Hejaz* region in 1924, he left the Consultative Council (*Majlis Al-Shura*) intact, along with other political institutions. *Majlis Al-Shura* was functioning as a quasi-legislative elected body, and its representatives consisted of the main classes in *Hejaz* (the *ulama*, merchants, nobles) who were elected by their peers. The *Hejaz* region had a relatively advanced political structure in which various segments in the society enjoyed their right to participate in formulating public policies. Nonetheless, structures and rules of *Majlis Al-Shura* were gradually re-shaped, increasing the number of appointed members and the control of the government over its functions. By mid 1930s, *Majlis Al-Shura* ceased its functions following the establishment of the administrative body of *Majlis Al-Wukala* (the Council of Secretaries). After more than five decades, *Majlis Al-Shura* was re-established in 1992, with appointed members initially having advisory powers to review and give advice on issues of public interest. For more details on the history of *Majlis Al-Shura*, See Hamzah, *al bilad al arabiyah al saodiyah* [The Country of Saudi Arabia] 98-111 and Saudi Arabia (official publication), *al shura fi al mamlakah al arabiyah al saodiyah; khalfiyah tarikhiyah* [*Al-Shura* in the Kingdom of Saudi Arabia: Historical Background], viewed on line at <<http://www.shura.gov.sa/ArabicSite/shurainksa/4.htm>> accessed 9 November 2004.
- ¹² See P. K. Abdul Ghafour, "Shoura in the Dark About Reform Moves", *Arab News*, 25 February 2003, 1 and Mariam Isa, "Shoura Elections, Women Members 'Faster Than You Think'", *Arab News*, 30 March 2003, 1.
- ¹³ The new amendment indicated that when disputes erupt between the government and the *Majlis* over an issue, the government has to refer it to the *Majlis* for comment instead of sending it directly to the King for a decision.
- ¹⁴ Most *ulama* in the Kingdom are still sensitive to term legal rules by the word 'law' (*qanoon*) because of their belief that *qanoon* can be issued by Allah only and to avoid any secular connotation that word may contain and use instead the word 'regulation' (*nizam*).
- ¹⁵ Mohammed Al-Helwah, "al mujtama al madani fi al mamlakah al arabiyah al saodiyah" [Civil Society in the Kingdom of Saudi Arabia], *Al-Sharq Al-Awsat*, 10 December 2003, 3.

- ¹⁶ Champion, "The Kingdom of Saudi Arabia: Elements of Instability Within Stability", 6.
- ¹⁷ See, for instance, Saudi Arabia (official document), "First Independent Human Rights Organization in Saudi Arabia", 3 July 2004, viewed on line at <<http://www.saudiembassy.net/2004News/Press/PressDetaol.asp?cIndex=193>> accessed 5 November 2004 and Saosan Al-Humaidan, "al saodiyat yatattlan ela mazed min al islah min khilal al jameyyah al wataniyah li hoqooq al insan" [Saudi Women are Looking for More Reform Through the National Human Rights Association], *Al-Sharq Al-Awsat*, 11 March 2004, 4.
- ¹⁸ The statement was reported in the local media. See, for instance, Saudi Press Agency, "majlis al wozara yurahib bi giyam jamiyat hoqooq al insan" [The Council of Ministers Welcome the Creation of National Human Rights Association], *Al-Watan*, 16 March 2004, 1 and P. K. Abdul Ghafour, "Cabinet Affirms Independence of Rights Body", *Arab News*, 16 March 2004, 1.
- ¹⁹ The head of the NHRA and his deputy are members of *Majlis Al-Shura*, and many of its members are former civil servants and some still hold government jobs, but they have joined the NHRA in their 'private' capacity. See Lydia Georgi, "Saudi's Human Rights Watchdog Getting Ready to Go", *Middle-East Online* <<http://www.middle-east-online.com/english/saudi/?id=9143=9143&format=0>> (5 March 2004) accessed 5 November 2004.
- ²⁰ International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 5.
- ²¹ Patrick Bishop, "Standing by House of Sa'ud", *The Washington Times*, 3 June 2004, viewed on line at <<http://www.washtimes.com/commentary/20040602-085821-6746r.htm>> accessed 19 June 2004.
- ²² Darren Hawkins, "the Domestic Impact of International Human rights Norms", a paper presented at the 42nd Annual Convention of the International Studies Association, Chicago (February 2001), viewed on line at <<http://www.isanet.org/archive/hawkins.html>> accessed 19 April 2004.
- ²³ In the early 1970s, only 25 percent lived in urban areas. For more details on urbanization in the Kingdom, see UN document, "Saudi Arabia: Decentralization and Urban Management", December 2002, UN Development Program, Programme on Governance in the Arab Region, viewed on line at <<http://www.pogar.org/countries/saudi/decentralization.html>> accessed 19 June 2004.
- ²⁴ Library of Congress, "Country Studies: Saudi Arabia", December 1992, viewed on line at <[http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+sa0048\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+sa0048))> accessed 5 September 2003.
- ²⁵ Kamal Al-Kateeb, "al soadiyah toshariq fi al yom al arabi li mahaw al omeyah" [Saudi Participates in the Arab Day for the Eradication of Illiteracy], *Al-Watan*, 8 January 2004, 8.
- ²⁶ In 1984, there were approximately 10,000 Saudi students studying abroad. By 1987, the number doubled to reach 20,000 students. Despite a decrease in the late 1990s to almost 6000 students, by 2006 the number of Saudi students studying abroad has reached approximately 18000 students. Saudi Arabia (official publication), "Statistical Yearbook", Ministry of Economy and Planning, No. 42 (2006) 120-122.
- ²⁷ Kevin R. Taecker, "A Dialogue: Saudi Arabia", *School of Advanced International Studies (SAIS) Review* 22:2 (2002) 220.
- ²⁸ Mai Yamani, *Changed Identities: the Challenge of the New Generation in Saudi Arabia* (London, Royal Institute of International Affairs, 2000) 17.
- ²⁹ Saudi Arabia (official publication), "Statistical Yearbook", Ministry of Economy and Planning, No. 40 (2004) 46 & 48.
- ³⁰ This estimate is mentioned in Nimrod Raphaeli, "Saudi Arabia: A Brief Guide to its Politics and Problems", *Middle East Review of International Affairs Journal* 7:3 (September 2003), viewed on line at <<http://meria.idc.ac.il/journal/2003/issue3/jv7n3a2.html>> accessed 29 August 2004. However, in the absence of precise official figures, there are different estimates of the number of domestic workers, ranging from one to three million.
- ³¹ See, for instance, Quds Press International, "dirasah: mushahidow 'aljazeera' wa 'alarabiya' akthar bi khmsat adhaf min 'alhura'" [Study: Viewers of 'Aljazeera' and 'Alarabiyah' are Five Times More than 'Alhura's], 9 September 2004, viewed on line at <<http://www.qudspress.com/data/asp/d13/7273.aspx>> accessed 21 May 2006 and Nail Al-Jubeir, "Saudi Arabia Seeks to Change Image", *WishTV.com*, 19 October 2004, transcript was viewed on line at <<http://www.wishtv.com/global/story.asp?s=2450712&ClientType>> accessed 23 December 2004.
- ³² For more details about the Internet in Saudi Arabia, see Joshua Teitelbaun, "Dueling for *Da'wa*: State vs. Society on the Saudi Internet", *Middle East Journal* 56:2 (2002) 222-239.
- ³³ See, for instance, Abdullah Al-Magluth, "saudiyyat yagdena al eid amam al net" [Saudi Females Spend the Eid (Islamic Festival) on the Net], *elaph.com* (Internet Magazine) <<http://www.elaph.com/elaphweb/Politics/2005/1/35484.htm>> (21 January 2005) accessed 20 May 2006 and "al alam al arabi wa istikhdam al Internet" [The Arab World and the Usage of the Internet], *tech.com* <<http://www.tech.com.sa/ar/Print.aspx?Param=Large&ID=82>> (17 January 2006) accessed 20 May 2006.

- ³⁴ In 2003 official statistics, 8,794,256 Saudis (out of 15,588,805) are below the age of 20. The population growth runs at about 3.7 percent a year. See, Saudi Arabia (official publication), "Statistical Yearbook", Ministry of Economy and Planning, No. 39 (2003) 48.
- ³⁵ Abdullah Al-Magluth, "saudiyyat yagdena al eid amam al net" [Saudi Females Spend the Eid (Islamic Festival) on the Net].
- ³⁶ Teitelbaun, "Dueling for *Da'wa*: State vs. Society on the Saudi Internet", 235.
- ³⁷ For more details, see Yamani, *Changed Identities*, 1-22.
- ³⁸ Abdurahman Al-Lahim, "hoqooq al insan fi saoudiyah wahm al khososiyah" [Human Rights in Saudi Arabia and the Illusion of Particularity], *Sho'on Saoudiyah [Saudi Affairs]*, Issue 14, March 2004, 19.
- ³⁹ *Ibid.*
- ⁴⁰ See, chapter 5 titled "Redefining Patriarchy and Gender Identity" in Yamani, *Changed Identities*, 91-108.
- ⁴¹ For more details, see Soraya Al-Torki, *Women in Saudi Arabia: Ideology and Behavior among Elite* (New York: Columbia University Press, 1986) 151-155.
- ⁴² See, for instance, Alexei Vassiliev, *The History of Saudi Arabia*, (New York, New York University Press, 2000) 368-369, 372-376 and As'ad Abukhalil, *The Battle for Saudi Arabia: Royalty, Fundamentalism, and Global Power* (New York: Seven Stories Press, 2004) 166.
- ⁴³ For details of the crisis, see Fahd Al-Qahtani, *sera'a al ajnihah fi al a'iyah al saodiyah* [Clans' Conflict Within the Saudi Family] (London: Al-Safa Press, 1988).
- ⁴⁴ For more information on Prince Talal's reform, see Peter W. Wilson and Douglas F. Graham, *Saudi Arabia: The Coming Storm* (New York: M. E. Sharpe, 1994) 50-51.
- ⁴⁵ Tim Niblock, "Social Structure and Development of the Saudi Arabian Political System", in *State, Society and Economy in Saudi Arabia*, ed. Tim Niblock (London: Croom Helm Ltd, 1982) 99.
- ⁴⁶ Vassiliev, *The History of Saudi Arabia*, 368-369.
- ⁴⁷ Al-Qahtani, *sera'a al ajnihah fi al a'iyah al saodiyah* [Clans' Conflict Within the Saudi Family], 72-75 and Niblock, "Social Structure and Development of the Saudi Arabian Political System", 100.
- ⁴⁸ Vassiliev, *The History of Saudi Arabia*, 369 and Mamoun Fandy, *Saudi Arabia and the Politics of Dissent* (New York: St. Martin's Press, 1999) 44-45.
- ⁴⁹ Vassiliev, *The History of Saudi Arabia*, 358.
- ⁵⁰ After their failure to achieve reform, the 'free princes' and some liberal reformists left Saudi Arabia in 1962 and established the National Liberation Front, publicly criticizing the Saudi government. Two years later, the 'free princes' reconciled with the royal family and returned to Saudi Arabia, following disagreement with President Nasser of Egypt. For more details on this issue, see Wilson and Graham, *Saudi Arabia: The Coming Storm*, 45-54, James Buchan, "Secular and Religious Opposition in Saudi Arabia", in *State, Society and Economy in Saudi Arabia*, ed. Tim Niblock (London: Croom Helm Ltd, 1982) 108-117 and Vassiliev, *The History of Saudi Arabia*, 365-371.
- ⁵¹ Foreign influence on Saudi Arabia will be discussed in the next chapter.
- ⁵² Long, *The Kingdom of Saudi Arabia*, 36 and Wilson and Graham, *Saudi Arabia: The Coming Storm*, 62.
- ⁵³ For more details on King Faisal's Ten-Point Program, refer to Vassiliev, *The History of Saudi Arabia*, 364-365, Madawi Al-Rasheed, *A History of Saudi Arabia* (Cambridge: Cambridge University Press, 2002) 114 and Wilson and Graham, *Saudi Arabia: The Coming Storm*, 52-55.
- ⁵⁴ For details, see Mohammed Al-Helwah, "al entikhabat al baladiyah wa al tahdeeth al siyasi fi al mamalakah al arabiyah al saodiyah" [Municipal Elections and Political Development in the Kingdom of Saudi Arabia], *Al-Sharq Al-Awsat*, 15 October 2003, 3 and Rasheed Abu Alsamh, "Saudis Ready for the Polls", *Al-Ahram Weekly*, 7 September 2004, 9.
- ⁵⁵ Human Rights Watch, *Empty Reforms: Saudi Arabia's New Basic Law* (New York: Human Rights Watch, 1992) 15.
- ⁵⁶ Saudi Arabia (official document), "nizam al baladiyat wa al qura" [The Law of Municipalities and Villages], adopted by the Council of Ministers, Decision No 130 of 6 Safar 1397 (26 January 1977).
- ⁵⁷ Saudi Arabia (official document), Council of Ministers' Decision (# 224), 13 October 2003, regarding the re-activation of Municipal Councils. The decision was widely circulated in the Saudi media. See, for instance, Muwafaq Al-Nuwauser, "al saoudiyah tashhad awal intikhabat lil majalis al baladiyah" [Saudi Arabia will Witness the First Elections for Municipal Councils], *Al-Sharq Al-Awsat*, 14 October 2003, 1.
- ⁵⁸ For more details, see, for instance, Vassiliev, *The History of Saudi Arabia*, 366-388 and William A. Rugh, "Saudi Mass Media and Society in the Faisal Era", in *King Faisal and the Modernization of Saudi Arabia*, ed. William A. Beling (Boulder: Westview Press, 1980) 125-144.
- ⁵⁹ For more details on the introduction of mass media during the era of King Faisal, see Rugh, "Saudi Mass Media and Society in the Faisal Era", 125-144.

⁶⁰ In addition to the 'free princes', there are other Saudis, influenced by slogans of Arab nationalism, Nasserite, and Communism, who formed opposition groups that operated in exile with presumed little support within the Kingdom. Among the known opposition groups during that period are the National Reform Front (1956), the National Liberation Front (1958), the Nasserist Union of Peoples of the Arabian Peninsula (1965), and Saudi Arabian Communist Party (1975). For more details on the secular opposition in Saudi Arabia, see Buchan, "Secular and Religious Opposition in Saudi Arabia", 109-115.

⁶¹ Most of Al-Otaibi's followers are Saudis, although a few non-Saudis had joined the group.

⁶² See, Fahd Al-Qahtani, *zelzal Juhaiman fi Makkah* [Juhaiman's Earthquake in Makkah] (London: Islamic Revolution in the Arabian Peninsula, 1987) 35-39.

⁶³ Hamzah Al-Hassan, *al shiy'ah fi al mamlakah al arabiyah al saodiyah* [Shiite in The Kingdom of Saudi Arabia] (London: Al-Baqee'a for Publishing, 1993) 102. This book contains historical details on the Shiite in Saudi Arabia during the period (1871-1991), including the 1979 uprising.

⁶⁴ Saudi Arabia (official publication), *Majlis Al-Shura Ha'qaiq Wa Arqam* [The Consultative Council: Facts and Figures] (Riyadh: Majlis Al-Shura publications, 1996) 6-7.

⁶⁵ Khalid Ibn Sultan, *Desert Warrior* (London: Harper Collins Publisher, 1995) 211.

⁶⁶ I used the word 'others' because those who are not religious scholars are not necessarily secularists, as Western and non-Western authors/reporters misrepresentedly used this label to describe people out of Islamist circles. See, Al-Rasheed, *A History of Saudi Arabia*, 169.

⁶⁷ Known as *khitab al-matalib* or the 'Letter of Demand'.

⁶⁸ Known as *muthakirat al-nasiehad* or the 'Memorandum of Advice'.

⁶⁹ For the text of the two petitions, see [in English] Human Rights Watch, *Empty Reforms: Saudi Arabia's New Basic Law*, 55-56 and [in Arabic] see Movement of Islamic Reform in Arabia (MIRA), viewed on line at <<http://www.islah.info:1111/appendix.html>> accessed 12 February 2002.

⁷⁰ The statement of the Council of Senior *Ulama* was widely reported in the media. See, for instance, *Al-Sharq Al-Awsat*, 15 March 1993, 1. For more details on the Islamic Opposition in early 1990s, see, for example, Mohammed Fo'ad, "al deen wa al dawlah fi al mamlakah al arabiyah al soadiyah: al awodah al mustahilah" [Religion and State in the Kingdom of Saudi Arabia: the Impossible Return], *Qadaya Al-Khaleej* [Gulf Issues] (July 2003), viewed on line at <<http://www.gulfissues.net/mpage/gulfarticles/article0040.htm>> accessed 10 October 2004 and the Movement of Islamic Reform in Arabia (MIRA), "The Rise and Evolution of the Modern Islamic Reform Movement in Saudi Arabia", viewed on line at <<http://www.islah.info:1111/chap1.html>>, accessed 12 February 2002.

⁷¹ The founders consist of a retired judge, two university professors and three religious scholars.

⁷² Their statement is available [in Arabic] in the Movement of Islamic Reform in Arabia's website (MIRA) at <<http://www.yaislah.org/documents/islahdocs.3.html>> (3 May 1993) accessed 29 September 2003.

⁷³ The *fatwa* was widely reported in the Saudi media in May 1993. It is available in Matrouk Al-Faleh, *al islah al distorie fi al saodiyah: al qadhaya wa al asielah al asaliyah* [Constitutional Reform in Saudi Arabia: The Issues and The Crucial Questions] (Paris: Arabian and European Est. for Publishing, 2004) 58.

⁷⁴ See, for instance, Geoff Simons, *Saudi Arabia: the Shape of a Client Feudalism* (New York, St. Martin's Press, 1998) 321.

⁷⁵ Joseph Kostiner, "State, Islam, and Opposition in Saudi Arabia", *Middle East Review of International Affairs Journal* 1:2 (July 1997), viewed on line at <<http://www.biu.ac.il/SOC/besa/meria/journal/1997/issue2/jvIn2a8.html>> accessed 8 June 2004.

⁷⁶ The official religious establishment supported the government actions, and the Grand Mufti, for instance, indirectly justified the imprisonment of two prominent *ulama* (Salman Al-Awda and Safar Al-Hawali) on the basis of creating *fitna* (internal strife) and called for their repentance. See the Grand Mufti's statement, which was widely reported in the Saudi media in late September 1994. To review the Mufti's statement [in Arabic] on the Internet, visit *alsaha.com* at <<http://www.alsaha.com/sahat/Forum2/HTML/005476.html>> accessed 29 June 2004.

⁷⁷ Such as the Supreme Council of Islamic Affairs and the Council for Islamic Call and Guidance.

⁷⁸ Establishing national council or promulgating a comprehensive constitutional law for the country were proposed or promised several times; in the Royal Decree creating the Kingdom of Saudi Arabia in 1932, in Prince Talal's proposal in 1958, by King Sa'ud during power struggle with Crown Prince Faisal in 1960, in King Faisal's Ten-Point Program in 1962, and in statement by Crown Prince Fahad following the Grand Mosque siege in 1979. See, for instance, Frank E. Vogel, *Islamic Law and Legal System: Studies of Saudi Arabia* (Boston: Brill Press, 2000) 294.

⁷⁹ International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 4.

⁸⁰ Saudi Arabia (official publication), "King Fahad's Speech", in *Law of Majlis Al-Shura and Order Attached Thereto* (Riyadh, 1994) 2-11.

⁸¹ International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 4.

⁸² It is usual for the government to avoid the perception that the creation of the *Majlis Al-Shura* was caused by any internal or external influences, declaring that the principle of consultation was already in place from the time of King Abdulaziz. Such view was mentioned in King Fahd's speech on the inauguration of *Majlis Al-Shura*. Transcript of the speech is available in Saudi Arabia (official publication), "King Fahd's Speech", in *Law of Majlis Al-Shura*, 2-11 and in Saudi Arabia (official publication), *Majlis Al-Shura ha'qaiq wa arqam* [The Consultative Council: Facts and Figures], 3-7.

⁸³ Including the war in Afghanistan, the war against Iraq and more importantly the series of bombings in Saudi Arabia and the war on terrorism in and outside the Kingdom.

⁸⁴ International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 9.

⁸⁵ Influence by foreign governments on Saudi Arabia's domestic issues will be discussed in the next chapter.

⁸⁶ See a petition titled "ma'an difa'an an il watan" [In Defence for the Nation], (September 2003). For the text of the petition [in Arabic], see *wikalat al akhbar al soadiyah, ekhbariyah mostakhillah* [Saudi News Agency, Independent Agency], viewed on line at <<http://www.arabianews.org/article.cfm?qid=453&sid=18>> accessed 23 July 2004.

⁸⁷ See a petition titled "nida ila al qiyadah wa al shaab ma'an: al islah al distoori awwalan" [An Appeal to the Leadership and the People: Constitutional Reform First], (16 December 2003). The text of the petition is available [in Arabic] in several sources including *Saudiaffairs.Net* at <<http://www.saudiaffairs.net/webpage/sa/issue12/article121/issue121t2.htm>> accessed 1 September 2004.

⁸⁸ Internal social and economic problems include: poverty (The UN Arab Human Development Report of 2003 indicated that the percentage of poverty in the Kingdom is 15.8%, ranking thirtieth among 95 countries) in an oil wealthy country having an immense debt (The Kingdom's domestic debt is about \$ US 177.3 billion in 2003, while foreign debt stands at around \$ 20 billion); unemployment among Saudis with the existence of almost six million foreigners in the Kingdom; and sluggish economic growth combined with high population growth in which almost 45 percent of the Saudi population is under eighteen years old.

⁸⁹ See, for instance, a comprehensive petition titled "ro'yah li hadher al watan wa mustagbalih" [Vision for the Present and the Future of the Homeland] (known as the 'vision'). The text of the petition can be found in various sources and websites. See, for instance, *Al-Quds Al-Arabi*, 30 January 2003, 13.

⁹⁰ See the petition (the vision) in, for instance, *Al-Quds Al-Arabi*, 30 January 2003, 13.

⁹¹ Petitions presented to the Crown Prince can be found in several Arabic sources. See, for instance, *Al-Quds Al-Arabi*, 30 January 2003, 13, *IslamOnline* at <http://www.islamonline.net/Arabic/doc/2004/02/article02_20.shtml> (17 February 2004) accessed 1 November 2004, *Arabrenewal.Com* at <<http://www.arabrenewal.com/index.php?rd=AI&AI0=3307>> (5 June 2003) accessed 3 August 2004, *ArabiaNews.Org* at <<http://www.arabianews.org/article.cfm?qid=453&sid=18>> (29 September 2003) accessed 23 July 2004, and *Saudiaffairs.Net* at <<http://www.saudiaffairs.net/webpage/sa/issue12/article121/issue121t2.htm>> (13 January 2004) accessed 11 September 2004.

⁹² Financial corruption in the Kingdom comes in various forms including the excessive extravagance on luxurious or unnecessary things. In this context, a statement attributed to King Faisal says "in one generation we went from riding camels to riding Cadillacs. The way we are wasting money, I fear the next generation will be riding camels again." See Yamani, *Changed Identities*, 1.

⁹³ It has been suggested that operating under the current Saudi political system made the choice of Saudi reformists to prefer preservation of the monarchy and to use respectful language of the government when demanding reforms a matter of political strategy rather than a real pillar of their beliefs. See Toby Jones, "Violence and the Illusion of Reform in Saudi Arabia", *Middle East Report*, November 2003, viewed on line at <<http://www.merip.org/mero/mero111303.html>> accessed 3 August 2004.

⁹⁴ For more details, see Michael Scott Doran, "The Saudi Paradox", *Foreign Affairs*, (January/February 2004), viewed on line at <<http://www.foreignaffairs.org/20040101faessay83105/michael-scott-doran/the-saudi-paradox.html>> accessed 13 October 2004.

⁹⁵ See, for example, *ArabicNews.Com*, "Saudi Crown Prince: Constitutional Reforms are a Matter of Time", <<http://www.arabicnews.com/ansub/Daily/Day/030201/2003020112.html>> (2 January 2003) accessed 11 September 2004.

⁹⁶ See, for instance, Saudi Press Agency, "khadim al haramain yaftatih al dawrah al thalithah li majlis al shura" [The Custodian of the Holy Mosque Opens the Third Session of *Majlis Al-Shura*], *Al-Riyadh*, 18 May

2003, 1 and Saudi Press Agency, "majlis al wozra uqir tawse'a al musharakah al sha'biyah" [The Council of Ministers Decides to Expand Public Participation], *Al-Riyadh*, 14 October 2004, 1.

⁹⁷ For details on King Abdulaziz Centre for National Dialogue, visit its website at <<http://www.kacnd.org/default.asp>> accessed 23 August 2004.

⁹⁸ By December 2005, five rounds were held. The first session was held in June 2003 in Riyadh to discuss ways of promoting national unity and encourage religious tolerance. The Second session was held in Makkah in December 2003 under the title of "Extremism and Modernization: a Comprehensive View". The third session was held in Al-Madina in June 2004 under the title of "Rights and Duties of Women". The fourth session was held in Dammam in December 2004 under the title of "Youth Issues: The Reality and Hopes". The fifth session was held in December 2005 under the title "We and the Other: A National Vision for Dealing with World Cultures".

⁹⁹ Recommendations concluded in, and information about, the sessions are available on the website of KACND at <<http://www.kacnd.org/meeting.asp>> accessed 8 November 2004.

¹⁰⁰ Saudi newspapers and some international news agencies covered the event. See, for instance, Herald Sun, 9 August, 23 August and 4 October 2004, serviced by the Associated Press.

¹⁰¹ After more than a year from their arrest and nine months of mainly closed trial, the three reformists received in May 2005 heavy imprisonment sentences ranging from six to nine years. This harsh punishment generated doubts about Saudi Arabia's intention to embrace genuine reform. However, following his inauguration as king, King Abdullah Ibn Abdulaziz pardoned the three reformists in August 2005.

¹⁰² Abdulrahman Al-Lahim, "al saodiyah: mokafahat al erhab wa hoqooq al insan" [Saudi: Combating Terrorism and Human Rights], Arabic Commission for Human Rights, November 2004, viewed on line at <<http://www.hrinfo.net/mena/achr/pr041100.shtml>> accessed 25 November 2004.

¹⁰³ See an interview with Madawi Al-Rasheed in Al-Jazeera channal about the participation of Saudi women in municipal elections, aired 28 September 2004. Transcript of the program [in Arabic] is available on Aljazeera.Net at <<http://www.aljazeera.net/Channel.aspx/print.htm>> accessed 13 October 2004.

¹⁰⁴ International Crisis Group, "Can Saudi Arabia Reform Itself", 14 July 2004, 18.

¹⁰⁵ In his article, Stephane Lacroix briefly examined the new phenomenon of what he has termed 'Islamoliberal' in the Saudi political scene and presented backgrounds of its prominent figures. See Stephane Lacroix, "Between Islamists and Liberals: Saudi Arabia's New 'Islamoliberal' Reformists", *The Middle East Journal* 58:3 (2004) 345-366.

¹⁰⁶ See, for instance, Jones, "Violence and the Illusion of Reform in Saudi Arabia".

¹⁰⁷ For more details on the relationship between public opinion and public policies, see, e. g., Benjamin Page, Robert Shapiro and Glenn Dempsey, "What Moves Public Opinion", *American Political Science Review* 81:1 (1987) 23-44, Benjamin Page and Robert Shapiro, "Effects of Public Opinion on Policy", *American Political Science Review* 77:1 (1983) 175-190 and Benjamin Page, "Democratic Responsiveness? Untangling the Links between Public Opinion and Policy", *Political Science and Politics* 27:1 (1994) 25-29.

¹⁰⁸ See, for instance, Sa'id Al-Orabi Al-Harthi, "The Mass Media in Saudi Arabia: Present Concept, Functions, Barriers and Selected Strategy for Effective Use in Nation-Building and Social Awareness", (PhD Thesis, The Ohio State University, 1983), Abdullah Al-Rashoud, "Satellite Broadcasting & National Development: Relevance to Saudi Arabia", (PhD Thesis, Australian National University, 2001) and Salem Ali Al-Salem, "The Impact of the Internet on Saudi Arabian EFL Female's Self-Image and Social Attitudes" (PhD Thesis, Indiana University of Pennsylvania, 2005).

¹⁰⁹ For more details, see Johan Lagervist, "The Rise of Online Public Opinion in the People's Republic of China", *China: An International Journal* 3:1 (2005) 119-130.

¹¹⁰ For more details about the impact of the internet on political and social trends, see Shanthy Kalathil and Taylor C. Boas, *Open Networks Closed Regimes: The Impact of the Internet on Authoritarian Rule* (Washington: Carnegie Endowment for International Peace, 2003) 112-120, Joshua Teitelbaum, "Dueling for Da'wa: State vs. Society on the Saudi Internet", *Middle East Journal* 56:2 (2002) 222-239 and Manoun Fandy, "Cyber Resistance: Saudi Opposition between Globalisation and Localization", *Comparative Studies in Society and History* 41:1 (1999) 124-147.

¹¹¹ See, for instance, Mohammed Al-Fuhaid, "saodiyon aftradhiyon yatahakamon bi alrai al aam abra al internet" [Presumed Saudis Control Public Opinion Via The Internet], *Al-Watan*, 24 April 2005, 9.

¹¹² Salem Ali Al-Salem, "The Impact of the Internet on Saudi Arabian EFL Females' Self-Image and Social Attitudes", (PhD Thesis, Indiana University of Pennsylvania, 2005).

¹¹³ *Ibid.*, 166-177.

¹¹⁴ See, for instance, James Zogby, "Arab Opinion on American Politics, Values and People", Testimony before the US House Committee on Foreign Affairs (Subcommittee on International Organizations, Human

Rights, and Oversight, and Subcommittee on Middle East and Asia), 3 May 2007, viewed on line at <<http://foreignaffairs.house.gov/110/zog050307.pdf>> accessed 25 May 2007.

¹¹⁵ The outlawing of slavery was part of King Faisal's Ten Point Program, which was presumably in response to calls for reform by President Kennedy. See David E. Long, *The Kingdom of Saudi Arabia* (Gainesville: University Press of Florida, 1997) 36 and Peter W. Wilson and Douglas F. Graham, *Saudi Arabia: The Coming Storm* (New York: M. E. Sharpe, 1994) 62.

¹¹⁶ For example, the 80 lashes fixed penalty for drinking alcohol has become less frequent in application, despite apparent indications about an increase in the consumption of alcohol among Saudis.

¹¹⁷ For more details, see Al-Faleh, *al islah al distorie fi al saodiyah: al qadhaya wa al asielah al asaliyah* [Constitutional Reform in Saudi Arabia: The Issues and The Crucial Questions], 39-41.

¹¹⁸ See a statement by Prince Sa'ud Al-Faisal, the Foreign Minister, initially reported by Los Angeles Times (4 August 2003) and re-published in other newspapers including *Al-Sharq Al-Awsat* (5 August 2003) and in *Australian Financial Review* (9 August 2003).

CHAPTER FIVE

EXTERNAL FACTORS AFFECTING HUMAN RIGHTS IN SAUDI

ARABIA

Introduction:

The ultimate goal of the contemporary human rights movement is to establish universal norms and to extend them to all societies. The dilemma of human rights centres on the need to accommodate all societies while also challenging other forms of authorities, notably state authority. The concept of human rights is simultaneously local and global, because it enables and elicits international scrutiny of local conditions. The protection of human rights in any given country depends on the interplay of society and state with internationally-recognized normative standards and on domestic and global forces committed to their implementation.¹ Therefore, examining international-level factors affecting human rights in Saudi Arabia is essential to understanding the dynamic of human rights in the Kingdom. However, the question posed here is what are the relevant international factors and what is the extent of their influence on developments of human rights in the Kingdom?

The influence of the UN human rights mechanisms constitutes only one of several forms of influences propelling Saudi Arabia to respond positively to the demands for reform. The focus of this chapter is on examining other international factors and their influence on human rights in Saudi Arabia. The aim is to enlarge the understanding of the relationship between developments of human rights, particularly women's rights, in Saudi Arabia and its engagement with the UN human rights system.

Saudi Arabia enjoys special importance internationally because of its unique association with the Islamic religion and its oil wealth. As the world's largest oil producer, and its importance in stabilizing the international oil market and economy, domestic stability in the Kingdom concerns many countries in the world. As a result, powerful states typically attempt, directly or indirectly, to influence Saudi Arabia's domestic policies in order to strengthen the country's stability. Due to the security circumstances in the Kingdom following the 11 September attacks, which have amplified concerns over Saudi Arabia's stability, various forms of international influence and

pressure have increased. With the perceived necessity felt by powerful states to increase the intensity of their influence on Saudi Arabia, the correlation between developments in human and women's rights and external factors will probably increase. The first section, therefore, examines influences of foreign states on domestic policies, particularly in relation to human rights issues. Such influences for improving human rights come either from powerful states for example the USA and EU member-states, or indirectly from neighbouring countries that have already adopted progressive policies in the human rights' domain.

Influence and pressure exerted by international human rights NGOs to respect human rights and fundamental freedoms have unquestionably gained momentum in the last few decades. Transnational networks of nongovernmental organizations, as a part of the international human rights regime, typically attempt to influence states to abide by international human rights norms, either by attempting to lobby state officials directly for policy change or by mobilizing pressures from other states and multilateral institutions. Various forms of exogenous influence contribute to crystallizing new policies and reformative steps in Saudi Arabia, with the aim of, among other things, promoting human rights. It is, therefore, essential to discuss the influence of international human rights NGOs, particularly given that in recent years they have paid greater attention to human rights in Saudi Arabia.

As indicated in the theoretical chapters, various material and immaterial aspects of globalization, modernization and development could play a role in universalizing human rights norms through a process of socialization and learning. In this context, Saudi Arabia has been exposed to waves of global cultural trends and calls for further political openness. The Kingdom has also been affected by international economic influences for an open market combined with Saudi Arabia's desire for domestic economic stability and integration in global capital markets. Such realities have chiefly pushed the Kingdom to seriously consider reforms, mainly within economic spheres, but which may impact human rights. Extraneous cultural influences absorbed through the various global information and communications technologies have permanently changed the traditional lifestyle in Saudi Arabia. The third section, thus, explores how globalization, along with modernization, could affect human rights in Saudi Arabia.

Governments have a genuine interest in gaining legitimacy and respect, not only from their own citizens but also from international audiences and international media.

Both governments and NGOs normally make use of the international media to serve their interests and goals. Through the utilization of naming and shaming to urge abusing states to comply, media coverage of abuses and oppression has played a significant role in advancing the human rights cause in several situations in different parts of the world. Finally, therefore, this chapter examines the effects of international media and international public opinion on human rights in Saudi Arabia.

1- The Role of Foreign States:

Since its establishment early in the twentieth century, Saudi Arabia has relied on foreign powers for political and military support. Great Britain played a cardinal role during the Kingdom's unification,² when King Abdulaziz received financial and military assistance from the British in fighting his rival sheikhdoms within the Arabian Peninsula.³ In the 1915 treaty with Britain, King Abdulaziz agreed to concessions to the British including refraining from entering into relations with other countries without consultation with Britain, in return for recognition and protection of his rule and financial assistance.⁴ British Foreign Affairs documents indicate that Britain ended economic aid to Saudi Arabia in 1946. The annual report of that year also noted the Kingdom's dependence on US financial assistance as well.⁵

Upon signing a concession agreement with an American oil company (Standard Oil of California) in May 1933, Saudi Arabia started receiving money in the form of loans for more than two decades, despite the discovery of oil in commercial quantities in late 1939, because the terms of the agreement were disadvantageous to Saudi Arabia.⁶ Given its nature, the agreement included no security protection as the second party was a private company seeking profit. However, with the huge oil reserves discovered in Saudi Arabia and with oil becoming a global source of power during and following the Second World War, the security of Saudi Arabia became a vital part of US interests. The basic equation of Saudi-US relations was that in return for preferential, unconstrained access to Saudi oil, the US will provide protection to the Kingdom against foreign threat.⁷ For the US, Saudi Arabia, as the world's largest oil exporter, the host for some of the most sophisticated military bases available to the US in the Middle East, and the largest market in the region for US goods and services especially arms, has long been a vital strategic ally in the region.

Due to this development, many conservative, radical *salafis*, as well as some Saudi liberal intellectuals, believe that the role of the US is effective not only in shaping many Saudi foreign and some domestic policies, but also in the survival of Saudi Arabia against external threats.⁸ Moreover, several academic studies have associated the longevity of the Saudi political system with primarily international factors.⁹ Accordingly, the contemporary rulers of the Kingdom are seen by some Saudis as collaborators with the US from which they derive their security and continuity.¹⁰ Popular resentment among Saudis against the US is partially caused by the US's long standing turning of a blind eye to what are widely seen as human rights abuses carried out by Saudi authorities, although other, and more important, reasons contribute to these hostile feelings.

In exchange for Saudi Arabia's cooperation and assistance in oil production and pricing and for purchasing US military equipment and training, the US did not question the domestic politics of the Saudi government.¹¹ The issue of human rights violations and restrictions on fundamental freedoms never formed part of the official bilateral discussions between Saudi Arabia and the US. With the exception of its annual human rights report, US administrations have traditionally avoided public criticism of the Kingdom's human rights record or the nature of its political system. Saudi domestic issues remained for decades outside the interest of all US administrations, avoiding what might be considered as interference in internal matters. However, this line of US foreign policy towards its close ally has changed since the 11 September attacks.

One of the major developments following the 11 September attacks is the growing realization in the US and elsewhere that domestic conditions throughout the Middle East, particularly in Saudi Arabia, are of significant concern as a major cause of radicalization. Empowering women is seen as critical not only in promoting democracy and development but also in defeating terrorism.¹² Based on the conviction that resentful and repressed citizens are susceptible to extremist ideology, President George W. Bush pledged to restructure radically America's foreign policy towards the Middle East, promising to spread democracy and emphasizing concepts such as the rule of law, limits on state power, free speech, women rights and religious tolerance.¹³ Some members in the Bush administration have commented critically and demonstrated concern about several political, social and religious practices within the Kingdom. This new criticism comes particularly from the network of so-called neo-conservatives and Christian rights activists joined by the Zionist left,¹⁴ who have had major influence on Bush's foreign policies.

While generally urging the Saudi government to liberalize and democratize political and social life in the Kingdom, American criticism mainly focused on cracking down on Islamic charities and changing the school curricula. The Saudi government responded positively to such criticism by reviewing and correcting the most objectionable features of its school curricula and restricting and closely monitoring Islamic charities. In addition to unifying most boys and girls' curricula, the Saudi Ministry of Education deleted some topics from the Islamic curriculum including a chapter about *al-wala'a wal bara'a* principle.¹⁵

Nevertheless, officials in the Bush administration generally refrained from harsh or open criticism, whilst privately raising some serious concerns about domestic issues.¹⁶ Rather, US officials publicly in general used an encouraging language when talking about reforms in Saudi Arabia. US Secretary of State Colin Powell said that "it is up to the Saudis to decide how they wish to transform their society", but noted that while the US would not dictate change, the US would like to "be able to influence how such reforms are going to be introduced as some of them could be better than others."¹⁷ Carefully commenting on the Saudi announcement to hold partial municipal elections, US President George Bush indirectly called on the Saudi government "to give the Saudi people a greater role in their own society."¹⁸ During his visit to the Kingdom in January 2004, former US President Bill Clinton urged the Kingdom to embrace reform, noting the impossibility of resisting the wind of change.¹⁹ Such comments by US officials on domestic policies disclose an increasing influence by foreign states on human rights in Saudi Arabia.

In March 2004, Saudi authorities arrested a group of reformists, who had signed petitions calling for peaceful political, social and economic reforms as detailed in the previous chapter. The US State Department's spokesman Adam Ereli condemned the detention as "inconsistent with the kind of forward progress that reform-minded people are looking for"²⁰ and described it as "regrettable" and a "step backward",²¹ especially following initiatives disclosed by the Kingdom to expand people's participation in decision-making. During a meeting with Crown Prince Abdullah, US Secretary of State Colin Powell also expressed concern over the detentions.²²

The detained reformers were preparing a statement undermining the recently formed NHRA, accusing it as being appointed body, and complaining about the Saudi authorities' neglect of their request to license a human rights NGO. The Saudi authorities rejected the US criticism over its arrest of the activists, considering their arrest as internal

affairs.²³ As the three reformists appeared initially before a judge in open court hearing, this remarkable and unprecedented step in the Kingdom's judicial system was welcomed by the US administration.²⁴ However, after a judicial order to close this first ever open trial, the US government called upon the Saudi authorities to reopen the trial and to recognize the right of freedom of expression.²⁵

The nature of the relationship with Saudi Arabia became not only an issue in which members of Congress discussed the US relationship with the Kingdom and introduced a draft of an accountability act,²⁶ but also an electoral issue in the US presidential election in late 2004. The Democratic presidential candidate, Senator John Kerry, criticized the Bush administration for its close relationship with Saudi Arabia and warned that Americans "will not do business as usual with Saudi Arabia."²⁷ Furthermore, personal and financial relations between the Saudi royal family and the Bush family were criticized in the media and in widely purchased books, raising further suspicions about the nature of the longstanding US-Saudi alliance.²⁸

In early 2004, the US administration leaked news about an initiative designed to promote political, social and cultural, and economic reforms in the Middle East.²⁹ The initiative and its recommendations were formulated on the basis of the Middle East Initiative (a US State Department plan launched in December 2002) and the UN Arab Human Development Reports of 2002 and 2003. The main proposition underlying the initiative was that the growth in the "region's pool of politically and economically disenfranchised individuals"³⁰ increases extremism and terrorism. This proposition cited the three 'deficits' identified in the UN Arab Human Development Reports of 2002 and 2003 - freedom, knowledge and empowerment of women – as among causes of the current conditions in the region.³¹ Inspired by the 1975 Helsinki accords, the potential influence of the US sponsored Broader Middle East and North African Initiative (BMEI) has increased after its adoption by the Group of Eight Industrial Nations at their June 2004 summit.³²

According to US officials, the initiative was introduced in response to growing regional voices calling for reform in the Middle East.³³ From the US perspective, the initiative is based on the belief that the primary pillars of democracy – such as representative legislature, an independent judiciary, freedom of expression and a free market – are "suitable for all people and compatible with any society, though they may not look exactly the same or function in exactly the same way."³⁴ Although the initiative was

designed to support reform plans and to offer assistance for activities aiming at increasing opportunities and freedom for the peoples in the region, it was not clear how these activities would be financed.³⁵ Therefore, it is likely that the initial objective of the initiative is to pressure governments in the region,³⁶ including the Saudi government, to enact previously announced reforms. Officials in Arab states, particularly in Saudi Arabia, reacted negatively to the initiative and criticized it as interference in internal affairs.³⁷ In looking at the initiative and the circumstances surrounding its introduction and adoption, Saudi Arabia is considered as the focal point due to its alleged links with extremism and terrorism.

It is worth noting that monitoring and commenting on human rights practices, in all countries of the world including Saudi Arabia, is undertaken by various agencies in the US government. Since the mid 1970s when human rights were formally incorporated into US foreign policy, the US has attempted to hold governments accountable to their obligations under universal human rights norms and international human rights conventions.³⁸ The US State Department releases two major annual reports: the Country Report on Human Rights Practices and the International Religious Freedom Report, covering 196 countries in the 2002 reports. The US Commission on International Religious Freedom (USCIRF), an independent federal agency established under the International Religious Freedom Act of 1998 (IRFA), gives recommendations on international religious freedom to the executive branch and Congress including specific policy recommendations on 'countries of particular concern' (CPC). According to the IRFA of 1998, to simply designate a severe violator of religious freedom as CPC is not sufficient action. The CPC designation carries an obligation that one or more of certain actions specified in Section 405 of the IRFA be taken unless the President determines that pre-existing sanctions are adequate or otherwise waives the requirement.³⁹

The US annual reports, as a watchdog mechanism, have been used as a means to assist the implementation of US foreign policy and the promotion of its interests all over the world. Although such reports have criticized violations of human rights in Saudi Arabia, concerns expressed in the reports over human rights practices in the Kingdom had not been publicly raised by US administrations. Since 1999, USCIRF has been pressing for CPC status for Saudi Arabia. Caused mainly by its linkage with extremism and terrorism, Saudi Arabia was finally listed as CPC in the 2004 report on religious freedom. Despite being symbolic, the designation of Saudi Arabia as CPC is an unusual public

rebuke by the US that could, at least in principal, lead to future sanctions against the Kingdom. Some analysts rightly pointed out that this step is to warn Saudi Arabia that America will not overlook, as previously, behaviours deemed to be unacceptable,⁴⁰ especially when it comes to practices believed to be causing Islamic militancy. In July 2006, an agreement was struck between Saudi Arabia and the US State Department by which the Kingdom will introduce further laws and policies to curb abuses of religious freedom and to spread a culture of tolerance towards non-Muslims.⁴¹

With the exception of influences and pressures related to combating terrorism, which may include some aspect of promoting human rights such as targeting intolerance and expanding the role of women in public life, the close and special relationship between Saudi Arabia and the US ensures that pressure on the Kingdom over human rights will arguably remain minimal. Realizing the high price of instability in the Kingdom, some Westerners argue that the Saudi monarchy is the 'lesser evil' and therefore preferable to what they believe is the only alternative; a conservative Wahhabi government.⁴² It is justifiable to argue that Saudi Arabia's cooperation with the US, especially in oil policy and major arms contracts, has made the Kingdom largely immune from any genuine US pressure in relation to its human rights record. However, this does not deny that the US has been extending its influence through diplomatic means such as negotiation and persuasion, notably increasing after the 11 September attacks.

In another form of influence coming from neighbouring states, the US invasion of neighbouring Iraq put more pressure on Saudi Arabia to embark on a series of steps towards reform. The decision to establish a National Dialogue Centre came after the US invasion in order, inter alia, to strengthen the national front against any potential spill-over threats or Shiite uprising and also to absorb dissatisfaction arising from what is seen as discrimination against minorities in Saudi Arabia. Regardless of the real US intentions in invading Iraq; that the US was actively promoting democracy in Iraq raised awareness of the need for reform in the Kingdom. Some liberal Saudis think that pressure from the US administration on Saudi Arabia might have been the cause of tentative moves towards reform taken in the last few years.⁴³

In a surprise move, in January 2003, Crown Prince Abdullah launched an initiative calling for major reforms in the Arab world, even while the Kingdom itself has one of the world's most conservative political systems. Following the US Middle East Initiative of December 2002 and the UN Arab Human Development Report of 2002, the Saudi

initiative appears to be a response to intense American pressure on governments in the region, especially Saudi Arabia. For the Saudi government, the proposal for reform was designed to affirm self-motivated reform and escape public perception that reformative steps taken in the Kingdom are the result of submission to international pressures. The Saudi initiative was later discussed and adopted by Arab leaders at the Arab summit in 2004.

In addition to intensified US influences and pressures, political liberalization in Gulf States and in other Arab countries have left Saudi Arabia looking isolated as one of the last fortresses of traditional rule. Despite being authoritarian political systems by international standards, many governments in the region have incorporated major democratic elements. With the exception of Saudi Arabia and the United Arab Emirates, Arab monarchies have already moved to become constitutional monarchies.⁴⁴ In 1995 there was a coup in Qatar, followed in 1999-2000 by the deaths of the elderly heads of state of Jordan, Morocco, Bahrain and Syria. Changes of heads of state have brought a new approach to governance and human rights in those countries. Reforms in most neighbouring countries have led to increased political and economic opportunities for their peoples and resulted in an improvement of policies leading to greater protection of their rights, including the rights of women.⁴⁵ In most Gulf States, the margin of freedom and the participation of citizens and women have been widening.

Changes under way in neighbouring countries of a similar political system indirectly, but noticeably, influence the situation in Saudi Arabia. For instance, voters in both Bahrain and Qatar have recently approved new constitutions by referendum. Also, Kuwaitis, Qataris, Jordanians and Moroccans can elect their representatives in parliaments. Saudi activists have called upon the government to broaden the citizens' role in public life, as has been the case in monarchical political systems in Jordan and Bahrain.⁴⁶ Being similar to other Arab monarchies, especially members of the Gulf Cooperation Council (GCC), has inspired some Saudis to demand changes in their social and political life and to put more pressure on the Saudi government to reform its current structures and policies.

In response to the increasing calls for reform and after the US initiative for the Greater Middle East,⁴⁷ Arab leaders agreed at the Arab League Summit, May 2004 in Tunis, to sign a document calling for reform entitled 'Pledge of Accord and Solidarity' and adopted the revised 'Arab Charter on Human Rights'.⁴⁸ Unlike previous summits

since the Arab League's creation in 1945, Arab leaders for the first time declared their commitment to implement the organization's decision. While the leaders agreed and signed a pledge to implement the decisions contained in the document, analysts question if the document would have any significance knowing that its implementation was left largely up to the individual countries.⁴⁹ The document called on members to foster democratic practices, broaden participation in political and public life, strengthen the role of civil society and expand the role of women.⁵⁰ Both the US and the Arab leaders believe that reforms are essential to the security and the development of the region, but Arab leaders rejected the idea that the call for reform was forged under outside pressure.⁵¹

Under the assumption that the influence of foreign states in the Kingdom's domestic affairs can be very effective, international human rights NGOs lobby powerful states to press Saudi Arabia to respect human rights and fundamental freedoms.⁵² Furthermore, those NGOs regularly urge multilateral institutions, such as the UNCHR, to take decisions and actions against accused governments and to pressure them to change abusive practices. Within this context, the EU group became accustomed, in their statements at the UNCHR annual session, to criticize the violation of human rights and fundamental freedoms in several countries including Saudi Arabia.⁵³

In viewing the consequences of foreign states' influences on, and involvement in, promoting human rights in Saudi Arabia in general and women's rights in particular, it is worth noting that the outcomes to date have been insignificant in substance. Due to their substantial economic interests in Saudi Arabia, influential Western states have largely marginalized the issue of human rights practices in Saudi Arabia for economic and political gains. For a long time, foreign states confined their forms of pressure to occasional statements and periodical reports about human rights practices all over the world, including Saudi Arabia. Conversely, Saudi Arabia succeeded in promoting the view that its stability necessitated maintaining cultural particularities. Nonetheless, the 11 September events have unsettled the US strategy concerning domestic issues in the Kingdom. As discussed earlier, US strategy now focuses on pressuring and encouraging changes that would reduce or eliminate radicalism, which involves promotion of some human rights including the spread of tolerance and strengthening the role of women in public life. US pressure on the Kingdom has centred mainly on social change, which naturally takes time for its consequences to materialize. If foreign states' pressure and

encouragement continue and intensify, the chances for greater reforms, and larger developments towards human rights, would likely increase.

The influence of neighbouring states on human rights in Saudi Arabia is best seen in the context of socialization. Despite being limited, political reforms and social developments relating to human rights in neighbouring countries, especially the GCC states, are likely to play a more significant role in stimulating changes at grassroots of the Saudi society than reforms taking place in other parts of the world. Saudi Arabia, for instance, established in 2003 a governmental human rights body, following in the footsteps of nine Middle Eastern states that have created similar institutions during the last ten years.⁵⁴ Compared to direct pressure, this indirect influence may not be noticeable, but changes undertaken in peer neighbouring states with analogous cultures and similar political systems are likely to be infectious and profound in the long run.

2- Non-Governmental Organizations:

Self-appointed international NGOs have played a part in constraining the absolute sovereignty of nation-states and are able to raise responses from world opinion through advocacy of their causes. Although overwhelmingly Western, those NGOs can be regarded as the kernel of a global civil society, and new communication technologies have played a major role in making civil society visible in some fields.⁵⁵ Much of the conceptual authority and the political strength of NGOs comes from their funding sources in the West; many international NGOs however have been commonly known for their independence and non-affiliation. To maintain their credibility, international NGOs always try to ensure that their agendas, and any authority they may have, are not being directed in covert ways by funding sources. In authoritarian political systems, activities of local NGOs that receive funds from foreign states or international NGOs are met with suspicion from their host governments.⁵⁶

As indicated in the earlier theoretical discussion, the central importance of international human rights NGOs is their ability to contribute to the protection and promotion of human rights through, inter alia, challenging and pressuring governments as well as by boosting social interests and raising public awareness of human rights. International NGOs enjoy more flexibility in exerting political and diplomatic influence than formal international institutions such as the UN.⁵⁷ International human rights NGOs,

mainly Amnesty International (AI) and Human Rights Watch (HRW), have gained worldwide reputations, and criticism of them is often dismissed as an attack on the values of human rights themselves. Pressure brought by human rights NGOs raises the perceived costs of repressive action against a regime's opponents and compels governmental officials to take human rights more seriously. Citizens of an oppressive state are less able to protect their own rights than those of states which are more respectful of those rights. Human rights NGOs, thus, make oppressed individuals or groups feel they are not entirely isolated, which encourages them to promote their cause.

International human rights NGOs operate on the conviction that bringing abuses out into the light of day is the most powerful weapon in curbing such actions. Accordingly, those NGOs utilize various forms of publicity in seeking to achieve their objective of protecting human rights. Publishing annual monitoring reports, distributing press releases to the international media, participating in multilateral forums such as the UN and its organs, launching campaigns on specific issues or directed at particular governments, calling on the concerned regimes to take actions, calling on other governments to formally consider human rights in their foreign policy, mobilizing domestic and international public opinion, and offering assistance to local human rights groups are all among the wide range of activities used by international human rights NGOs to pressure governments to take actions and reform their policies.

International human rights NGOs have played a significant influence in numerous countries,⁵⁸ but what is less obvious is the extent of their influence in Saudi Arabia. The Kingdom has been cited by several international human rights monitoring organizations and groups for its alleged failure to respect a number of basic human rights. International human rights NGOs are often harsh critics of the Saudis' treatment of women and the Kingdom's judicial system and of the use of cruel punishments, including amputations and public beheadings.⁵⁹ They have consequently been attempting to influence the situation of human rights in Saudi Arabia by using various methods of pressure and influence.

Because of the alleged widespread abuses in many Arab, Middle Eastern countries, some international NGOs have in recent years designated departments committed to this region.⁶⁰ Pressures on Arab countries by those NGOs would also influence Saudi Arabia, especially when pressure renders changes in those countries. Also, such NGOs have been assisting Arab human rights activists, including Saudi activists, and inspiring their

activities. Since the early 1990s, Saudi human rights activists have been contacting international NGOs to serve their cause. Saudi activists typically report the arrests of reformers and cases of abuse to international NGOs, and to world media, seeking to press for their release.⁶¹ Despite presumed differences on the definition of human rights, Saudi dissidents and political activists and international human rights NGOs have mutual interests in ending what is seen as abusive practices in Saudi Arabia, at which a level of contact and cooperation has been established. When the British government attempted in the mid 1990s to deport a Saudi Islamist dissident⁶² in response to pressure by Saudi Arabia, human rights NGOs were able to play a role in reminding the British of their obligations arising from international and domestic laws and in blocking the deportation.

Using another method to press Saudi Arabia to do more for protecting human rights, NGOs call upon powerful Western states to pressure Saudi Arabia to respect fundamental human rights,⁶³ as indicated earlier. They routinely call on governments dealing with the Kingdom to formally note the human rights situation in Saudi Arabia as part of their foreign policy.⁶⁴ Following their role in reporting numerous cases of abuses over several years in the Kingdom, these NGOs successfully pushed for the consideration of the human rights situation in Saudi Arabia under the confidential 1503 procedure, which is discussed later in chapter six.

International human rights NGOs have extended their calls to companies operating in Saudi Arabia to incorporate human rights issues into their risk control and risk management analysis, aiming to place more pressure on Saudi Arabia for the sake of protecting human rights. In this regard, Amnesty International (AI) produced documents on the business climate in Saudi Arabia, highlighting ways in which internal developments and changing relations between Saudi authorities and foreign companies could potentially facilitate improvements in human rights observance and outlining ways in which foreign businesses operating in the Kingdom can exert positive influences on human rights.⁶⁵ Moreover, because of segregated dining areas in Western chain restaurants and cafes in Saudi Arabia and their discriminatory hiring policies, some Western activists and feminist NGOs are calling on all concerned civil groups and individuals to protest against sex discrimination, accusing US companies operating in Saudi Arabia of promoting sex apartheid and calling for an end of those companies' discriminatory practices in Saudi Arabia.⁶⁶

Calling on foreign states and companies to advocate protection of human rights in Saudi Arabia may combine various efforts to stimulate eventually changes of policies in a pro human rights direction. This lobbying comes mainly in the context of the naming and shaming of countries accused of human rights violation, under which countries are pressured to alter their policies in order to save their international respect and reputation (as discussed later), beside the threat of possible sanctions by companies or states.

In March 2000, IA launched a global campaign targeting human rights practices in Saudi Arabia, aiming at exposing the Kingdom's human rights policies, particularly in regard to judicial procedures. Consisting of various statements, publications and demonstrations, the campaign is the first ever international campaign about human rights in Saudi Arabia. The Kingdom, however, dismissed the campaign as an attack on Islamic principles. While its substantive impact was insignificant, the campaign immediately succeeded in provoking the Saudi and international media to engage in discussion about human rights in the Kingdom and in motivating Saudi officials to make statements on human rights. As the campaign targeted a large audience, it contributed to boosting awareness about the situation of human rights in Saudi Arabia.

Despite the argument that NGOs provide a credible voice that could educate the public about issues of importance and move citizens to act in certain ways, international human rights NGOs have had limited success in educating the Saudi people about human rights, let alone mobilizing them. Unsurprisingly, the Saudi government, like many governments, had reacted negatively to the augmented role of NGOs in what has been labelled as a global civil society and to their increased involvement in international multilateral institutions.

Prior to the 11 September attacks, Saudi Arabia did not respond to requests by international human rights NGOs to visit the Kingdom and to discuss human rights practices. However, under various forms of influence, Saudi Arabia responded positively to requests by HRW to visit the Kingdom, and the first ever visit by international human rights NGOs took place in early 2003, followed by another visit in November 2006. Saudi Arabia felt bound to discuss with the HRW delegation issues of human rights, and allowed the delegation to visit prisons,⁶⁷ in an attempt to improve the Kingdom's international image. Despite this step, the long-standing taboo on scrutinizing and reporting human rights abuses to international NGOs remains effective.

International human rights NGOs have been conducting various activities to influence human rights in Saudi Arabia, including publicizing abuses through reporting and campaigns, mobilizing pressures from states, multilateral institutions, the media and the public at large and soliciting meetings and discussions with Saudi officials. The independence of those NGOs gives their activities credibility, which contributes to enlarging their influence. In looking at developments taking place in the Kingdom, international NGOs were, along with other factors, able to make a contribution, when they made Saudi Arabia re-consider its strategy in how to deal with pressure for change in the field of human rights. However, it is hard to establish that their influence by itself is significant, given the overlapping nature among various external and internal factors. Their influence however is an integral, essential part of an array of factors that have contributed to Saudi Arabia's engagement in the socialization and learning process.

3- Globalization and Modernization:

As discussed in the previous chapters, the process of globalization has been connected with both modernization and technological change. It is commonly argued that globalization also constitutes technological and social phenomena in which both technology and civil society should play an essential role in development and modernization.⁶⁸ Within this notion, globalization involves the diffusion of concepts linked to capitalism and values of democratization and liberalism. The international revolution in information technologies, particularly the Internet and satellite television, has been a significant and constructive instrument in the diffusion process.

As illustrated in the chapter four, Saudis have been under the influence of modernization and the global information technologies. Given the earlier noted growth in Internet use in Saudi Arabia and the tremendous expansion in viewing foreign satellite televisions, cultural and traditional values, especially those related to the treatment of women, are encountering unprecedented challenges by exterior influences. Furthermore, modernization and development, which are associated with material and immaterial changes, has been posing significant threat to Saudi traditions and cultural values.

With the massive capabilities available to Western powers not only to expand their political and economic dominance but also their cultural influence, social traditions and cultural values in many parts of the world became a sphere of influence of Western

culture. Despite the perception that local cultures are the last frontier of global change, extraneous traditions and ways of life are penetrating indigenous societies and changing their traditional, cultural concepts, including newly defined concepts such as human rights and fundamental freedoms. Within this connection, Saudis increasingly imitate Western lifestyles and are under the influence of further cultural penetration. Not limited to Saudi Arabia, there is also resentment and fear of the globalization process, which has challenged traditional modes of thinking and thus provoked impulsive reactions not only to Western influence but also to changes that come with globalization. Nevertheless, resistance to globalization is not comprehensive since the government and segments in the society are seeking to enjoy the benefits offered by globalization.⁶⁹ Like most societies, there are opposing reactions in Saudi Arabia towards globalization between those who want to maintain the status quo and those who believe that globalization is a beneficial driving force for change and reform.

Economic, political and cultural aspects of globalization have started to change the environment in which the Saudi government functions. This new atmosphere has offered the poorly-structured civil society in the Kingdom new tools, particularly the earlier noted communication technologies. Moreover, given the influence of the global environment in which nearly 60 percent of UN members have made major amendments to their constitutions or adopted new constitutions during the 1990s,⁷⁰ Saudi Arabia promulgated in 1992 its Basic Law of Governance which defines the country's political system and outlines its structure, including its role in protecting human rights. Similarly, international considerations have partly motivated several countries in the Middle East region, including Saudi Arabia, to establish governmental human rights institutions nominally designed to assist implementation of internationally-recognized human rights norms.⁷¹ For economic motives, Saudi Arabia sought to join the globalized market under the umbrella of the World Trade Organization (WTO). Yet, Saudi Arabia has not only adjusted its trade regulations and standards, but also made adjustments relating to its legal system, inter alia, to meet WTO requirements. It is increasingly recognized that human rights violations threatening the safety and security of individuals are likely to contribute to social instability, eventually negatively affecting the investment climate.⁷² Therefore, improving the Saudi legal system is indeed linked to both the creation of a proper investment climate and to the protection of human rights.

Saudi Arabia submitted an application to join the WTO in mid 1993, but it took more than twelve years to convince the members that all aspects of Saudi trade and legal regimes are in conformity with WTO. The rapid pace of globalization risks leaving Saudi Arabia behind unless the pace of change in the Kingdom is accelerated. Therefore, Saudi Arabia has promulgated a considerable number of new legislative acts to reform both the national economy and the administration of justice and improve its standards in both fields to meet international requirements.⁷³ As indicated in chapter one, several developments in Saudi Arabia's judicial system have taken place since the mid 1990s. Reforms in this area included creating institutions, such as the Board of Investigation and Public Prosecution, and the issuance of the three laws: the Code of Judicial Procedure, the Code of Criminal Procedure, and the Code of Practice for Lawyers. Unlike economic reforms that are directly connected with the Kingdom's desire to join the WTO, legal reforms are associated with the process of globalization in its comprehensive meaning, which includes improving transparency in the judicial process and eliminating the socially accepted and widely practiced patronage relations, commonly known as *wastah*, which usually impede transparency and serving justice.⁷⁴

One of the ways to improve people's economic rights and to promote their rights to work is to offer education that would give individuals opportunities to compete in the globalized economy. Saudi Arabia is facing multi-level problems related to its educational system. To address the Kingdom's socio-economical problems, attempts to reform the education have been undertaken to provide the workforce market with skilled Saudis to replace the large number of foreign workers. Aiming also to enlarge the involvement of women, spending on technical education and vocational training has dramatically increased, by which vocational colleges and centres will increase capacity by 250 percent in the next seven years.⁷⁵

Saudi women, as an integral part of the human resources necessary for economic growth and competition in the globalized world, constitute a small portion of the workforce (approximately 5 percent), as explained later in chapter seven. In light of the local and global economic challenges facing the Kingdom, the Saudi government has realized the need to initiate new measures and promote progressive views that would help to encourage greater participation of women in the economy. Restrictions on women running their own businesses were eased, as seen, for instance, in the recently established

women's sections in the Ministry of Commerce and in some regional chambers of commerce.

The global role of multinational institutions has been to increase the unification of regulations and the promotion of common international standards. In doing this, international financial and cultural institutions have been attempting to incorporate human rights in their agendas.⁷⁶ According to the agendas of multilateral institutions such as the WTO, IMF and World Bank, economic reforms necessitate greater transparency and accountability, clearer regulations, good governance and social and political reforms including wider public participation.⁷⁷ Inequalities among people in access to the prerequisites of economic growth (such as education, knowledge and an independent judiciary) facilitate violations of human rights. According to the World Bank, human rights can be better guaranteed only when a judicial system functions as a strong, accessible and independent institution and once a parliament is effectively able to oversight and check decisions by the executive branch.⁷⁸ Development and good governance also contribute to the protection of and improvement in human rights. Saudi Arabia thus has been influenced by the emergence of such a global atmosphere, as changes in policies related to decentralization, development and good governance have been undertaken in many countries with the assistance of international institutions.⁷⁹ The Saudi government has worked with the international institutions to incorporate decentralization into development and governance programs.⁸⁰ Such cooperation has the potential to eventually impact positively human rights in Saudi Arabia and indicates a level of willingness within elites to engage in a process of learning and socialization with international actors.

Economically, Saudi Arabia has realized the need to reduce state involvement in the economy and to open up its market. Therefore, the government has taken major economic steps, despite resistance within some circles in society and in the government as well.⁸¹ Several measures within a political, cultural and economic context have been implemented, including the creation of governmental institutions such as the Supreme Tourism Authority, the Board of Investigation and Public Prosecution, the licensing of non-governmental bodies such as labour committees and the NHRA, and the restructuring of laws in areas such as the criminal law, press and publication law, and foreign investment law. However, such moves towards economic reform are much more substantial than reforms in areas outside the economy.

In reaction to cultural influences associated with globalization, many Saudis, officials and non-officials, argue that their culture can not accept many notions coming into Saudi Arabia through globalization, believing that the cultural invasion will lead to the disintegration of identity and the spirit of the Islamic, Arabic and Saudi culture. A survey conducted among Saudi youth showed a high degree of awareness of threats posed by cultural invasion in the era of globalization.⁸² Advocating Islamic teachings and the maintenance of traditions, conservative Saudis consider the cultural aspects of globalization an unjustifiable threat to the diversity of global multiculturalism.⁸³ Saudi Arabia contends that globalization should not be a source of hegemony and the imposition of concepts and values unilaterally on other societies.⁸⁴ Despite many clearly articulated arguments against cultural globalization, which is mostly perceived as a synonym of Westernization, there are Saudi voices who attempt to harmonize some cultural aspects of globalization, such as the notion of acquaintance and shared values among nations, human rights and freedoms of worship and expression, with the tenets of Islam.⁸⁵

What is interesting in the issue of globalization and modernization is the extent to which it could influence Saudi Arabia's norms and values relevant to human rights. The rapid and continuous economic, technological, social and political intrusion of Western and other foreign cultures into Saudi Arabia may, eventually, put the domestic cultural norms in jeopardy. Although Saudi conservatives associate globalization with Westernization and thus warn the public against cultural invasion and call for the preservation of the Islamic, Saudi local culture,⁸⁶ such efforts may not be sufficient to stop the ongoing inflow of Western socio-economic views and lifestyle. Globalization along with modernization have already affected some aspects of Saudis' life and contributed to changes in some religious and societal characteristics in Saudi society, particularly norms connected with women and their participation in public life and in economic activities. As global media networks and communication technologies have enabled dominant Western powers to reach the whole globe, information barriers have already fallen, and neither the Saudi government nor its people are able to censor or control the influx of information. Nonetheless, despite some changes, the resistance to foreign cultural penetration is still generally strong, but it is likely to weaken gradually, especially among younger generations.

Following Saudi Arabia's accession to the WTO in late 2005, numerous changes are expected to take place within and outside the economy. What is connected to human

rights is that joining the WTO would subject some domestic policies to international scrutiny, particularly the legal system. Moreover, joining the WTO would help to open the country more to the outside world and improve transparency and good governance in the Kingdom.⁸⁷ These would be seen as signs of potential positive change in the area of human rights, including women's rights. For instance, given the increasing demands for women to enter the workforce, the process of reshaping traditional perspectives on the role of women are likely to further their independence and contribute to advancing their rights.

In looking at the influences of globalization and modernization on human rights in Saudi Arabia, influences have been contributing to motivating Saudis towards greater engagement in a process of socialization and learning about human rights, including women's rights. Saudi Arabia has witnessed several developments concerning human rights since the submission of its application to join the WTO in 1993. It would be inaccurate, however, to link such developments to the influence of globalization and modernization alone. Rather, the process of globalization, along with modernization in its various material and immaterial aspects, has played a role, along with other factors, in encouraging Saudi Arabia to reform its policies and institutions.

4- International Media and Public Opinion:

The advances in communications of the past century, especially in the last twenty years, have ushered in a world in which the news media play a dominant role, including shaping perspectives on the legitimacy of regimes. Governments in general seek to secure legitimacy, not only within their own society but also on the international arena, through the media. In contemporary world politics, adherence to human rights norms has become coupled with a state's political legitimacy and image. Therefore, internationally publicizing human rights abuses shames any accused government, questions its legitimacy, undermines its international respect and damages its world image. This explains why governments can no longer afford silence towards any criticism by the international media. In order for criticized governments to secure both domestic and international legitimacy, they have been forced to respond to criticisms of publicized human rights abuses.

International media, which shapes and sometimes creates public opinion, has been largely dominated by Western states. Powerful states that have great influence through

international media may draw violating states into dialogue on human rights. China is a good example in which the international media was used by the US, among other means, to induce the Chinese leaders to engage in discussion about their record of human rights.⁸⁸

International public opinion often interacts with trends of the international media, which is a crucial vehicle for publicizing human rights abuses. Since governments seek international political legitimacy and strive for international respect, both the media and public opinion at the international level play a considerable role in affecting domestic policies. Public opinion in Western countries, and the media as well, can effectively pressure their governments to take a certain course of action, including in the field of foreign policy. Thus, governments of developing countries take into their calculations trends in public opinion and the media of hegemonic states. Following the 11 September attacks, which led to the downgrading of the Saudi Arabian image mainly in the US, the Saudi government sponsored a well funded media campaign to bolster its image, not only among decision makers but also at the public level. As part of its public relations outreach efforts, Saudi Arabia has attempted to articulate to a US and international audience the measures that are being implemented in the war on terrorism and the steps taken to change practices that restrict fundamental human rights.

In Saudi Arabia, public perceptions of domestic and international issues are increasingly formed by the media outside Saudi Arabia, rather than by the government-controlled press.⁸⁹ About 90 percent of Saudi Arabia's households have access to satellite television channels.⁹⁰ As Saudis have access to a great variety of both Western and Arabic satellite channels, some influential Saudi businessmen have become heavily involved in investing in satellite televisions and in the migrant Arabic press. Conscious of the effectiveness of outside media, the Saudis now control a great deal of the private Arabic media and have power over a giant empire of Arabic press and satellite channels, not only financially but also by controlling its contents.

Saudi Arabia has showed a high level of sensitivity towards adverse media coverage or publications. Saudis traditionally used their money and lucrative contracts with Western companies to contain criticism of human rights violations in the Kingdom. When, for example, the BBC broadcast in 1996 a programme on human rights violations in the Kingdom, Orbit (Saudi-owned satellite Television Company based in Rome) immediately terminated the BBC contract to provide an Arabic news service.⁹¹ In an attempt to stop airing a film called 'Death of a Princess' in the UK and the US in 1980, the

Saudi government exerted all kinds of pressure, and the company responsible for making the film was asked by British businesses and MPs not to show it.⁹²

Saudi Arabia traditionally keeps a tight rein on the entry of international media agents into the Kingdom and allows only carefully chosen reporters and journalists. However, the tight restrictions on international media agents were eased after the 11 September attacks; consequently, their visits to the Kingdom have increased significantly. Yet, despite allowing them into the Kingdom, Saudi Arabia typically attempts to control their movements by providing escorts and cautiously selecting their interviewees.⁹³ Nevertheless, the arrival of international media agents in the Kingdom has had a disruptive impact on the degree of control over the news climate, and local events and some Saudis' informal comments no longer go unreported internationally. For example, when the Saudi authorities arrested several pro-reform activists in March 2004, the international media covered the event, criticizing strongly the government action.⁹⁴ Agents on international media were able to interview some Saudi activists, gaining, among other things, their perspectives on local events and policies.

The reporting of events, including those related to human rights abuse, could create a particular international public opinion that influences government's decisions. Whilst some of the arrested reformers have been released after agreeing to avoid signing further petitions calling for reform nor talk to international media reporters, the trial of the three reformists who refused to refrain from calling for reform was covered by the international media worldwide.⁹⁵ Knowing the effects of international media in applying pressure on the Saudi government, reform activists shrewdly utilized international media in their campaign. The government thus accused the reformists of, among other things, contacting international media, acknowledging implicitly the influence of international media. Various forms of pressure, including by the international media, eventually led to the release of the three reformists in August 2005.

As the international media and international public opinion contribute to shaping perspectives about Saudi Arabia's legitimacy, and because the Kingdom seeks to gain respect at the international level, it is legitimate to conclude that they both constitute a form of international influence that have an effect on formulating some domestic policies and decisions including those related to human rights. As illustrated, the international media utilizes mechanisms of shaming and publicizing human rights violations in the Kingdom. Accordingly, it can be concluded that the international media and public

opinion play a role in encouraging and impelling Saudi Arabia to engage in the process of socialization.

Conclusion:

Continued outside support, pressure and influence are unquestionably crucial in translating into reality statements of intention by the Saudi government about reforms. However, because the Saudi public perceive changes in values and traditions as a 'Western' agenda on one hand, and as the Saudi government is mindful to be seen as the source of all policies on the other, Saudi officials typically stress that all steps taken towards reform are not the result of external pressure. In May 2003, King Fahad pledged to expand reforms, stating that "we reject interference in our internal affairs from any side and under any pretext ... [and] are keen on undertaking self-assessment of our internal affairs with the aim to reform."⁹⁶ Also, after removing materials believed to be offensive to other religions and chapters about *jihad* and non-Muslims from Saudi curriculums, officials of the Education Ministry denied that Saudi Arabia had revamped its teaching program in the face of Western pressure.⁹⁷ While this customary strong tone of denial reflects sensitivity among Saudis not wishing to be seen as responding to external influences, it might imply reacting to these influences.

Following the recent increased consciousness internationally of human rights issues, concern about Saudi Arabia's human rights record has evidently intensified. From the whole range of factors determining Saudi government policy today, there is a clear sign that international factors now have more potential to influence government choices than at any time in the recent past. Recent international circumstances have changed the mentality of Saudis towards change, suggesting that various forms of international influence and pressure are considered as the primary reasons behind the Saudi government and people's renunciation of certain aspects of the status quo amidst the desire for reform.

Reform of political, educational and economic systems in Saudi Arabia are not only necessary to meet serious, foreseeable challenges internally, but also to improve the relationship between the Kingdom and the rest of the world. Various forms of external pressure and influence, particularly by influential states, have pushed the Saudi government to respond by amending some domestic policies, mainly concerning outside

cultures and religions, by encouraging tolerance of minorities and improving the treatment of women.

Some forms of external influence can be effective in the short term, especially in the case of sanctions or intervention, but when international efforts include strategies for strengthening local capacity, raising public and official awareness and shaming and publicizing human rights violations, a sustainable protection for human rights is more likely to eventuate. Accordingly, each form of influence that comprises a long-term vision can lead to a gradual, but lasting, improvement in human rights protection.

As such, international factors have contributed, to a large extent, to the reorientation of domestic human rights policy in a pro-human rights direction. Since those factors tend to overlap and interact with internal factors, it is difficult to single out one form of influence as the sole explanation of developments towards human rights taking place in Saudi Arabia. However, those factors have collectively provided essential contributions in encouraging Saudi officials and people to engage in a process of socialization and learning about human rights.

ENDNOTES (CHAPTER FIVE)

- ¹ For a similar argument in much broader context, see Oran Young, "Compliance in the International System", in *International Law: A Contemporary Perspective*, eds. Richard Falk, Friedrich Kratochwil, and Saul H. Mendlovitz, (Boulder: Westview Press, 1985) 99-109.
- ² Several books have illustrated the nature and dimensions of the relationship between King Abdulaziz and the British. See, for instance, Mohammed A. Sa'ed, *breatania wa ibn saod: al alaqaat al siyasiyah wa ta'theroha ala al moshkilah al falastiniyah* [Britain and Ibn Saud: Political Relations and Their Effects on the Palestinian Problem] (London: Dar Aljazeera for Publication, 1982), Jan Michele Forkieh, *al saodiyah al diktatoriyah al mahmeyah* [Saudi Arabia: Protectorate Dictatorship] (Paris: Midwest Press, 1989) and Haifa Al-Angari, *The Struggle for Power in Arabia: Ibn Saud, Hussein and Great Britain 1914-1924* (Reading: Ithaca Press, 1998).
- ³ In an interview in Aljazeera channel in July 2003, Prince Talal Ibn Abdulaziz acknowledged that his father, King Abdulaziz, received financial assistance from Britain during the unification period and emphasized that the received assistance is the context of normal aid from powerful states to poor, newly emerging states, whether through loans or donations.
- ⁴ For the text of the treaty, see [in Arabic] *alhamain.com*, "itifaqiyat darin: al jazeera mahmiyah britaniyah" [Darin's Treaty: the Peninsula is a British Protectorate], viewed on line at <<http://www.alhamain.com/text/kotob/4txt/1/4.htm>> accessed 22 December 2004. For more details on Ibn Sa'ud's relations with Britain during that period, see, for instance, Al-Angari, *The Struggle for Power in Arabia*, 145-149 and Alexei Vassiliev, *The History of Saudi Arabia* (New York, New York University Press, 2000) 237-283.
- ⁵ For more details, see Najdat Safwat, *al jazeera al arabiyah fi al watha'q al britaniyah* [Arabian Peninsula in British Documents] (London: Al-Saqi Books, 2000) 621-627.
- ⁶ For the terms of the agreement, see Vassiliev, *The History of Saudi Arabia*, 316-317.
- ⁷ In coordination with the British government and US and British oil companies, but without the knowledge of Saudi rulers, President Harry Truman approved a detailed plan to store explosives near oil fields by which oil installations and refineries would be blown up in the event of an imminent Soviet invasion. Shibley Telhami, Fiona Hill, et al., "Does Saudi Arabia Still Matter? Differing Perspectives on the Kingdom and Its Oil", *Foreign Affairs* (November/December 2002), viewed on line at <<http://www.foreignaffairs.org/20021101faresponse10002/shibley-telhami-fiona-hill/does-saudi-arabia-still-matter-differing-perspectives-on-the-kingdom-and-its-oil.html>> accessed 17 May 2004.
- ⁸ Madawi Al-Rasheed (a senior lecturer in social anthropology at King's college, University of London, an author of books and articles on Saudi history, and frequent commentator on Saudi affairs) indicated that one of the reasons behind the survival of the Saudi political system is its reliance on, and alliance with, the United States for its security. See, e.g., Madawi Al-Rasheed, *ma'zeg al islah fi al saodiyah fi al qan al hadi wa al ishreen* [Reform's Dilemma in Saudi Arabia in the 21st Century] (Beirut: Dar Al-Sagi, 2005) 165-169.
- ⁹ See, for instance, F. Gregory Gause III, "The Persistence of Monarchy in the Arabian Peninsula: A Comparative Analysis", in *Middle East Monarchies: the Challenge of Modernity*, ed. Joseph Kostiner (Boulder: Lynne Reiner Publishers, 2000) 167-186.
- ¹⁰ Mai Yamani, *Changed Identities: the Challenge of the New Generation in Saudi Arabia*, (London, Royal Institute of International Affairs, 2000) 118-119.
- ¹¹ See Hume Horan, "Saudi Arabia: A Successful Anomaly (So Far)", *The American Enterprise* (September 2003), viewed on line at <http://www.taemag.com/issues/articleID018196/article_detail.asp> accessed 5 December 2003.
- ¹² It is worth noting that such view comes from the US congressman Tom Lantos, who is the co-chair of the congressional human rights caucus. See, Tom Lantos, "Discrimination Against Women and the Roots of Global Terrorism", *Human Rights* 29:3 (2002) 7-9.
- ¹³ Tamara Cofman Wittes, "The Promise of Arab Liberalism", *Policy Review* 125:3 (June 2004), viewed on line at <http://www.policyreview.org/jun04/wittes_print.html> accessed 29 November 2004.
- ¹⁴ Chas W. Freeman, Jr., "Saudi Arabia's Foreign and Domestic Dilemmas", *Middle East Policy Council* (September 2002), viewed on line at <http://www.mepc.org/public_asp/whats/sacomments.asp> accessed 6 November 2004.
- ¹⁵ The principle of *al-wala'a wal bara'a* lays emphasis on the universal loyalty among Muslims and the absolute renunciation by Muslims of non-Muslims. For more details on changes in Saudi schools' curriculums, see the following: "Declaration About Changing the Curriculums", signed by 156 Saudi conservative scholars, professors, public servants and teachers, presented to the Second Session of the National Dialogue Held in December 2003, the Declaration was viewed on line at

<http://www.islamonline.net/Arabic/doc/2004/02/article02_18.shtml> accessed 27 June 2004, Muhammad Al-Saif, "li awal marah fi al saoudiyah: al tollab wa talibat fi manhaj wahid wa loghah wa hidah" [First Time in Saudi Arabia: Boys and Girls Students Having One Curriculum and Addressed in One Language], *Al-Sharq Al-Awsat*, 20 September 2003, 4 and Norah Al-Hajri, "Al-Rasheed yad'ao ila tanshi'at al tollab ala taqabul al a'akhar" [Al-Rasheed Calls for Raising Student To Accept Others], *Al-Watan*, 21 December 2003, 7.

¹⁶ International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 8.

¹⁷ BBC News, "Powell Says Reform Saudi's Choice", 14 December 2002, viewed on line at <<http://news.bbc.co.uk/2/hi/americas/2575747.stm>> accessed 30 August 2004.

¹⁸ BBC News, "Saudi Council's Powers Expanded", 30 November 2003, viewed on line at <http://news.bbc.co.uk/2/hi/middle_east/3251126.stm> accessed 15 August 2004.

¹⁹ Dominick Evans, "Clinton yansah al saodiyah biadam moharabat tayyar al tageyar" [Clinton Advised Saudi Arabia not to Resist the Influx of Change], *Al-Quds Al-Arabi*, 20 January 2004, 1.

²⁰ CBS News, "Saudi Reformers Silenced, Released", 21 March 2004, viewed on line at <<http://www.cbsnews.com/stories/2004/01/29/world/main596614.shtml>> accessed 5 October 2004.

²¹ ArabicNews.Com, "Washington Describes Saudi Arabia Detention of Reformers as regretted", 18 March 2004, viewed on line at <<http://www.arabicnews.com/ansub/Daily/Day/040318/2004031811.html>> accessed 30 August 2004.

²² See, for instance, Muosa Ibn Marwi, "wazeer al kharijyah al amreki yatamassak bi mokif beladeh min al motakaleen" [US State Secretary Maintains his Country's Position in Relation to the Detainees], *Al-Watan*, 20 March 2004, 1 and CBS News, "Saudi Reformers Silenced, Released", 21 March 2004, viewed on line at <<http://www.cbsnews.com/stories/2004/01/29/world/main596614.shtml>> accessed 5 October 2004.

²³ BBC News, "Saudis Criticise UN Reform Plan", 22 May 2004, viewed on line at <http://news.bbc.co.uk/go/pt/fr/-/1/hi/world/middle_east/3555957.stm> accessed 18 August 2004.

²⁴ Barry Schweid (Associated Press Diplomatic Writer), "Feds Want Saudi Advocate Trial Reopen", *Herald Sun*, 5 October 2004, viewed on line at <<http://www.heraldsun.com/tools/printfriendly.cfm?storyID=529525>> accessed 6 October 2004.

²⁵ *Ibid.*

²⁶ See International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 8.

²⁷ Senator John Kerry's speech in Seattle in 27 May 2004. Quoted in Ashraf Fahim, "John Kerry's Saudi Sucker Punch", *Asia Times*, 12 June 2004, 7.

²⁸ In addition to the well-known film 9/11 Fahrenheit on the relationship between families of Al-Sa'ud and Bush, see, for example, the book of Graig Unger, *House of Bush, House of Saud: The Secret Relationship Between the World's Two Most Powerful Dynasties* (New York: Scribner, 2004).

²⁹ The US Greater Middle East initiative was scheduled to be announced at the G8 Summit hosted by President George W. Bush at the Sea Island in June 2004, but leaked news on the initiative were published/reported in the media in February 2004. See, *Al-Hayat* newspaper, 19 February 2004, 1.

³⁰ A quote from the initiative appeared in Robert Looney, "The Broader Middle East Initiative: Requirements for Success in the Gulf", *Strategic Insights* 8:3 (August 2004), viewed on line at <<http://www.ccc.nps.navy.mil/si/2004/aug/looneyAUG04.pdf>> accessed 29 December 2004.

³¹ For more details see, e.g., Wittes, "The Promise of Arab Liberalism", *Policy Review* 125:3 (June 2004).

³² The Broader Middle East and North African Initiative (BMEI), adopted by G8, is a later version of the US Broader Middle East and North African Initiative (GMEI).

³³ A statement by Alan Larson, under Secretary for Economic, Business and Agricultural Affairs, before the Senate Foreign Relations Committee, Washington, DC, 2 June 2004, viewed on line at <<http://www.state.gov/e/rls/rm/2004/33060pf.htm>> accessed 30 August 2004.

³⁴ *Ibid.*

³⁵ Looney, "The Broader Middle East Initiative: Requirements for Success in the Gulf".

³⁶ The initiative covers the twenty-two nations of the Arab League, Turkey, Israel, Pakistan and Afghanistan.

³⁷ Prince Sa'ud Al-Faisal, the Saudi Foreign Minister, commented on the initiative by saying: "those behind these plans ignore the fact that our Arab people have cultures rooted deep in history and that we are able to handle our own affairs." His comments were widely reported. See, for instance, BBC, "Saudis Criticise US Reform Plan".

³⁸ For more information, see US Department of State, Bureau of Democracy, Human Rights, and Labour <<http://www.state.gov/g/drl/>> and <<http://www.state.gov/g/drl/hr/>> both accessed 5 October 2004.

- ³⁹ For more detail on the IRFA and legislations related to the US Commission on International Religious Freedom's activities, visit <<http://www.uscirf.gov/about/authorizinglegislation.html>> accessed 6 October 2004.
- ⁴⁰ BBC News, "US Blasts Saudi 'Religious Curbs'", 15 September 2004, viewed on line at <<http://news.bbc.co.uk/2/hi/americas/3660458.stm>> accessed 20 September 2004.
- ⁴¹ See, for instance, Sarah Zylstra, "One 'Major Step'", *Christianity Today Magazine*, October 2006, viewed on line at <<http://www.christianitytoday.com/ct/2006/october/13.30.html>> accessed 9 November 2006.
- ⁴² See, for instance, Daniel Pipes, "Support the Lesser Evil", *The Australian*, 31 May 2004, 7.
- ⁴³ See, Ed O'Loughlin, "Saudi Arabia Sees Bush Victory as Lesser of Two Evils", *The Sydney Morning Herald*, 29 October 2004, viewed on line at <<http://www.smh.com.au/articles/2004/10/28/109866791439.html>> accessed 30 October 2004.
- ⁴⁴ For more on Arab monarchies, see Michael Herb, "Princes and Parliaments in the Arab World", *The Middle East Journal*, 58:3 (2004) 367-385.
- ⁴⁵ For example, Morocco and Egypt have adopted new family laws that protect the rights of women.
- ⁴⁶ BBC News, "Saudi Petition for Speedy Reform", 23 December 2003, viewed on line at <http://news.bbc.co.uk/2/hi/middle_east/3344655.stm> accessed 15 August 2004.
- ⁴⁷ The US Secretary of State said he was encouraged "by reforms in Bahrain, Qatar, Kuwait, and Morocco, and Saudi Arabia could follow their example..." BBC news, "Powell Says Reform Saudi's Choice".
- ⁴⁸ Details and documents of the Arab League Summit (22-23 May 2004 in Tunis) were viewed on line at <<http://www.arabsummit.tn>> accessed 25 October 2004.
- ⁴⁹ See, Neil MacFaquhar, "Arab Leaders Adopt Agenda Endorsing Some Change", *The New York Times*, 24 May 2004, viewed on line at <<http://select.nytimes.com/gst/abstract.html?res=FA061EFD3C5A0C778EDDAC0894DC404482>> accessed 26 October 2004.
- ⁵⁰ See the summit's document, "Pledge of Accord and Solidarity", viewed on line at <<http://www.arabsummit.tn/ar/document.html>> accessed 25 October 2004.
- ⁵¹ See, for example, comments by the Tunisian foreign minister during the May 2004 Summit in Tunisia, which were reported by the media, including *Al-Watan*, 24 May 2004, 1.
- ⁵² Human Rights Watch, "Saudi Arabia: Allies Must End Human Rights Silence", 19 December 2001, viewed on line at <<http://www.hrw.org/press/2001/12/saudiallies1218.htm>> accessed 21 July 2004.
- ⁵³ See, for instance, UN document, [E/CN.4/2004/SR.21](#) of 1 April 2004, UNCHR 60th Session (2004), "Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World", 6.
- ⁵⁴ For more details about national human rights institutions in the Middle East, see Sonia Cardenas and Andrew Flibbert, "National Human Rights Institutions in the Middle East", *The Middle East Journal* 59:3 (2005) 411-237.
- ⁵⁵ See, for instance, Karen Mundy and Lynn Murphy, "Transnational Advocacy, Global Civil Society? Emerging Evidence From the Field of Education", *Swaraj.Org* <http://www.swaraj.org/shikshantar/activities/_transnational.html> (December 2000) accessed 20 December 2004.
- ⁵⁶ See detailed report about foreign funds to local NGOs in Al-Majalah (Arabic Magazine), "fakh al tamweel al ajnabi: al musa'adat muqabil al ma'alumat" [The Trap of Foreign Funds: Aids in Exchange for Information], *Al-Majallah*, 19-25 June 2005, 15-24.
- ⁵⁷ Axel Honneth, "Is Universalism a Moral Trap? The Presuppositions and Limits of Politics of Human Rights", in *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*, eds. James Bohman and Matthias Lutz-Bachmann (Cambridge: MIT Press, 1997) 175.
- ⁵⁸ See, for more details, the works of Darren Hawkins, such as his book *International Human Rights and Authoritarian Rule in Chile* (Nebraska: University of Nebraska, 2002) and his paper, "the Domestic Impact of International Human rights Norms", a paper presented at the 42nd Annual Convention of the International Studies Association, Chicago (February 2001), viewed on line at <<http://www.isanet.org/archive/hawkins.html>> accessed 19 April 2004.
- ⁵⁹ See, for example, Amnesty International, Annual Report (2003): Saudi Arabia, viewed on line at <<http://web.amnesty.org/web/web.nsf/print/2004-sau-summary-eng>> accessed 2 December 2004 and Human Rights Watch, World Report (2003): Saudi Arabia, 472-481.
- ⁶⁰ Human Rights Watch, for example, has a division for the Middle East and North Africa.
- ⁶¹ Sa'ad Al-Faqiah, head of a Saudi opposition group (Movement of Islamic Reform in Arabia) operating from London, reported that he leaked the news of Muhammed Al-Mas'ari's arrest in 1993 to international human rights NGOs hours after the arrest. His Comments were Broadcast on the radio of the Movement of Islamic Reform in Arabia' Radio, 16 December 2005.

- ⁶² Muhammad Al-Mas'ari is the spokesman of the banned CDLR and currently the secretary-general of the Islamic Tajdeed (Renewal) Organization.
- ⁶³ Human Rights Watch, "Saudi Arabia: Allies Must End Human Rights Silence".
- ⁶⁴ In its annual report, Human Rights Watch discusses Saudi Arabia's relations with the United Nations and with the United States under a subtitle named "the Role of the International Community".
- ⁶⁵ See, for example, Amnesty International, "Saudi Arabia Business Briefing", (London: Amnesty International UK Business Group, 2000), this publication was viewed on line at <<http://www.amnesty.org.uk/business/pubs/saudibusines.pdf>> accessed 3 October 2004.
- ⁶⁶ See, for instance, Feminist Majority Foundation, "US Companies Promote Gender Apartheid in Saudi Arabia", *Feminist.Org*, <<http://www.feminist.org/news/newsbyte/printnews.asp?id=6074>> (15 January 2002) accessed 28 December 2004 and Tom Lantos, "Discrimination Against Women and the Roots of Global Terrorism", *Human Rights* 29:3 (2002) 7-9.
- ⁶⁷ The visits were reported in the Saudi newspapers. See, for instance, Saudi Press Agency, "Al-Sheikh Meets with Megalli", *Arab News*, 23 January 2003, 1, Osamah Al-Nassar, "ibn humaid yastaqbil mas'ool fi hoqooq al insan" [Ibn Humaid Received an official of Human Rights] *Al-jazirah*, 28 January 2003, 2, Matoog Al-Shareef, "'human watch' yalqa'i adha'a al shura wa al hay'ah wa al jawazat" ['Human Watch' Meets Al-Shura Members and Passports' Authority], *Okaz*, 27 November 2006, 7 and Ra'id Al-Qubaisi, "Al-Akkass yastaqbil wafd munazamat hoqooq al insan" [Al-Akkas Received a Delegation of a Human Rights Organization], *Al-jazirah*, 3 December 2006, 5.
- ⁶⁸ See, for instance, Amr Abdulkareem, *al awlamah: a'alam thalith ala abwab karn jaded* [Globalisation: The Third World Approaching New Century] (Cairo: Al-Ma'rifah Press, 1999) 35-43.
- ⁶⁹ For more details on pro and con of globalization in Arab world, see Bakir Al-Najjar, *al arab wa al awlamah: al makawif wa attahadiyat* [Arabs and Globalization: Fears and Challenges] (Cairo: Al-Neal Publisher, 1999) 12-13.
- ⁷⁰ Ford Jolyon, "The Age of Constitutions", Seminar at the Australian National University, National Europe Centre, 5 May 2004.
- ⁷¹ For more details about the role of international factors in the creation of national human rights institutions in the Middle East, see Sonia Cardenas and Andrew Flibert, "National Human Rights Institutions in the Middle East", *The Middle East Journal* 59:3 (2005) 411-237.
- ⁷² Paul C. Pangalangan, "Sweatshops and International Labor Standards: Globalizing Market, Localizing Norms", in *Globalization and Human Rights*, ed. Alison Brysk (Berkeley: University of California Press, 2002) 98-101.
- ⁷³ Economic reforms implemented in the Kingdom encompassed several fields, including privatization, foreign investment, insurance, financial markets, taxation, combating money laundering and anti-corruption measures.
- ⁷⁴ For more details, see Yousef Makki, "al indimam li monadamant al tijarah al alamiyah: al mahatheer wa al afaq" [Joining the WTO: Misfortunes and Horizons], *arabrenewal.com*, <<http://www.arabrenewal.com/index.php?rd=AI&AI0=10703>> (16 October 2005) accessed 16 December 2005 and Alarabiya TV, "al qada'a al saoudi ba'da al indimam li monadamant al tijarah al dawliyah" [The Saudi Judiciary After Joining the WTO], aired 2 January 2006, transcript was viewed on line at <<http://www.alarabiya.net/Articles/2006/01/04/20071.htm>> accessed 6 January 2006.
- ⁷⁵ For the budget of the General Organization of Technical Education and Vocational Training (GOTEVOT), see Saudi Arabia (official document) "mizaniyat al mu'assasah lil sanawat al khams al akhira" [Budget of GOTEVOT for the last Five Years], Viewed on line at <http://www.gotevot.edu.sa/gotevot/statistic/1425-1426/Budget_in_GOTEVOT_last_Five_Years.pdf> accessed 15 January 2006. For the inclusion of women in GOTEVOT's activities, see Naif Al-Zahim, "Al-Gafis: itlaq 24 kulliyah tikaniyah lil banat bi mokhrajat tatanasab ma'a tabi'atihen" [Al-Ghafis: Inauguration of 24 Technical Colleges for Girls Teaching Fields Suitable to Their Nature], *Al-Riyadh*, 3 April 2005, 3.
- ⁷⁶ See, for instance, Jonathon Fox, "Transnational Civil Society Campaigns and the World Bank Inspection Panel", in *Globalization and Human Rights*, ed. Alison Brysk (Berkeley: University of California Press, 2002) 171,196.
- ⁷⁷ There are various publications by these institutions, pointing out the necessity for, inter alia, promoting human rights and political reforms in order to achieve economic growth and be integrated into the global economy. See, for instance, World Bank, "Development and Human Rights: The Role of the World Bank", (1998), viewed on line at <<http://www.worldbank.org/html/extdr/rights/hrtext.pdf>>, accessed 6 October 2004, Michel Camdessus, "Toward a New Financial Architecture for a Globalized World", International Monetary Fund (1998), viewed on line at <<http://www.imf.org/external/np/speeches/1998/050898.HTM>>

accessed 7 October 2004 and Alassane D. Ouattara, "The Political Dimensions of Economic Reforms—Conditions for Successful Adjustment", International Monetary Fund (1999), viewed on line at <<http://www.imf.org/external/np/speeches/1999/061099.HTM>> accessed 10 October 2004.

⁷⁸ See, for instance, World Bank, "Development and Human Rights: The Role of the World Bank".

⁷⁹ *Ibid.*

⁸⁰ UN document, "Saudi Arabia: Decentralization and Urban Management", December 2002, UN Development Program, Programme on Governance in the Arab Region, viewed on line at <<http://www.pogar.org/countries/saudi/decentralization.html>> accessed 19 June 2004.

⁸¹ See Anthony H. Cordesman, *Saudi Arabia Enters The 21st Century: Building True Wealth Versus Over-dependence on Petroleum and the State* (Washington: Center for Strategic and International Studies, 2002) 6-8.

⁸² Othman Al-Amer, "as'ilat al hiwar al fikri al watani al rabi" [Questions for the Fourth National Dialogue Session], *Al-Jazirah*, 6 December 2004, 11.

⁸³ See, for instance, Imam M. Imam, "mo'tamar Makkah yohather min al tadakhlat al ajnabiyah fi khososiyat al umah al islamiyah" [Makkah Conference Warns Against Foreign Intervention in the Particularities of the Islamic Nation], *Al-Sharq Al-Awsat*, 28 January 2004, 17.

⁸⁴ Saudi Arabia (official document), Saudi Arabia's Statement delivered by Turki Bin Muhammad Bin Saud Al-Kabeer at the 60th Session of the Commission on Human Rights on 17 March 2004.

⁸⁵ See, for instance, Abdulaziz Al-Segeri, "al awlamah al siyasiyah: nadrah tarikhiyah" [Political Globalisation: A Historical View], *Al-Jazirah*, 29 December 2005, 25.

⁸⁶ Abdulaziz Ibn Baz, "*kaifa nuharib al gazo al thaqafi al garbi*" [How We Battle Western Cultural Invasion], *IbnBaz.Org* <<http://www.binbaz.org.sa/displayprint.asp?f=Bz00151.htm&print=on>> (January 1984) accessed 15 December 2004.

⁸⁷ See a brief study by Ibrahim Al-Taweel, "*indhman al mamlakah al arabiyah al saodiyah li monadhamat al tijarah al a'alamiyah wa a'atharoh* [Kingdom of Saudi Arabia Accession to the WTO and its Impact]", Al-Haramain Islamic Information Centre, 10 October 2004, viewed on line at <<http://haramaincenter.co.uk/text/drasat/10/1.htm>> accessed 2 November 2004.

⁸⁸ For more details, see R. Foot, *Rights Beyond Borders: The Global Community and the Struggle Over Human Rights in China* (Oxford: Oxford University Press, 2000) 258.

⁸⁹ Telhami, Hill, et al., "Does Saudi Arabia Still Matter?"

⁹⁰ See, for instance, Quds Press International, "dirasah: mushahidow 'aljazeera' wa 'alarabiya' akthar bi khmsat adhaf min 'alhura'" [Study: Viewers of 'Aljazeera' and 'Alarabiyah' are Five Times More than 'Alhura's], 9 September 2004, viewed on line at <<http://www.qudspress.com/data/aspx/d13/7273.aspx>> accessed 21 May 2006 and Nail Al-Jubeir, "Saudi Arabia Seeks to Change Image", *WishTV.com*, 19 October 2004, transcript was viewed on line at

<<http://www.wishtv.com/global/story.asp?s=2450712&ClientType>> accessed 23 December 2004.

⁹¹ Amnesty International, "Saudi Arabia Business Briefing".

⁹² For lengthy detail on the controversial film 'Death of a Princess', refer to Frontline TV show, "Death of a Princess", 5 May 2005, transcript was viewed on line at

<<http://www.pbs.org/wgbh/pages/frontline/shows/princess/etc/script.html>> accessed 15 July 2006 and also Sa'id Aburish, *The Rise, Corruption, and Coming Fall of The House of Saud* (New York: St. Martin's Griffin, 1996) 80-81.

⁹³ See Paul McGeough, "Inside the 'Garden of Evil'", *Sydney Morning Herald*, 5 October 2002, viewed in line at <<http://www.smh.com.au/articles/2002/10/04/1033538770724.html>> accessed 6 October 2002.

⁹⁴ See, for instance, Elizabeth Rubin, "The World; A Saudi Response on Reform: Round Up the Usual Dissidents", *The New York Times*, 21 March 2004, viewed on line at <<http://www.nytimes.com/2004/03/21/weekinreview/21rubi.html?ei=5007&en=d9a9eacd5f81f64a&ex=1395205200&adxnml=1&partner=USERLAND&adxnmlx>> accessed 26 October 2004.

⁹⁵ News about the event were reported by Abdullah Al Shihri, an Associated Press writer, and published in several newspapers and other news networks.

⁹⁶ The statement was circulated by the Saudi Press Agency in 26 May 2003 to news agencies and then quoted in several local and international newspapers. See, for instance, Isa Mubarak, "Saudi Poll Heralds First Timid Step to Reform", *Sydney Morning Herald*, 15 October 2003, 10.

⁹⁷ Abdullah Al-Shihri (Associated Press Writer), "Saudis: Fanatic May Not Be Teachers", *Herald Sun*, 7 September 2004, 7.

CHAPTER SIX

SAUDI ARABIA'S ENGAGEMENT IN THE UN HUMAN RIGHTS SYSTEM

Introduction:

As previously indicated, the influence of the UN human rights mechanisms along with its relevant agencies constituted only one of several forms of influences propelling Saudi Arabia to respond to demands for reform. After discussing major internal and external factors in earlier chapters, it is now appropriate to identify the main aspects of Saudi Arabia's engagement in the UN human rights system since the late 1940s, including its position in relation to human rights issues discussed at the UN. It is central to this thesis to scrutinize Saudi Arabia's engagement in, and interaction with, the UN human rights system and how that has influenced the situation of human rights in general and women's rights in particular.

When the UN was established in 1945, Saudi Arabia was among the fifty-one original members who participated in the process of founding the UN and drafting its Charter.¹ As a state-member in the UN during the formative years of establishing human rights conventions and declarations, Saudi Arabia had engaged in debates over some articles and statements, which reflected the Kingdom's perspectives on human rights issues. With the exception of the Kingdom's abstention during the voting to approve the UDHR in 1948, other aspects of Saudi Arabia's involvement in the UN human rights system have not yet been fully explored or critically examined.

When historically and critically reviewing how the Kingdom has interacted with and engaged in the UN human rights system, it is possible to identify two distinctive phases. Phase one involves the Kingdom's activities in the process of debating and adopting principal international human rights documents, commencing in the late 1940s up to the early 1990s. The first section in this chapter, thus, examines mainly Saudi Arabia's position during the deliberation and adoption of the UDHR and the other six major international conventions on human rights, namely the International Covenant on Economic, Social and Cultural Rights (CESCR) and the International Covenant on Civil and Political Rights (CCPR), the Convention on the Elimination of all Forms of Racial

Discrimination (CERD), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT) and the Convention on the Rights of the Child (CRC).

Following the end of the Cold War and the aftermath of the Gulf War in 1991, the pattern of Saudi Arabia's interaction with the UN human rights system has changed from merely endorsing international human rights instruments by casting its vote in favour of most resolutions that had created those instruments to becoming more involved in the activities of the UN human rights system, including ratifying human rights treaties. Therefore, the second section explores several aspects of the Kingdom's involvement during the second phase (from the early 1990s to 2006), including its ratifications of human rights instruments and its interactions with various UN human rights mechanisms and bodies.

In the final section, this chapter briefly analyzes the characteristics of each phase and identifies the circumstances under which Saudi Arabia had changed its behaviour of engagement in the UN human rights system. It also assesses whether changes taking place in the Kingdom since the early 1990s have any correlation with influences exerted by the UN human rights system.

1): Phase One (from the late 1940s to the early 1990s):

The UDHR is one of three pillars that lay down the international human rights standards. The other two are the 1966 CESC and CCPR. Together, these three documents are known as the 'International Bill of Rights' because they have established the foundations for international human rights standards. While the CCPR and CESC are legally binding treaties, the UDHR is considered an initial, primary declaratory statement designed to broadly establish benchmarks for the international community to observe certain standards of human rights.

Although Saudi Arabia was not one of the eighteen members of the UNCHR who drafted the initial text of the UDHR, the Kingdom's representative to the UN participated intensively in the two-month debate and deliberation among all delegates to the UN General Assembly's (UNGA) Third Committee. Subsequently, the amended text of the declaration was referred to UNGA plenary for approval. On 10 December 1948, the

UDHR was adopted and proclaimed by UNGA resolution 217 (III), without dissenting vote. The final voting result was 48 states were in favour and 8 states, among them Saudi Arabia, abstained. It is worth noting that Saudi Arabia was the only Muslim country to abstain during the UDHR voting, and the other abstaining states were mostly communist states (the Soviet Union, Byelorussia, Ukraine, Poland, Czechoslovakia and Yugoslavia) and South Africa.²

Contrary to perceptions that the countries with majority Muslim populations were not active in the formulation of the UDHR and the two covenants, Saudi Arabia, along with other Muslim countries, was actively involved in the debate and discussions over the UDHR and the proposed covenant at the UNGA's Third Committee.³ UN records show that Jamil Al-Baroody,⁴ Saudi Arabia's representative to the UN, energetically participated in discussions and was able to attract the attention of other states delegates by his articulate statements and vigorous arguments.

Al-Baroody's argument recorded in UN documents revealed that Saudi Arabia's abstention from the UNGA vote was due to its objections to Article 16 and Article 18 of the UDHR. Article 16, which deals with marriage and the family, declares that "men and women of full age, without any limitation due to race, nationality or religion, have the right to marry..." It also establishes the necessity of consent for marriage and equal rights in marriage. Saudi Arabia therefore expressed concerns regarding this Article, namely the age of marriage, sex equality in the marriage and banning limitations on marriage due to nationality or religion.

The notion of unspecified sex equality in the UDHR was objected to by Saudi Arabia and some other states as well. Article 16 of the UDHR states that men and women are "entitled to equal rights as to marriage, during marriage and as its dissolution." Although the Kingdom's opposition was not surprising since patriarchal elements in Saudi society are recognizable, the Saudi opposition was nevertheless not based explicitly on the maintenance of male superiority. Instead, its opposition was based on the argument that the authors of the drafted text had based too much on the standards recognized by the Western civilization and ignored the heritage of more ancient civilizations.⁵ The Saudi amendment to Article 16 proposed that men and women are "entitled to the full rights as defined in the marriage laws of their countries",⁶ but the proposed amendment was rejected by most delegates because it would undermine the notion of universal human rights. UN records on the debate over Article 16 indicate that the Saudi representative

argued that “it was not for the Committee to proclaim the superiority of one civilization over all others or to establish uniform standards for all the countries in the world.”⁷ In voicing his opinions, Al-Baroody pointed out that a Muslim woman could own, inherit and dispose of property, and that in the event of a divorce, she was entitled to a pre-determined indemnity.

The second concern in Article 16 focused on the phrase that accorded marriage rights to men and women ‘of full age’, which Al-Baroody argued did not incorporate the notion of physiological development and proposed a replacement phrase ‘legal matrimonial age’ for legal age for marriage.⁸ As explained later in chapter seven, the age of marriage in mainstream Islamic jurisprudence is linked to physical signs by which a person reaches the age of maturity. Subsequently, Al-Baroody endorsed a substitute phrase ‘mature age’ proposed by Syria, in deference to objections raised by other delegations, which was unsuccessful.

Thirdly, as Article 16 clearly prohibits limitations in marriage due to race, nationality or religion, Saudi Arabia unsuccessfully attempted to amend such prohibition because a Muslim woman is not allowed to marry non-Muslim. Also, according to Saudi national law, neither male or female are allowed to marry a non-Saudi without obtaining a permit from the government. In order to limit provisions on sex equality in marriage, the issue of ‘full age’ and the banning of limitations on marriage due to nationality or religion, Al-Baroody’s proposals attempted to define or limit the stipulations by subjecting marriage rights mentioned in Article 16 to national laws. However, the result was that Saudi’s proposal for amendment on Article 16 failed by a large majority.

Saudi Arabia’s objection to Article 18 of the UDHR, which sought to establish the freedom of thought, conscience and religion, was also not surprising given the religious basis of the newly re-established Saudi state. The draft text prepared by the drafting committee of this article stated that “this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.” While supporting the statement that “every one has the right to freedom of thought, conscience and religion”, Saudi Arabia principally objected to the provision of the right to change one’s religion and proposed to delete the phrase from the article.⁹ During the debate on this article, Al-Baroody expressed his surprise at the article’s elaboration on the right to change one’s religion even though it was not the only freedom that the article sought to

guarantee. He did not focus on the Islamic context to ground his arguments on the fact that apostasy is forbidden in most Islamic jurisprudence's schools of thought. Instead, he used technical grounds to argue, pointing out that drafters of the article left other freedoms with less emphasis than the freedom of religion and that the UNCHR has consulted religious NGOs but without any participants from Islamic countries.¹⁰ Furthermore, he argued that such inclination towards religion had resulted in crusades and religious wars, stating that "throughout history missionaries (he did not specify any religion) had often abused their rights by becoming the forerunners of a political intervention, and there were many instances where peoples had been drawn into murderous conflict by the missionaries' efforts to convert them."¹¹

In most of his arguments, Jamil Al-Baroody did not focus on points of Islamic theology, though he was representing a country known for its Islamic, Wahhabi, conservatism. However, when he refrained from voting for the UDHR, it was likely that his decision to abstain was based on consideration of Wahhabi perspectives, especially in regard to the right to change one's religion and issues of sex equality. In this respect, Saudi Arabia was the only country using frequently cultural and occasionally religious grounds to challenge the universality of some details in the UDHR.¹²

Criticisms made by Al-Baroody of the authors of UDHR because they "for the most part, taken into consideration only the standards recognized by Western civilization" and towards the UNCHR when he said "it was not for the Commission to proclaim the superiority of one civilization over all others..."¹³ reflected his advocacy of cultural relativity and fear of cultural colonialism. While the UDHR is principally tied to the notion of reason and conscience, Al-Baroody argued that the words 'dignity and rights' used in Article 1 "were ambiguous and had different meanings in different countries."¹⁴ He expressed his wish to avoid both metaphysical questions and words that would be subject to different interpretations and suggested that the text of Article 1 should state: "equality and freedom being the ultimate Human goal, all men should act towards one another in a spirit of brotherhood."¹⁵

After the vote on the UDHR had been taken, many delegations exercised their rights to explain their votes or their reasons for abstention, but Saudi Arabia did not give an explanation for its abstention. Although Saudi Arabia abstained from the voting, it had cast its vote in favour of most articles in the UDHR. That most abstaining states were communist and Saudi Arabia was the only Muslim country, may undermine attempts to

link Saudi Arabia's abstention with a general understanding of the teachings of Islam. Furthermore, the position of Saudi Arabia in relation to the six major human rights treaties, as discussed later, has weakened any correlation of Saudi Arabia's abstention to Islam. Nevertheless, it is not difficult to establish a linkage between Saudi Arabia's argument and abstention during the UDHR voting and its understanding of Islam as envisaged by strict Wahhabism. Furthermore, if Wahhabism were sincerely taken into consideration, Saudi Arabia would vote against the UDHR. It is thus interesting to note that Saudi Arabia's changing, and sometimes ambiguous, positions in relation to international human rights standards and instruments implies pragmatism of the Saudi government and reflects the malleability of the *shari'ah*.

Because of its declaratory, unbinding nature, it took only two years (1946-1948) to finalize and adopt the UDHR. The negotiations of the two legally binding covenants (CESCR and CCPR) continued for more than sixteen years (1949-1966). During this period, Saudi Arabia was actively involved in debate and discussion over proposed articles in the two covenants. The two covenants are generally based on principles stated in the UDHR, which resulted in a reiteration of some of the arguments mainly on sex equality and the freedom of religion, by Saudi Arabia and other states, during the negotiation of the two covenants.

The first issue encountered in the formulation of a binding human rights treaty was whether to have one covenant or two. The question of socio-economic rights vis-à-vis civil and political rights was introduced early in the UNGA Third Committee's debate during drafting process of the UDHR text. After lengthy two-year debate over whether to separate socio-economic rights from civil and political rights, the UNGA Third Committee, by a vote of 29 to 21 with 6 abstentions, agreed to set up two separate instruments, dealing respectively with civil and political rights, and economic, social and cultural rights. Saudi Arabia, along with other states, was supportive of constructing one legal document with an expansion of articles to include rights to social security, education, free choice of employment and an adequate standard of living. Jamil Al-Baroodi expressed serious reservations about splitting the covenants and regarded the separation as "artificial and arbitrary" given the interconnection and interdependent nature of human rights.¹⁶ He went on in following sessions with his critical view when he described the UNGA decision to draft two covenants as "a grave error."¹⁷

One of the critical issues brought to the debate on the CESC and CCPR was the right to self-determination. Many delegates from Islamic and/or third world countries, including Saudi Arabia, were adamant that the peoples in non-self governing territories should enjoy the same rights as those in independent sovereign states, which include the right to self-determination. Saudi Arabia, and some other states, opposed the proposal by Western states that the responsibility of colonial powers to fully implement the covenants in their overseas colonies be limited. This was sometimes known as the 'colonial clause'.¹⁸ This proposal was opposed by many delegates who described it as contrary to the UN Charter, which was based on the principle of equality of human rights.¹⁹

The proposal for the clause was buried at the UNGA Third Committee's 1950 session, when Saudi Arabia and Afghanistan successfully pushed for the passage of a resolution which called for the UNCHR to ensure that the right of self-determination for non-self governing territories were included. At a UNGA plenary session in 1951, Al-Baroodi made a passionate, lengthy statement supporting the inclusion of an article affirming the right to self-determination.²⁰ However, it was not until the 1955 session that the disputed article of self-determination was finally approved, by a vote of 33 to 12 with 13 abstentions.²¹ As a result, 'Article 1' of both covenants with identical wording has been included to guarantee the right to self-determination.

When the draft of Article 18 of the CCPR, which is based on Article 18 of the UDHR regarding the right to change religion, was brought before the UNGA Third Committee for discussion, Saudi Arabia's representative urged that the phrase should be deleted. While avoiding referring to Islamic teachings on the subject, he cautiously notified the meeting of possible consequences of such provision in the Muslim world. He also repeated what he had said during the UDHR deliberation on how missionaries had often abused their rights and how such a right could promote proselytism. Al-Baroodi had drawn the UNGA's attention on several occasions to the point that Article 18 would give preferential treatment to missionary religions, affirming that Islam "had never engaged in systematic proselytizing."²² Therefore, he called for a deletion of the words "freedom to maintain or to change his religion..."²³ Following a prolonged debate, the Third Committee approved an amendment to Article 18, by a vote of 54 to 0, with 15 abstentions among them Saudi Arabia,²⁴ in which the controversial phrase 'freedom to change' became 'freedom to have or to adopt' in the finally approved text of Article 18 of the CCPR.

Article 3 of both the CCPR and the CESCR has been designated to guarantee equality of men and women with respect to the rights set forth in both covenants. Also, Article 23 of the CCPR is on the protection of family and marriage and has an explicit confirmation of the equality of rights of spouses and of the age of marriage. The term 'full age' in Article 16 of the UDHR, which had caused an extended debate in 1948, was changed to 'marriageable age' in the CCPR. The UNCHR, of which Saudi Arabia was not a member, approved this change. Furthermore, the UNCHR decided to remove a controversial phrase 'without limitation due to race, religion or nationality' from the draft text of this article.

Arguments by Saudi Arabia's representative during the UNGA meetings to discuss the text of the two covenants mirrored concerns over some issues. In the end, however, Saudi Arabia showed its support for the two legally binding covenants when it voted in favour of the CCPR and the CESCR. Prior to final endorsement, the UNGA Third Committee unanimously approved the draft texts of the two covenants.²⁵ At the UNGA Plenary meeting on 16 December 1966, both the CCPR and the CESCR were unanimously adopted with no abstentions.²⁶ At the same meeting, Saudi Arabia was among the 38 abstaining states during the UNGA voting on the Optional Protocol to the CCPR,²⁷ which enabled the UNCHR to receive and consider communications from individuals claiming to be victims of violations of any rights set forth in the CCPR.

Prior to the approval of the two covenants, the CERD was adopted by the UNGA resolution 2106A (XX) of 21 December 1965. Saudi Arabia was among the states that voted for the adoption of the CERD. The debate on, and the complications of, CERD were not as controversial as the two covenants, and its adoption was by a vote of 106 to 0 against with 1 abstention.²⁸

During the first stage of interaction with the UN human rights system, Saudi Arabia had ratified some international treaties that were part of the UN efforts to combat different forms of discrimination. Although Saudi Arabia abolished slavery in the early 1960s, under international pressure mainly from President John Kennedy and the UN,²⁹ the Kingdom ratified the Slavery Convention of 1926 on 5 July 1973.³⁰ In June 1978, Saudi Arabia came closer to the legally-binding labour rights standards when it ratified, at once, four international labour conventions; namely the International Labour Convention No. 29 of 1930 concerning forced labour,³¹ International Labour Convention No. 100 of 1951 concerning equality of opportunity and treatment of men and women,³² International

Labour Convention No. 105 of 1957 concerning abolition of forced labour,³³ and International Labour Convention No. 111 of 1958 concerning discrimination in respect of employment and occupation.³⁴

CEDAW was drafted in the second half of the 1970s. UN records, at both the UNGA Plenary and Third Committee meetings in which all states are participant members, showed diminishing participation by Saudi representatives. Saudi Arabia did not actively engage in the debate during the drafting process, and its participation was seen mostly in voting on the CEDAW text amendments and articles. In most cases, the Kingdom abstained from voting, except if the proposed amendment would limit the scope of text, such as voting to delete the phrase 'in all its forms' from Article 2.³⁵

When the final text of CEDAW was presented for approval before the UNGA Third Committee, Saudi Arabia abstained along with another 13 states. Ten days later, the CEDAW was adopted by UNGA resolution 34/180 of 18 December 1979 through a roll call vote of 130 to 0 with 10 abstentions (and 10 absents). Saudi Arabia was among those who abstained from the voting. The abstaining states were Bahrain, Brazil, Comoros, Haiti, Mali, Mauritania, Mexico, Morocco, Saudi Arabia and Senegal.³⁶

The UNGA Third Committee unanimously approved CAT, and later CAT was adopted without a vote by UNGA resolution 39/46 at the UNGA Plenary meeting on 10 December 1984.³⁷ Similarly, the CRC was also adopted without a vote on 10 November 1989.³⁸ The two conventions are considered the most universally accepted human rights documents. Saudi Arabia's engagement during the debate over the text of these two conventions was limited to casting its vote mostly in favour of articles, while abstaining from voting on articles that establish procedures for monitoring or arbitration.

Interesting in this historical review of Saudi Arabia's engagement in the UN human rights system are some noticeable aspects of Saudi interaction. As a founding member state of the UN, Saudi Arabia engaged from the early days in discussions over human rights. The Kingdom actively participated in the debate over the creation of the international human rights conventions, especially during the deliberations of the international bill of rights (UDHR, CESCRR and CCPR). Secondly, despite its widely known abstention on the UDHR voting, the Kingdom's pattern of voting clearly showed that it did not vote against human rights treaties. On the contrary, Saudi Arabia demonstrated its support for the international human rights project when it approved (without vote) or voted for international human rights conventions with the exception of

its abstention on the CEDAW voting. Finally, UN records revealed that Saudi Arabia during Al-Baroody's era had played a vigorous and active role in discussing and arguing over various human rights issues.

2): Phase Two (from the early 1990s to 2006):

This stage has witnessed various developments not only in Saudi Arabia's behaviour towards the UN human rights system but also in the world as whole. The end of the Cold War, the Gulf War in 1991, the terrorist attacks of 11 September 2001 and the War on terrorism have had profound impacts around the world and particularly on Saudi Arabia. Since the early 1990s, Saudi Arabia has taken unprecedented steps towards more engagement in the UN human rights system. Saudi Arabia became responsive to inquiries by the UNCHR Special Rapporteurs and by the Sub-Commission on the Promotion and Protection of Human Rights.³⁹ More importantly, Saudi Arabia has joined, during this period, the international human rights legal arrangements. Consequently, Saudi Arabia has become legally subject to limitations and guidelines set forth by those four treaties.

A- Being Part of the International Legal Human Rights Arrangements:

Saudi Arabia's first move to accede to the legally binding international human rights treaties was its accession to the CRC in January 1996. However, its accession to the CRC was conditioned with a generalized reservation that Saudi Arabia shall not be bound by articles of the CRC where they may conflict with provisions of Islamic law.⁴⁰ In accordance with Article 44 of the CRC, Saudi Arabia has to submit periodical reports on measures adopted that give effect to rights recognized by the CRC. The Kingdom's initial report was due in 1998, two years after accession to the convention, but was not submitted till March 2000.

In January 2001, the Committee on the Rights of the Child (the Committee) considered the initial report of Saudi Arabia.⁴¹ After welcoming a number of developments in the Kingdom related to human rights, the Committee found the report to be "essentially legalistic and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country."⁴² The Committee observed that the narrow interpretations of Islamic texts by the Saudi authorities are obstructing the enjoyment of many human rights protected under CRC and expressed, inter alia, concerns

that persons under 18 could be prosecuted and punished for crimes in the same manner as adults. Furthermore, some of its main concerns were that the broad and imprecise nature of reservations potentially negated convention provisions, and that despite the policies laid out, there was a significant gap between theory and practice. The Committee also observed that rights recognized by the CRC were still not reflected in the basic laws; there was a lack of systematic data collection and planning and a low level of awareness among public and professionals working with children.⁴³

During meetings with the Committee in February 2002, Saudi Arabia responded to some of the comments made on its initial report. The all-male delegation defended the report referring to the *shari'ah* which “protected children and guaranteed respect for their rights.”⁴⁴ Members in the Saudi delegation also said “Islam gave children a privileged position and viewed the family as the basic unit of society and the natural environment in which every child should grow up and develop.”⁴⁵ They reiterated the policies, measures and institutions of the Kingdom that have been developed in line with the convention and noted that customary practices derived from popular traditions rather than from the *shari'ah* still existed which might be considered discriminatory. They informed the Committee that public awareness campaigns were being carried out in order to eliminate such practices.⁴⁶

One year later, subsequent to its accession to the CRC, Saudi Arabia acceded to the CAT in September 1997, with two specific reservations, namely not recognizing the jurisdiction of the Committee as provided in Article 20 and not being bound by the provisions of paragraph (1) of Article 30, as indicated earlier in chapter one. In line with the requirements of the convention, Saudi Arabia submitted its initial report (due in 1998) in February 2001. The report started with an introduction in which the Kingdom generally endorsed the UDHR and consequent human rights covenants, conventions and protocols, noting that the *shari'ah* guaranteed human rights and subsequently listing how the convention's articles are incorporated into Saudi laws. The initial Saudi report presented numerous laws relevant to the Convention, including the law prohibiting torture during investigations, which stipulates that “confessions should result from thorough and careful investigation without torture.”⁴⁷ During meetings of the Committee against Torture (the Committee) with a Saudi delegation to discuss the initial report, one of the Kingdom's representatives said his delegation felt the Committee's questions reflected its lack of understanding of Saudi Arabia and ignorance of the fact that the *Qur'an* and the *Sunnah*

were the constitution, which cannot be amended.⁴⁸ The delegation defended the use of corporal punishments for certain crimes as dictates of the *Qur'an* and said that these sanctions could neither be abrogated nor amended since they emanated from God, and the state was bound to refrain from taking any decision that ran counter to *shari'ah*. Using technical, legal grounds to defend the application of corporal punishments, the delegation argued that those sanctions are not forms of torture according to the meaning of Article 1 of CAT, which excluded pain arising from, inherent in or incidental to lawful sanctions.⁴⁹

In its concluding remarks, the Committee welcomed positive aspects, including the competence of the Board of Grievances to hear allegations of violations of human rights, but expressed concern over a number of matters, particularly the allegations of prolonged pre-trial detention of some individuals and the "sentencing to, and imposition of, corporal punishments by judicial and administrative authorities, including, in particular, flogging and amputation of limbs, that are not in conformity with the Convention."⁵⁰ The Committee made several recommendations to the Kingdom to implement, including clearly incorporating the crime of torture into Saudi domestic law and re-examination of corporal punishments, which are, in the Committee view, in breach of the Convention.

Pursuant to its obligations under the CAT, the Saudi government announced in March 2000 the establishment of a committee to investigate allegations of torture.⁵¹ Also, as indicated earlier in chapter four, the newly adopted Code of Criminal Procedure, which came into force in May 2002, addresses some of Saudi Arabia's obligations under the CAT by specifying legal procedures and due-process rights.

In addition to its accession to CAT on 27 September 1997, Saudi Arabia acceded to the CERD on the same date, with a general reservation declaring that Saudi Arabia will implement the provisions of the Convention as long as they are not in conflict with precepts of the *shari'ah*. Also, the Kingdom made a specific reservation as not to be bound by Article 22 concerning referring disputes to the International Court of Justice.⁵² Under the Convention, Saudi Arabia was required to submit initial and second periodic reports in October 1998 and 2000 respectively. However, it submitted both reports as one document in August 2001, which outlined the legal framework in which the convention will be upheld in Saudi Arabia.⁵³ The Committee of the Elimination of Racial Discrimination (the Committee) reviewed Saudi Arabia's report in March 2003 and noted some positive aspects of reforms in the field of human rights in the Kingdom, including the enactment of new codes related to the judicial system and that Saudi Arabia will soon

accede to the CCPR and CESC. ⁵⁴ Furthermore, the Committee expressed in 19 points its concerns and recommendations, which include that "guarantees of non-discrimination laid down in law, without mechanism to monitor their application, do not on their own ensure the enjoyment of non-discrimination."⁵⁵ The Committee also noted that Saudi Arabia's report did not provide sufficient information on the difficulties that affected CERD's full implementation and on the government's efforts to promote racial tolerance in fields such as school curricula and public information campaigns.

Saudi Arabia has repeatedly declared in its statements before the UNCHR that Islamic law contains a comprehensive system of human rights, which rejects racial discrimination. At the application level, it stated that the necessary legal and administrative reforms to fulfil the Kingdom's obligations under relevant international treaties, including CERD, have been implemented.⁵⁶

In September 2000, Saudi Arabia acceded to the CEDAW, with a general reservation that it would not be obliged to observe the terms that were contrary to Islam. Also, it would not be bound by Article 29 (1), concerning bringing disputes with other states to the International Court of Justice. The second specific reservation was that Saudi Arabia will not be bound by Article 9 (2), which grants women equal rights with men in respect to the nationality of their children.⁵⁷ Saudi Arabia, like other countries acceding the Convention, is legally bound to put the Convention's provisions into practice. Parties are also committed to submit reports, at least every four years, on measures they have taken to comply with their treaty obligations. However, so far Saudi Arabia has not submitted its initial report, which was due in October 2001.⁵⁸ (More details are presented in the following chapters on women's rights).

Saudi Arabia increasingly pursues its objective to more fully be a part of the international legal and institutional-system and not limited only to the area of human rights. The Kingdom has shown interest in joining other international institutional arrangements since the establishment of the UN, but of direct interest to this thesis are those arrangements relevant to human rights. As indicated earlier, earlier moves to join international institutional arrangements included Saudi Arabia's ratifications of the 1970s of international conventions related to eradicating slavery and protecting labour rights.

From 1993, Saudi Arabia was an applicant for participation in the World Trade Organization (WTO), up to its admission in 2006. Seeking to join the WTO has added to pressure to open up the political and economic systems in the Kingdom. Although the

WTO is principally a multilateral trade system with no capacity to interpret, apply, or enforce other treaties, the human rights aspects of trade cover a wide range of moral, ethical, political, social and legal issues.⁵⁹ Human rights could be therefore considered an indirect connection with the facilitation of trade liberalization.⁶⁰ As discussed in chapter five, the requirements for joining the WTO have encouraged Saudi Arabia to fulfil conditions set for joining the WTO, within which some aspects of human rights have been positively influenced. In another move to participate more fully in existing international arrangements, *Majlis Al-Shura* applied for membership in the Inter-Parliamentary Union (IPU), but it was not until April 2003 that the *Majlis Al-Shura* was admitted as a member in the IPU after the granting of a greater legislative role to the *Majlis Al-Shura* and a larger participatory role to women in it.

B- Saudi Arabia's Interactions with the UN Human Rights System:

□ The 1503 Procedure:

One of the most significant events contributing to Saudi Arabia's increased interaction with the UN human rights system was the consideration of the situation of human rights in the Kingdom under the confidential 1503 procedure from 1995 to 1999.⁶¹ Under this procedure, the Sub-Commission on the Promotion and Protection of Human Rights (the Sub-Commission) is authorized to investigate communications (complaints) that appear to reveal a consistent pattern of gross and reliably attested violations of human rights and to refer them to the Commission. Being the main subsidiary body of the UNCHR, the Sub-Commission is also charged with performing other functions including undertaking studies and making recommendations to the UNCHR on various matters concerning human rights.

In the early 1990s, the sub-commission received information from some individuals and groups that had persuaded it, beginning in 1995, to consider the situation of human rights in Saudi Arabia. Saudi Arabia's human rights record became the subject, for the first time, of scrutiny under the 1503 procedure. According to the rules of the 1503 procedure, it is up to the sub-Commission whether or not to refer the matter the UNCHR, which would, if it decided to do so, mean ending confidentiality and opening the door for passing a resolution on the matter.

Saudi Arabia took the matter seriously while the details of complaints were still in the confidential stage. Taking into consideration the consequences of the possible passage

of a resolution condemning violations of human rights in Saudi Arabia, the Kingdom had to re-examine its strategies in dealing with the UN human rights system. Responding to these communications, which were presumably related to the lack of justice safeguards in the Saudi judicial system, the Kingdom provided the Sub-Commission with detailed documents on some specific cases of alleged human rights violations and also on Saudi Arabia's judicial system. At its 1999 session, the UNCHR decided to discontinue that consideration.⁶² The confidential nature of the procedure means that the Sub-Commission does not publicly explain the reasons for its decisions. However, the UK government, in its 1999 annual report on human rights, stated that the UN Sub-Commission "concluded that Saudi Arabia had responded sufficiently to complaints about human rights violations, including about its judicial system."⁶³ The report continued "the Commission expressed appreciation for the progress achieved by Saudi Arabia, including its increased willingness to work with the Commission and other human rights organizations and mechanisms."⁶⁴

□ **Special Rapporteurs and Working Groups:**

Saudi Arabia's interaction with the UN human rights system has seen an increasing sense of accountability not limited only to providing detailed answers to queries posed by international bodies such as the Sub-Committee, but also including providing answers to, and responding positively to requests by, the UNCHR Special Rapporteurs and Working Groups on various subjects. Since the early 1990s, numerous UNCHR Special Rapporteurs and Working Groups on various themes had questioned some of Saudi Arabia's human rights policies and investigated some cases of alleged human rights abuses. In all UN documents reviewed by the researcher,⁶⁵ Saudi Arabia had provided information, with delay sometimes, to those inquiries or concerns transmitted by the UNCHR Special Rapporteurs or Working Groups. Regardless of the significance of such inquiries on the substance of each issue, this process of interaction with the UN human rights system signifies a formal level of response about the conduct of the Saudi authorities.

One of the earliest inquiries during this period was when UNCHR Special Rapporteur on Religious Intolerance, Mr. Angelo Ribeiro, received information in 1993 that Shiite Muslims in the Kingdom were discriminated against and attacked. When these allegations were brought to the attention of the Saudi government, its response was that it had the prerogative to ignore what it perceived as derogatory allegations that were

unfounded. This is because, it argued, all Saudi citizens are Muslims and that such allegations stemmed from political motivations to disturb law and order.⁶⁶ Four years later, the UNCHR Special Rapporteur on Religious Intolerance, Mr. Abdelatif Amro, received a comprehensive reply from Saudi Arabia on the treatment of non-Muslim and Shiite Muslims in the Kingdom, with detailed information on *shari'ah* laws in this regard. In his report to the 1997 UNGA session, the Special Rapporteur thanked the Saudi authorities for their detailed response and welcomed and valued their firm intention to cooperate with him and with all human rights bodies.⁶⁷ It is worth noting that the human rights of Shiites have been improving since the 1994 agreement between the government and Saudi Shiite leaders who were then living in exile.

In 1995, the Working Group on Arbitrary Detention passed on questions to the Saudi government regarding several individuals (Sunni Islamists) who were allegedly subjected to arbitrary detention. Decision No 48/1995 (Saudi Arabia) adopted in December 1995 by that Working Group noted with appreciation the information forwarded by the Kingdom within 90 days of the transmittal of the Working Group's letter. Despite the provided information, the decision by the Working Group declared the detention of those individuals to be arbitrary in accordance with international human rights instruments.⁶⁸

The above-mentioned present only few examples of Saudi Arabia's interactions with the UNCHR Special Rapporteurs and Working Groups, but the most significant event in this regard was Saudi Arabia's consent to a request by the UNCHR Special Rapporteur on the Independence of Judges and Lawyers, Mr. Dato P. Cumaraswamy, to visit the Kingdom on a fact-finding mission. Saudi Arabia announced, in its statement before the 2000 UNCHR session, that the Kingdom duly notified Mr. Cumaraswamy of a positive reply to his request to visit the Kingdom.⁶⁹

In the light of information related to allegedly unfair trials, access to lawyers and an apparent lack of transparency in the judicial process in Saudi Arabia, the first ever-official visit to Saudi Arabia by a UNCHR special rapporteur took place in October 2002. Mr. Cumaraswamy met with senior officials and examined law, policy and practice in the Kingdom's administration of justice. At the end of his mission, he held a press conference noting that the justice system is "currently in a stage of transition" and that the Kingdom lacks "a culture of legal representation in the courts but this may soon be rectified."⁷⁰ He

also said Saudi Arabia had shown “the utmost cooperation” and that he “was given the opportunity to meet whomever he wanted and visit any place he desired.”⁷¹

In his report submitted to the 2003 UNCHR session, Mr. Cumaraswamy pointed out that the legal system in the Kingdom has been the subject of reform in the last decade and highlighted the independence of the judiciary in the Saudi legal system.⁷² However, he made several recommendations for improvements to the judicial system including the need to improve transparency by making more information available to the public, and privately to the involved parties, about the legal processes. The Special Rapporteur encouraged the offering of training on human rights laws to officials through OHCHR technical assistance programs. In several parts of his report, he was critical of the absence of females from the judicial system and urged the Saudi government to make the judiciary more representative by allowing women to be lawyers and even judges, knowing that approximately 50 percent of graduates in the *shari'ah* law are women.⁷³

□ UN Bodies and Saudi Arabia's Membership:

Saudi Arabia's participation in the works of the UN mostly remained in forums at which all members of the UN were represented during the first phase (late 1940s-early 1990s).⁷⁴ Realizing the benefits of becoming more involved in the UN human rights mechanisms, Saudi Arabia has taken moves towards obtaining membership in various UN human rights arrangements. While the Kingdom's interest in seeking membership in various UN bodies had started to change from the early 1980s, when it became a member of the UN Economic and Social Council (ECOSOC) in early 1980s (1981-1983), that interest has largely intensified since the mid 1990s. Saudi Arabia was able to acquire membership of ECOSOC in late 1990s (1999-2001 and 2003-2005). Furthermore, Saudi Arabia succeeded in becoming a member of some subsidiary bodies of ECOSOC including the Commission on Sustainable Development (1996-1998 and 2003-2005), Commission on Crime Prevention and Criminal Justice (1998-2000, 2001-2003 and 2004-2006), and the Governing Council of the UN Human Settlements Programme (2004-2007).

A noteworthy step towards direct involvement in the activities of the UN human rights system was Saudi Arabia's nomination, for the first time, to membership of the UNCHR. Saudi Arabia was able to secure a seat with a landslide majority vote in the 2000 election. Since 2001, Saudi Arabia has become a member in the Commission and was able to win another three-year term at the 2003 election.⁷⁵ Following the creation of

the new UN Human Rights Council in 2006, which has replaced the highly politicized UNCHR, Saudi Arabia obtained the required votes and gained a seat for a third three-year term in the new Council.⁷⁶

Within this connection, Saudi Arabia has made since the mid 1990s several nominations to posts in UN agencies related to human rights and social activities. Those nominations reflect the Kingdom's new interest in becoming more involved in international arrangements. The most notable event was the nomination in 1999 of Dr. Ghazi Al-Qusaibi⁷⁷ for the post of Director General of the UN Educational, Scientific, and Cultural Organization (UNESCO). Practices of human rights in the Kingdom were an issue for the Saudi candidate during the campaign, at which he confirmed his full commitment to human rights according to the UNESCO standards.⁷⁸ However, Al-Qusaibi did not succeed in obtaining the necessary votes to win that post in the November 1999 election.

Following its accession to the CRC in 1996, Saudi Arabia nominated Dr. Ibrahim Al-Sheddi⁷⁹ to the membership of the UN Committee of the Rights of the Child. Although the nomination was unsuccessful in the first attempt, Al-Sheddi attained the necessary votes to become a member of that Committee in 2001. He was re-nominated for the 2003 election and retained his membership for another term.⁸⁰

In January 2001, Dr. Thoraya Obaid became the executive director of the UN Population Fund (UNFPA), when the UN Secretary General Kofi Annan appointed her to this position. She is the first Saudi national to head a UN agency, and her achievement was widely publicized in the Saudi media. In April 2001, she was received by several top officials, including the King and the Crown Prince.⁸¹ Despite appointees to this position requiring to show they have worked towards and advocated notions such as sex equality, Saudi Arabia responded to her appointment as an achievement by all Saudi women.

C- Major Aspects of Saudi Arabia's Interactions with the UN Human Rights System:

Saudi Arabia regularly attends UN conferences, sessions and meetings related to human rights and delivers statements at these forums. Its statements naturally convey the Kingdom's positions towards debated issues and signify its level of involvement and engagement in the international human rights system. Therefore, it is appropriate to

explore major actions reflecting that engagement and the principal elements in Saudi Arabia's statements at various UN human rights forums.

The first major engagement during this stage was Saudi Arabia's participation with a high-level delegation⁸² in the World Conference on Human Rights held in Vienna in June 1993. In its statement before the Conference, the Kingdom pointed out its adherence to Islamic values that furnish mankind with guarantees of rights and freedoms.⁸³ Furthermore, Saudi Arabia alluded to the cultural relativity of human rights when it called to "take into consideration differences in the natures of societies, their customs, traditions and beliefs" in order to address international problems involving violations of human rights.⁸⁴ However, Saudi Arabia joined other states in the international community in adopting by consensus the Vienna Declaration and Programme of Action, in which the universality, indivisibility and interdependence of all human rights have been reaffirmed and stating that the "promotion of protection of all human rights is a legitimate concern of the international community."⁸⁵

It is interesting to note that most statements delivered by Saudi Arabia contained two visible elements: a reference to Islam; and a signal of the need to take cultural and social considerations into account when applying universal human rights norms as defined by international human rights instruments. Saudi Arabia has refrained from unequivocally rejecting universally-recognized standards of human rights, but always calls, whether explicitly or implicitly, for the need to take into consideration diversity of cultures in the world. As was the case in Saudi Arabia's statement in the Vienna Conference, Saudi Arabia noted in an address before the UNGA Third Committee in December 1996 that the *shari'ah* guarantees for Saudi citizens all rights included in the UDHR and called for a need to take into consideration various cultural and social particularities of a diverse world.⁸⁶ Similarly, Crown Prince Abdullah, in his speech at the UN Millennium Summit in September 2000 and after endorsing UN efforts in the field of human rights, pointed at an Islamic perception of the origin of human rights, in which human rights are seen as a gift from Allah. He also plainly expressed dissatisfaction with the idea of one culture trying to impose its own views on others and stated "it is absurd to impose on an individual or a society rights that are alien to its beliefs or principles."⁸⁷

Saudi Arabia was among those, mainly developing and under-developing, countries who place a great emphasis on the right to development. Through its statements at UN sessions and meetings, Saudi Arabia has demonstrated its support to the right of

development. It displayed its efforts in assisting developing and least-developed countries for the realization of that right.⁸⁸ While supporting countries' right to development, Saudi Arabia stressed the importance of allowing countries to choose their own models of development, "without being put under pressure to conform to specific modes of thoughts."⁸⁹

3): Saudi Arabia and the UN Human Rights System: Analysis and Comparison:

In order to understand why Saudi Arabia has changed its pattern of engagement in the UN human rights system, from a limited involvement during the first phase to a tendency to be part of the international human rights arrangements during the second phase, it is essential to identify major aspects of international political dynamics during the first period compared with the second period. Moreover, it is equally important to examine and compare the domestic changes that have urged Saudi Arabia to take a different approach in dealing with the UN human rights system.

Prior to the 1990s, two opposing ideologies during the Cold War shaped discussions about most international issues, including human rights. Disagreement over the equality of human rights, however, lessened by the end of the Cold War and was followed by reaffirmation of the indivisibility of human rights in the 1993 Vienna Declaration. Another aspect of the period subsequent to 1990 has been the growing attention given to human rights. While the issue of human rights was part of the ideological conflict between West and East camps, the importance of human rights has increased internationally following the end of the Cold War. Although international human rights instruments, such as the two covenants, were adopted as early as mid 1960s, it took more than ten years for them to come into force, while other instruments entered into force in the late 1980s. Thus, the construction of the core legally-binding international human rights treaties was completed just before the end of the first phase; the CRC was adopted in November 1989 and came into force in September 1990.

At the domestic level, the issue of human rights received negligible attention among Saudis during the first stage. Reviewing what was in the Saudi media during that period revealed that neither the government nor the people showed an interest in discussing human rights as such. Ideological matters such as Islamism, communism, and

liberalism and political questions such as the conflicts in Palestine or Afghanistan preoccupied public and intellectual lives. However, a variety of international and national circumstances have changed the ways of approaching some issues in Saudi Arabia, including human rights.

One of the most remarkable phenomena of the second phase was the revolution in information technologies, as the increased flow of information has become a contributing factor in protecting human rights and advancing the process of awareness and learning. Saudi Arabia, like other states, came to realize that the possibility of subjecting state conduct to domestic or international publicity or scrutiny has increased substantially. On the other hand, human rights governmental and non-governmental bodies and activists, including the UN, have become more aware of the details of human rights situations all over the world and have further means to communicate with states and peoples about human rights. Another aspect of the second phase was the Gulf War of 1991, an international event that had tangible consequences to the region, and had a major impact on Saudis' thinking about themselves and the world around them. As indicated in chapter four, political, social and economic issues in Saudi Arabia became a focus of the world media that was now able to reach the Saudi public. In addition to questioning political and social policies, the Saudi public started to examine the taken-for-granted notion of being able to preserve a unique, closed country and to maintain a balance between modernity and tradition. The ramifications associated with the 1991 Gulf War coincided with an unprecedented flow of information into, and out of, the Kingdom, which highlighted various political and social concerns in Saudi Arabia including the shortage of safeguards for human rights and the lack of freedoms as envisaged by international human rights standards.

When reviewing Saudi Arabia's engagement in the activities of the UN human rights system and its voting pattern during the formative era of international human rights standards, it is worth noting that, despite its rare abstentions, Saudi Arabia cast its vote in favour of nearly all resolutions that have constructed the international human rights treaties' system. However, Saudi Arabia's abstention during the UNGA voting to approve the UDHR has notably led some critics to generalize about the Saudi position in relation to the international human rights project. Contrary to an assumption that Saudi Arabia opposed or was disengaged from the human rights project, Saudi Arabia was represented

by an eloquent diplomat who participated actively and forcefully in UN debates leading to the creation of the principal international human rights documents and institutions.⁹⁰

It has been argued that the refusal of the Saudi Arabian representative to the UN to vote for the UDHR might be interpreted as rationalizing existing hierarchies and oppression through the exploitation of Islam.⁹¹ Nevertheless, what is unambiguous is that Saudi Arabia avoided approving articles, declarations or treaties that were deemed to be clearly contrary to its interpretation of Islam or breaching its sovereignty. While always avoiding opposing explicitly internationally-recognized human rights standards, Saudi Arabia has constantly been a believer and promoter of a form of cultural relativity that would allow the Kingdom to disregard those standards deemed contradictory to its understanding of the *shari'ah*.

Despite the fact that Saudi Arabia has been relatively active in debates over a variety of political and social issues presented before the UN bodies, the formative period witnessed only the endorsement of international human rights conventions without making any legal commitment to implement international human rights standards. During the first period (from the later 1940s to the early 1990s), Saudi Arabia showed little interest in seeking membership in various UN committees, and its participation was limited to UN bodies in which all states are members. That position, however, has changed, as the Kingdom became more involved in the activities of the UN human rights system since the early 1990s.

The submission of reports by Saudi Arabia to watchdog committees within the international human rights treaties' system, however, was a significant event. Saudi Arabia redefined its perception of the notion of sovereignty, when its internal conduct became subject to questioning by international bodies. Saudi delegations that participated in discussing the country reports with treaties committees have confirmed that comments and recommendations on Saudi Arabia's reports would be taken seriously by their government.⁹²

Conclusion:

For Saudi Arabia, the purpose of engaging in the UN human rights system was to attempt to influence the outcome of that system, especially working to prevent possible moves that may cause shaming, or give publicity to what might be considered as human

rights violations in the Kingdom. Also, the Kingdom has a genuine interest in demonstrating to the rest of the world that human rights as observed in Saudi Arabia are not only in accordance with the *shari'ah* but also compatible with, or at least not in violation of, the internationally-recognized human rights standards. As reviewed in this chapter, Saudi Arabia's engagement in, and interaction with, the UN human rights system has increased since 1990s, but what is important is to look at such involvement as a primary step in the process of socializing Saudi Arabia into human rights.

As discussed in previous chapters, several developments in the Kingdom related to human rights have taken place in recent years, notably the establishment of institutions and the passage of laws that aimed to offer more protection of human rights. With yet minor changes in the substance, such moves constitute crucial steps in the construction of a course of action that may change the situation of human rights substantially in the long term. Apart from the real outcome of such steps, the question posed here is to what extent such developments can be attributed to influences by UN human rights system. The general reservations expressed by the Kingdom when it joined the international legally binding arrangements are among the factors explaining the absence of any short-term impact from the UN human rights system. Nevertheless, although influences from the UN human rights system appeared to be insignificant prior to the Kingdom's late involvement, since the early 1990s, it is likely to have had more positive impacts over the years in the context of the process of socialization, awareness and learning. Significantly, the UN human rights system has provided the necessary conditions, by codifying human rights principles through its universal declarations and conventions, for empowering and legitimizing other forms of influence.

By becoming part of the international legal arrangements, it added another factor to other circumstances that influenced positively the situation of human rights in Saudi Arabia, at least at the structural level of institutions and laws. The following chapters will explore women's rights as a case study in this thesis, in order to provide a clearer understanding of the correlation between the UN human rights system and developments in women's rights in the Kingdom.

ENDNOTES (CHAPTER SIX)

- ¹ Mohamed Afifi, *The Arabs and The United Nations* (London: Longmans Ltd., 1964) 64.
- ² See, for instance, David Little, John Kelsay, and Abdulaziz A. Sachedina, *Human Rights and the Conflict of Cultures: Western and Islamic Perspectives on Religious Liberty* (South Carolina: University of South Carolina Press, 1980) 33-52, Susan Waltz, "Universal Human Rights: The Contribution of Muslim States", *Human Rights Quarterly* 26:4 (2004) 802 and Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001) 196-170.
- ³ For more details on the issue, see Waltz, "Universal Human Rights: The Contribution of Muslim States", 799-844.
- ⁴ Jamil Al-Baroodi was a Lebanese-born Christian who worked in the UK as Arab political and economic observer (1929, 1935-1939). He lived in Saudi Arabia for a few years. He was part of the Saudi delegation to the San Francisco Conference in 1945. He served as the Saudi representative to the UN for over 20 years. See, for instance, Waltz, "Universal Human Rights: The Contribution of Muslim States", 811 and Glendon, *A World Made New*, 148.
- ⁵ See, for instance, UN document, UNGA Third Committee, 3rd session (1948), 49, Glendon, *A World Made New*, 141 and Little, Kelsay, and Sachedina, *Human Rights and the Conflict of Cultures*, 35.
- ⁶ UN document, UNGA Third Committee, 3rd session (1948), 370.
- ⁷ *Ibid.*
- ⁸ *Ibid.*, 371.
- ⁹ *Ibid.*, 28.
- ¹⁰ *Ibid.*, 404.
- ¹¹ *Ibid.*, 391.
- ¹² See, Glendon, *A World Made New*, 222.
- ¹³ UN document, UNGA Third Committee, 3rd session (1948), 370.
- ¹⁴ *Ibid.*, 122.
- ¹⁵ *Ibid.*,
- ¹⁶ UN document, UNGA Plenary Meeting, 6th Session (1951), 517.
- ¹⁷ UN document, UNGA Third Committee, 9th Session (1954), 99.
- ¹⁸ Waltz, "Universal Human Rights: The Contribution of Muslim States", 830.
- ¹⁹ UN document, UNGA Third Committee, 5th session (1950), 153.
- ²⁰ UN document, UNGA Plenary Meetings, 6th Session (1951), 506.
- ²¹ UN document, UNGA Plenary Meetings, 10th Session (1951), 375.
- ²² UN document, UNGA Third Committee, 9th Session (1954), 100.
- ²³ *Ibid.*
- ²⁴ UN document, UNGA Third Committee, 9th Session (1954), 215.
- ²⁵ UN document, Yearbook of the UN (1966), 406.
- ²⁶ UN document, UNGA Plenary Meeting, 21st Session (1966), Vol. III, 6.
- ²⁷ *Ibid.*
- ²⁸ UN Document, Yearbook of the UN (1965), 433.
- ²⁹ See, for instance, Goeff Simons, *Saudi Arabia: The Shape of a Client Feudalism* (New York: St. Martin's Press, 1998) 63, David E. Long, *The Kingdom of Saudi Arabia* (Gainesville: University Press of Florida, 1997) 36 and Peter W. Wilson and Douglas F. Graham, *Saudi Arabia: The Coming Storm* (New York: M. E. Sharpe, 1994) 62.
- ³⁰ UN document, States Parties to the Slavery Convention, viewed on line at <<http://untreaty.un.org/English/sample/EnglishInternetBible/partI/chapterXVIII/treaty2.htm>> accessed 11 July 2005.
- ³¹ ILO document, Ratification of Convention No 29, viewed on line at <<http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C029>> accessed 11 July 2005.
- ³² ILO document, Ratification of Convention No 100, viewed on line at <<http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C100>> accessed 11 July 2005.
- ³³ ILO document, Ratification of Convention No 105, viewed on line at <<http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C105>> accessed 11 July 2005.
- ³⁴ ILO document, Ratification of Convention No 111, viewed on line at <<http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C111>> accessed 11 July 2005.
- ³⁵ UN document, UNGA 3rd Committee (1979), *A/C.3/34/SR.72* of 2 December 1979, 3-4.
- ³⁶ See, for instance, UN Document, Yearbook of the UN 1979, 894-895 and Dusan J. Djonovich, *United Nations Resolutions* (New York: Oceana Publications, 1985) Vol XVIII 148.

- ³⁷ UN document, Yearbook of the United Nations (1984), 819.
- ³⁸ UN document, Yearbook of the United Nations (1989), 675.
- ³⁹ Formally known as the Sub-Commission on Prevention of Discrimination and Protection of Minorities.
- ⁴⁰ UN document, Office of the UN High Commissioner for Human Rights (OHCHR), Ratification and Reservation, viewed on line at <<http://www.ohchr.org/english/countries/ratification/11.htm>> accessed 15 March 2004.
- ⁴¹ UN document, [CRC/C/61/Add.2](#) of 29 March 2000, Initial report of Saudi Arabia.
- ⁴² UN document, [CRC/C/15/Add.148](#) of 22 February 2001, concluding observations of the Committee on the Rights of the Child: Saudi Arabia.
- ⁴³ *Ibid.*
- ⁴⁴ UN document, [CRC/C/SR.687](#) of 1 February 2002, Summary Record of the 687th Meeting: Saudi Arabia.
- ⁴⁵ *Ibid.*
- ⁴⁶ *Ibid.*
- ⁴⁷ UN document, [CAT/C/42/Add.2](#) of 20 September 2001, Initial Reports of States Parties: Saudi Arabia.
- ⁴⁸ UN document, [CAT/C/SR.519](#) of 17 May 2002, Summary Record of the First Part of the 519th Meeting: Saudi Arabia.
- ⁴⁹ *Ibid.*
- ⁵⁰ UN document, [CAT/C/CR/28/5](#) of 12 June 2002, Conclusions and Recommendation of the Committee against Torture: Saudi Arabia.
- ⁵¹ Saudi Arabia (official document), Saudi Arabia's Statement delivered by Turki Bin Muhammad Bin Saud Al-Kabeer at the 56th Session of the Commission on Human Rights on 6 April 2000.
- ⁵² UN document, Office of the UN High Commissioner for Human Rights (OHCHR), Ratification and Reservation, viewed on line at <<http://www.ohchr.org/english/countries/ratification/2.htm>> accessed 15 March 2002.
- ⁵³ UN document, [CERD/C/370/Add.1](#) of 20 September 2001, Sixteenth periodic reports of States parties due in 2000: Saudi Arabia.
- ⁵⁴ UN document, [CERD/C/62/CO/8](#) of 21 March 2003, concluding observations of the Committee on the Elimination of Racial Discrimination: Saudi Arabia.
- ⁵⁵ *Ibid.*
- ⁵⁶ See, for example, UN document, [E/CN.4/2004/SR.14](#) of 30 March 2004, UNCHR 60th Session, Summary Record of the 16th Meeting: Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination.
- ⁵⁷ UN document, Declarations, Reservations, and Objections to CEDAW, viewed on line at <<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>> accessed 25 May 2005.
- ⁵⁸ UN document, Country Reports on CEDAW, viewed on line at <<http://www.un.org/womenwatch/daw/cedaw/reports.htm#s>> accessed 25 May 2005.
- ⁵⁹ Gabrielle Marceau, "WTO Dispute Settlement and Human Rights", *European Journal of International Law* 13:4 (2001), viewed on line at <www.ejil.org/journal/vol13/no4/art1-01.html> accessed 19 December 2003.
- ⁶⁰ For more details, see Anne-Christine Hubbard and Marie Guiraud, "The World Trade Organization and Human Rights", Position Paper (1999), viewed on line at <www.fidh.imagnet.fr/rapports/wto-fidh.htm> accessed 19 December 2003.
- ⁶¹ UN document, Office of the UN High Commission for Human Rights, "States examined under the 1503 Procedure by the UNCHR", viewed on line at <<http://www.ohchr.org/english/bodies/chr/stat1.htm>> accessed 27 May 2005.
- ⁶² *Ibid.*
- ⁶³ United Kingdom, Foreign and Commonwealth Office and Department of International Development, "Annual Report on Human Rights" (1999), viewed on line at <<http://www.publications.parliament.uk/pa/cm200001/cmselect/cmfaif/78/7822.htm>> accessed 2 July 2005.
- ⁶⁴ *Ibid.*
- ⁶⁵ Mainly the UNCHR annual reports (1991-2005) and those reports provided to the UNCHR by its Special Rapporteurs and Working Groups.
- ⁶⁶ UN document, [E/CN.4/1993/62](#) of 6 January 1993, report submitted by Mr. Angelo Vidal d'Almeida Ribeiro to the Commission on Human Rights, 49th session (1993).
- ⁶⁷ UN document, [A/52/477](#) of 16 October 1997, Interim Report on the Elimination of all Forms of Religious Intolerance prepared by the Special Rapporteur of the UNCHR in accordance with UNGA resolution 51/93.
- ⁶⁸ UN document, [E/CN.4/1997/4/Add.1](#) of 29 October 1996, Decisions Adopted by the Working Group on Arbitrary Detention, UNCHR 53rd Session (1997).

⁶⁹ Saudi Arabia (official document), Saudi Arabia's Statement delivered by Turki Bin Muhammad Bin Saud Al-Kabeer at the 56th Session of the Commission on Human Rights on 6 April 2000.

⁷⁰ Human Rights Watch, World Report (2003): Saudi Arabia, 476.

⁷¹ The Saudi media reported Mr. Kumaraswamy's press conference. See, for instance, Saudi Press Agency, No. 45 of 27 October 2002.

⁷² UN document, [E/CN.4/2003/65/Add.3](#) of 14 January 2003, Report by the UNCHR Special Rapporteur on the Independence of Judges and Lawyers on his Mission to the Kingdom of Saudi Arabia.

⁷³ *Ibid.*

⁷⁴ See, for instance, George Lipsky, *Saudi Arabia: its People, its Society, its Culture* (New Haven: Hraf Press, 1959) 147-148.

⁷⁵ UN document, [E/2003/INF/2/Add.2](#) of 29 April 2003, "Decisions 2003/201B on Elections Nominations, and Confirmations and Appointments to Subsidiary and related Bodies of the ECOSOC".

⁷⁶ UN document, [GA/10459](#) of 9 May 2006, "General Assembly Elects 47 Members in the New Human Rights Council", viewed on line at <<http://www.un.org/News/Press/docs/2006/ga104549>> accessed 3 June 2006.

⁷⁷ Dr. Ghazi Al-Qusaibi was Saudi Arabia's ambassador to the United Kingdom at that time. He held several ministerial portfolios. Currently, he is the Minister of Labour.

⁷⁸ Arabic News, "Saudi Nominee for UNESCO Director General Meets Arab Group", *ArabicNews.Com* <<http://www.arabicnews.com/ansub/Daily/Day/990317/1999031763.html>> (17 March 1999) accessed 15 July 2005.

⁷⁹ Dr. Ibrahim Al-Sheddi is Deputy Minister for Cultural Affairs in the Ministry of Education.

⁸⁰ UN document, "Membership of the Committee on the Rights of the Child", viewed on line at <<http://www.ohchr.org/english/bodies/crc/docs/MembersCVs/PastMEMBERSHIP.pdf>> accessed 15 July 2005.

⁸¹ Her visit and receptions were widely publicized in the Saudi media. See, for instance, Saudi Press Agency, "The Custodian of the Two Holy Mosque received Dr. Thoraya Obaid" *Al-Jazirah*, 15 April 2001, 1 and Saudi Press Agency, "The Crown Prince received Dr. Thoraya Obaid", *Al-Jazirah*, 15 April 2001, 1.

⁸² The Saudi delegation was led by HRH Prince Sa'ud Al-Faisal, Minister of Foreign Affairs.

⁸³ Saudi Arabia (official document), Sa'ud Al-Faisal's statement before World Conference on Human Rights, (Vienna, 15 June 1993), viewed on line at <http://www.saudiembassy.net/press_release/hr-Vienna-93.html> accessed 12 March 2002.

⁸⁴ *Ibid.*

⁸⁵ UN document, [A/CONF.157/23](#) of 12 July 1993, Vienna Declaration and Programme of Action, paragraph 4.

⁸⁶ Saudi Arabia statement at the UNGA Third Committee in 1996 was quoted in Anders Jerichow, *The Saudi File: People, Power, and Politics* (New York: St. Martin's Press, 1998) 145-155.

⁸⁷ Saudi Arabia (official document), a Speech by HRH Crown Prince Abdullah at the UN Millennium Summit in New York, September 2000.

⁸⁸ See, for instance, UN document, [E/CN.4/2003/SR.17](#) of 2 April 2003, UNCHR 59th Session (2003), Summary Record of the 17th Meeting, The Right to Development.

⁸⁹ UN document, [E/CN.4/2004/SR.16](#) of 30 March 2004, UNCHR 60th Session (2004), Summary Record of the 16th Meeting, The Right to Development.

⁹⁰ See, for more details, Waltz, "Universal Human Rights: The Contribution of Muslim States", 813-814.

⁹¹ Ann Elisabeth Mayer, "Debating the Universality of Human Rights: A Plea for a Critical Perspective". This paper was viewed on website of the University of Pennsylvania, Wharton School for Legal Studies at <<http://lgst.wharton.upenn.edu/mayera/Documents/Hamudps3.pdf>> accessed 28 June 2005.

⁹² UN document, [CAT/C/SR.525](#) of 23 May 2002, Summary Record of the First Part of the 525th meeting: Saudi Arabia.

CHAPTER SEVEN

WOMEN'S RIGHTS IN SAUDI ARABIA AND THE INFLUENCE OF THE UN HUMAN RIGHTS SYSTEM

(PART I)

Women in Saudi Arabia and Factors Affecting their Status

Introduction:

There are various reasons for selecting women's rights in Saudi Arabia as a case study, in an attempt to examine more specifically the extent to which developments of human rights in Saudi Arabia have been influenced by the UN human rights system. In looking at debates on human rights in Saudi Arabia, the status of women in the Kingdom is recognized as one of the most central and controversial human rights issues at both domestic and international levels.

Based on the theoretical foundations of this thesis, positive changes in compliance with, and diffusion of, international human rights norms, particularly those rights related to societal dynamics, can be better understood in the context of a process of socialization. As women's rights are closely connected with the social aspects of Saudi life, they provide a case study that is strongly relevant to the theoretical framework. Moreover, issues related to developments in women's affairs in the Kingdom have received considerable attention from the public and the government as well as from external actors. Unlike other issues of human rights, there are substantial volumes of literature on the status of women in Islam and on the role of women in Saudi society. Violations and restrictions of the rights of women, either by governmental policies or social practices, are not subject to denial, unlike other human rights violations, as Saudis at official and public levels openly consider such 'restrictions' as a part of Islamic values and local traditions.

The progress of women's rights in Saudi Arabia is surely linked to various changes in the political, economic and social environments in the Kingdom, without excluding the importance of the worldwide atmosphere. However, identifying the extent to which such developments have been influenced, or could be influenced, by factors other than the UN human rights system is both fundamental and instrumental in answering the central question of this thesis. This chapter, therefore, not only explores the status of women in

Saudi Arabia but also examines internal and external circumstances that have influenced women's rights.

The chapter is concerned with two fundamental questions; what is the status of women in Saudi Arabia; and to what extent factors other than the UN human rights system have influenced the changed situation of Saudi women? Saudi Arabia's position on woman's issues has been often associated with both Islamic views and local traditions. In order to explore the status of women in Saudi Arabia, two essential issues closely connected to the Saudi social and political climate have to be addressed. The religion of Islam and the traditions and customs of Arabs are both important components of Saudi society. Therefore, the chapter investigates the status of women in Islam as stated in the *Qur'an* and *Sunnah* and interpreted in the *shari'ah*. It also identifies, in the second section, perspectives on women in the Arab, tribal culture in general and the current Saudi culture in particular.

Following exploration of these two fundamental issues, the third section examines the status of women in Saudi Arabia, including their right to education, their right to work and the political climate that has influenced developments in their rights. Being instrumental in the realization of other rights, women's rights to education and work have been particularly contentious because they are connected with women's mobility and in empowering their role in private and public settings. It is therefore crucial to explore developments related to women's education and employment and their influence on the role played by Saudi women. Moreover, it is essential to examine some of the political turbulences, which have impacted upon the political climate and ultimately the status of women in Saudi society. Finally, it is essential to look briefly at new developments on women occurring during the last few years in order to realize the extent to which their rights have been expanded.

1. Islam and the Status of Women:

A common external criticism is that Saudi women are prevented from developing their own personality and are tied to housework and the care of their children. Saudi women are largely portrayed as second-class citizens who are controlled by their male guardians. Saudi Arabia applies strict sex segregation, and in public women are required to wear an *abaya* (black robe) covering them from head to toe. Such practices pertaining

to women are allegedly ascribed to Islam, particularly the conservative Wahhabi interpretations of Islam. Saudi Arabia, thus, advances the view that criticism of human rights practices in the Kingdom, including women's rights, corresponds to an attack on Islamic laws.¹ The question then is whether Islamic texts support the restrictions imposed on women in Saudi Arabia.

Fourteen centuries ago, Islam developed a highly respected position for women and provided them fair and just treatment. Until fairly recent times, the status of women according to the *Qur'an* and *Sunnah* was progressive and civilized when compared to women's position in other cultures. Despite the contemporary image of Wahhabism as being misogynist, the writings and the life of Mohammed Ibn Abdulwahhab did show some interactions with women reflecting general concern for, and recognition of, their role.² His intellectual works are almost entirely dedicated to the concept of *tawheed* (oneness of God), leaving no defined perspectives on social issues such as the status of women.³

To comprehend the status of women in Islam, one has to distinguish three levels of analysis: the status of women as imbedded in the *Qur'an* and *Sunnah*, the status of women in *shari'ah* as illustrated by various generations of male *ulama*, and the practices of Muslim communities throughout Islamic history in relation to women. The position of women in Islam is subjected to various interpretations among different Islamic schools of thought, which may imply adaptability of the *shari'ah* to some women's matters.⁴ While a few aspects of Islamic principles regarding women clearly prescribed in the *Qur'an* and *Sunnah* are incompatible with the universally-recognized human rights standards, some discriminatory practices in the Muslim world, reflecting cultural and social considerations, have been erroneously associated with Islam. It is therefore important to differentiate practices that are based on cultural particularities and those prescribed in the Islamic texts.

In several *Qur'anic* verses, women are mentioned along with men.⁵ One verse emphasizes that men and women are created from one soul, referring to equality in human dignity and before God.⁶ The *Qur'an* plainly states that both Adam and Eve were victims of seduction, but clearly it was Adam who went astray.⁷ Women are presented in the *Qur'an* and *Sunnah* as speakers in religious and political settings for their own rights.⁸ The *Qur'an* assigned women and men with political, social and economic duties and bestowed both with equal rights in general.⁹ The Prophet reportedly said "women are the

partners of men”,¹⁰ implying equally shared responsibilities and obligations for the welfare of the Muslim community.

The general rule in the *Qur'an* confirms, in principle, that men and women enjoy equal rights, but those rights are not necessarily absolutely identical. Islamic texts emphasize respecting and protecting women, by which women receive favourable treatment. Among the Prophet's last commandments before his death was his call upon his companions to take good care of women, stating “you have rights over your women and they have rights over you.”¹¹

Islamic sources acknowledge several rights for women that are comparable in many aspects with women's rights as recognized by the UN human rights system. The rights of women to own and run independently their own businesses are guaranteed in Islam. According to the *Qur'an* and *Sunnah*, women have full right to control their possessions, with complete segregation of property between a man and his wife. The retention of a woman's name and property after marriage is considered an indication of women's liberation and independence. Women enjoy equal rights to men in taking part in social and religious activities, such as attending prayers in mosques or visiting relatives and neighbours. Politically, both women and men pledged their allegiances (*bay'ah*) to the Prophet as full participants in Muslim community.¹² Both have equal rights to participate in public affairs, including politics.¹³ During the early days of Islam, women used to argue with the Prophet or his caliphs over decisions concerning the whole Muslim community.¹⁴ Moreover, the emigration of Muslim women with the Prophet, their participation in combat,¹⁵ and more importantly the engagement of Aisha (the Prophet's favourite wife) in political activities were an unambiguous endorsement of the right of women to take part in the political life of the Muslim community.

Although the *Qur'an* and *Sunnah* contain several references to notions of equality between men and women not only before Allah but also in some aspects of life, there are two conspicuous principles that have major impact on the status of women in the Muslim World. Based on culturally-influenced interpretations of Islamic texts by male *ulama*, the prevailing understanding of the two principles have established a set of women's rights that are contrary to the internationally-recognized women's rights standards.

The concept of guardianship (*qiwamah*), in which men enjoy authority over women, has been well established in the Islamic faith. The meaning of verse (4:34) of the *Qur'an* according to one translation states that “men are the protectors and the maintainers

of women because Allah has made one of them to excel the other, and because they spend (to support them) from their means.”¹⁶ The variations in translating this verse reflect the controversy surrounding the accurate meaning of *qiwamah*. However, the general understanding among *ulama* of this verse is that the man is the guardian of the woman, as being the maintainer, caretaker and leader who disciplines her if she deviates. The superiority of men, according to most interpretations of this verse, does not mean diminishing woman’s personality or depriving her of her rights.¹⁷ *Qiwamah* is justified in *shari’ah* because men are obligated to support women financially and are better in executing certain tasks, especially those involving physical strength. For conservative *ulama*, women are disqualified from holding positions of leadership, despite controversy in linking some positions with leadership, such as the position of judges.¹⁸ While the notion of *qiwamah* is shared by other Islamic schools of thought, it has been overwhelmingly emphasized among prominent Saudi *ulama*. They have underlined that subordination of women to their male guardians in all major decisions involving taking a role in activities outside the home is in submission to God’s rules.¹⁹

Influenced by cultural traditions, the concept of *qiwamah* was extended to claim that men are mentally, as well as physically, superior to women. The Prophet addressed a group of women by saying “..Oh women. I wonder from what I saw from you how such irrational and religious-imperfect persons were capable of defeating someone of understanding...”²⁰ This statement by the Prophet was in the context of praising women, but one of the audience asked the Prophet about the meaning of being imperfect rationally and religiously. He explained that the irrationality of women is exemplified in the fact that the testimony of one man equals, in some cases, two women. Religiously, women’s biological condition of menstruation, during which religious duties of prayer and fasting are suspended, disables them from practicing complete religious observance.²¹ Whereas this *hadith* proved that Islam has recognized specific biological, physical and psychological differences between men and women, it has been misunderstood or misused to justify oppressive social practices related to women.²²

Wahhabis emphasized *qiwamah* by promoting the idea that women are naturally deficient in exercising rationality and wisdom (lack of *aql* ‘reason’) and religious observance (lack of *deen* ‘religion’). Accordingly, women’s psychological character, said to be naturally inclined to emotion, undermines their capacity to make rational and wise decisions. The Prophet called upon women to accompany a *mahram* (male relative with

whom marriage is prohibited) when travelling from one place to another that requires staying over night.²³ Based on a mal-interpretation of that rule, Saudi authorities routinely impose on a woman intending to travel alone a request to obtain permission from her *walie al-amr* (guardian).

It has been documented that the Prophet and his four caliphs consulted women before taking decisions pertaining to public life, which legitimizes the involvement of women in public affairs.²⁴ Nonetheless, the general understanding of the concept of *qiwamah* in Arab society has placed limitations on the rights of women in both private and public spheres.²⁵ Although Aisha was involved in religious and political activities, the extent of female participation in the public affairs has been a source of controversy among the *ulama*. The participation of Aisha in the first civil war in the Muslim community is the most illustrious and contentious example of women's involvement in politics in the history of Islam.²⁶ The Sunni school has had a difficult task defending her participation, but she has been identified in the Sunni dogma as the most important of the female elite in Islam and the mother of believers. Despite her controversial participation in politics, her political and intellectual interactions with male Muslims could be interpreted as a contextual approval of women's participation in the affairs of the Islamic *umamah*. Regardless of theoretical debate among the *ulama* about the public role of women, in practice there were few positive cases throughout Islamic history in which women played, directly or indirectly, an important part in politics mostly behind the scenes.²⁷

In addition to the *qiwamah*, the notion of veiling (*hijab*) has implications for the role of women. In Islam, women are required to cover themselves modestly, leaving a margin for interpreting the limits and the requirements of veiling. Some conservative *ulama* strictly defined the veiling of women to include covering their faces and regarded maintaining seclusion of women from men as a part of the *hijab* notion. This view of the *hijab* is arguably based on mixing local traditions with the Islamic demand for modest dress.²⁸ Despite the controversial arguments in defining the *hijab*, women and men did interact during the time of the Prophet and his four caliphs. Islamic texts do not prohibit women from mixing and interacting with men, as long as they behave modestly and with decency.²⁹ In looking at the status of women throughout the history of Islam, it is safe to conclude that rigid or official segregation between women and men in public life was not practiced.

Islamic texts have, indeed, called upon women to be modest in their appearance. In reality, the confines of women veiling vary from one country to another and from one community to another within the Muslim world. In Saudi Arabia, the issue of *hijab*, along with its ramifications for enforced sex segregation and limitations on the movement of women and their role in public life, has been of great concern among the *ulama*. The specific code of *hijab* is not only required, but also enforced on women “with regimental inflexibility.”³⁰ Saudi *ulama* rationalized strict *hijab* rules and sex segregation as preventing *fitnah* (seduction). Traditionally, women are responsible for *fitnah*, and that view has been given significance especially by conservative *ulama*.³¹ In addition to the requirement of concealing the face and body, the voice of woman, according to some Wahhabi *ulama*, could be considered an *awrah* (private part) and a source of *fitnah*, as it has the potential to be sexually provocative.³² However, the ideology of imposing a restriction on women not to raise their voice, even to a level that could be heard by a male guest in the house, is evidently linked to traditional Arab culture, as discussed later. In practice, some Saudi families observe moderate standards in defining the extent of *hijab* and sex separation, including the restriction on women’s voices. There are also slight differences in *hijab*’s shape and degrees of coverage within Saudi Arabia based on regional differentiations and social stratifications.

Whereas the Islamic principles of *qiwamah* and *hijab* provide the general context for inequality between men and women, there are other laws that are clearly inconsistent with the concepts of non-discrimination and equality between men and women. Within family law, the power to divorce is principally at the man’s disposal, while the woman either can retain the power to divorce as a condition in the marriage contract or file for divorce at the court. Defending what seems a discriminatory practice, it has been argued that the power to divorce, as a critical decision, has been designated to men, as women’s emotional nature would easily lead them, in a state of anger, to unwisely take a decision to divorce.³³ Therefore, men have easier procedures to divorce than those available to women.

Polygamy is one of the most notorious aspects related to women’s rights in Islam when discussed on the international stage. It was a common practice in pre-Islamic times, with flexibility on the number of wives, but the *Qur’an* has limited the number to four wives. The practice of polygamy has not only been limited and conditioned, but the *Qur’an* has also implicitly called for monogamy.³⁴ Regardless of the wealth of the wife,

the husband is totally responsible to provide financial support for his family. By virtue of their spending and in recognition of their assumed rationality, the *Qur'an* gave men advantages in exercising more control over the institution of marriage. For the survival of marriage, the husband is allowed to discipline his wife in the case of disobedience and may, in certain circumstances, punish the wife.³⁵

In addition to the upper hand given to men within marriage, the *Qur'an* has also prescribed, according to mainstream interpretations, two uneven laws in the area of the administration of justice. In some common cases,³⁶ inheritance laws give a female half of the male's share, as in the common case in which a son receives double of a daughter's share.³⁷ The *ulama* justify this partial inequality by unequal financial responsibilities in which a male carries out the burden. However, an overview of all inheritance cases in the Islamic legal system reveals that a male receives double the female's share only in 13.33 percent of cases,³⁸ whereas the female gets either the equivalent share or more than the man's share in most cases. It is worth noting that the *Qur'an* has specified clear-cut shares for females,³⁹ not only to promote the position of women but also to safeguard their interests, given the widespread discriminatory practices against women in the pre-Islamic era.

The second law in which the woman is treated differently relates to testimony in the courts. According to the *Qur'an*, the testimony of two women, in specific situations involving trade or loans transactions, is equivalent of that of a man.⁴⁰ The general rule is that the testimony of both sexes is equal in Islamic jurisprudence, although the weight of testimony, in some cases, is determined by circumstantial knowledge⁴¹ as one sex, a man or woman, might be more knowledgeable than the opposite sex about certain matters.⁴² Regardless of the physical, natural or circumstantial differences between women and men used for its justification, discrimination in inheritance and testimony laws, although limited, has been unambiguously stated in the *Qur'an* and thus is incompatible with the internationally-recognized women's rights standards.

In looking at how Islam characterizes the status of women, this study argues that the *Qur'an* and *Sunnah*, in essence, recognize equality between women and men. The two sources have generally liberated women and approved their independence. However, as is the case in many cultures and in various fields, males have dominated the process of interpretation of Islamic texts. Despite the progressive general principle of equality stated in the texts, two exceptions occur which give favourable treatment to either men or

women. For example, the task of motherhood is greatly respected and regarded with nobility when compared to fatherhood.⁴³ Furthermore, the wife has an advantage financially over her husband, as he is enjoined to provide support for the family regardless of how wealthy the wife is. The other exception, by which women are disadvantaged, can be classified into two categories. There are a few discriminatory practices against women based on textual assurance in the *Qur'an* such as inheritance laws, which appear resistant to change through overtly contextual re-interpretation. The second category involves several discriminatory practices and rules that are based on an interpretive understanding of Islamic texts which are influenced by traditional customs and tribal values. For example, the previously illustrated verse, in which men were given *qiwamah* over women, could be reinterpreted and its scope framed in favour of other verses that emphasize equality. Also, rules covering women's access to divorce or the limits on polygamy can be subject to modification and limitations through the exercise of *ijtihad* and reinterpretation.⁴⁴

With all the debate over how *shari'ah* perceives women, it has been acceptably argued that the *shari'ah* is a flexible mechanism adaptable to changing needs and cultural understanding.⁴⁵ The various juristic schools and their different rules about women indicate the large leeway within legislation drawn from Islamic authoritative texts. As indicated in chapter three, the principle that Islam is a suitable system irrespective of time and place and the traditional approach of (*jalb al-maslahah wa daf'a al-mafsadah*) both entail flexibility in interpreting Islamic texts.⁴⁶ Progressive understanding of Islamic texts according to current circumstances on one hand and taking measures to eliminate existing oppressive traditional customs on the other can align women's rights in a Muslim country like Saudi Arabia to more closely resemble the internationally-recognized women's rights standards. While both religious values and social traditions are malleable and subject to reinterpretation and challenge by the changing realities of daily life, it is arguably Arab culture that has the more negative impact on the empowerment of women than Islamic culture.⁴⁷

It is axiomatic that religious practices have been subjected to the influence of traditional values. In looking at the position and appearance of women in several Muslim communities belonging to various cultural settings, it is evident that women have been treated differently. Some practices related to women, undoubtedly, have been culturally

determined. Accordingly, in order to understand and evaluate the status of Saudi women, it is necessary to explore Arab-Saudi traditions regarding women.

2. Arab Traditions and the Status of Women:

With the exception of changes that have taken place in the last few decades, communities in most parts of Saudi Arabia constitute pure examples of Arab culture and traditions. Unlike other communities in other Arab world countries, Saudi society has never been under the influence of colonizing powers. A low level of human and commercial exchange with other societies physically isolated large segments of Saudi society. Intellectually, the previously existing high level of illiteracy among the Saudi people contributed to the preservation of Arab customs and traditions.

Social relations and political dynamics in the Arabian Peninsula orbit around tribal and familial structures. The honour of each family is essentially dependent on women behaving with modesty and chastity. Values of chastity and sexual modesty applied to women were not only part of protecting the honour of the family but also became a fulfilment to religious obligations as well. Keeping women, including their voices, away from strange men by enforcing sex segregation and *hijab* is a mechanism to maintain women's sexual chastity.⁴⁸ A woman therefore carries the burden of maintaining the honour of her family and tribe at large and is expected to avoid shameful acts and abide strictly by her male guardians' orders.

Both the *ulama* and the public commonly justify practices related to women on religious and rational grounds. As explained earlier, a woman's psychological and physical characteristics and her natural inclination to emotion have been argued as reasons for undermining women's capacity to make rational and wise decisions and for restricting her movement or work. In addition to citing textual substantiations from the *Qur'an* and *Sunnah*, changes in social practices related to the treatment and the status of women have also been challenged on the ground that they are against the laws of human nature.⁴⁹

A fundamental aspect of Arab life is that tribal and familial descent is drawn through the male line. Patriarchal leadership is typical within the family, with the father making all major decisions, especially those involving the activities of family members outside the home. From the wider perspective, a male tribal leader has the right to take decisions on behalf of his subjects, with responsibilities for their welfare. Social and

political relations are usually based on consideration of superior-subordinate relations, in which wives are the servants of their husbands and tribal members are the servants of their sheikhs.⁵⁰

In these predominantly patriarchal societies, male and female are perceived as different kinds of human beings, "with complementary, not competing roles in society."⁵¹ Women's role in society was limited because they were constrained by their psychological and physical characteristics. Accordingly, the traditional place for woman is at home with her children. A woman is therefore responsible for looking after her husband, children, and the daily routine of cooking for members in the family and cleaning the house and keeping it in good order.⁵²

The wife was considered as the property of her husband during the pre-Islamic period. When a man died, his male relatives used to have the right to do whatever they wanted with his wife, but the *Qur'an* plainly banned this practice.⁵³ The birth of a female child was not welcomed, simply because of the value attached to the male and his role in protecting the family and dealing with the community. The honour and the name of the family usually passed to sons, and they bore the responsibility for maintaining the honour and welfare of the family. During the pre-Islamic era, men in some Arabian tribes used to bury their newly born daughters alive to avoid the burden of supporting and protecting them in a very harsh, insecure environment.⁵⁴ However, the practice of female infanticide was condemned and completely banned in the *Qur'an*.⁵⁵

Despite some social restrictions on their movements, women traditionally attend classes or rituals in which men are present. Some Arab women worked in fields dominated by men, such as teaching or taking a role in military conflicts. As early as the seventh century, the Arab way of life in some parts of Arabia gradually shifted from a nomadic mode of existence to a more settled and sophisticated urban style, which assisted in advancing the role of women. In most parts of Saudi Arabia, urbanization and modernization are mostly recent phenomena and insufficient time has elapsed for their occurrence to change effectively Saudi attitudes towards women.

Wealth plays an essential part in enforcing sex segregation by enabling Saudis to provide separate buildings or areas, not only at a public level like workplaces and educational institutions, but also in private settings as well. The extended family used to include several married male relatives living in one house, which allowed a degree of interaction between opposite sexes who were not necessarily closely related (not

mahram). With the increase of income, most Saudis now live as a single-family unit, and interaction between male and female has thus decreased.

The institution of marriage is not only a bond between two individuals but also a tie between two families, clans or tribes. In Arabian culture, when a daughter gets married, it means her family has lost a member, but when a son gets married, his family has gained a member. Because a divorced woman is shunned by society and becomes subject to scandalous rumours and gossip, a wife is expected to tolerate her husband's ill-treatment and solve her problems within her house. An 'impatient' woman traditionally attempts to seek justice within her own family. However, the traditional silence about violence against women has been broken. In August 2004, the publicity of the story of a Saudi television presenter, who was beaten nearly to death by her husband, was unprecedented in the traditional Saudi society. It was not only her courageous decision to go public with her problem but also that permission was given for the media to cover her story that caused unusual public discussion about domestic violence that otherwise goes unnoticed. As discussed later, this event, along with other factors, has contributed to changes in the public atmosphere in which the problem of domestic violence can be openly discussed.

In Arab-Saudi culture, the husband is expected to look after the well-being of his wife (wives). The wife, or a female relative such as sisters or daughters, is customarily consulted in the affairs of the home and the children, while the man appears to make the final decisions. Despite patriarchal control on the surface in public and private, the woman (normally the wife or the mother) in Saudi culture has concealed matriarchal authority that reaches beyond simple consultation on decisions that affect all members of the family. While variation exists from one region or family to another, behind the scenes Saudi women generally exert an element of power.

Although Arab-Saudi culture has been under the influence of several factors and despite changes in some practices affecting the status of women, the situation of women in Saudi Arabia is still influenced by Arab traditional customs. As explained in the next section, there have been several developments in the status of women in the Kingdom that work against traditional values. Nonetheless, some social customs are still robustly guarded, which have prevented the adoption of new progressive laws and the reinterpretation of Islamic texts.

3. Saudi Arabia and the Status of Women:

Developments of human rights in general and women's rights in particular have been influenced by several internal and external factors including those that were discussed in chapters four and five. It was noted earlier that Islam and tradition remain the main focus of identity among the majority of Saudi people.⁵⁶ The first question relates to what kind of Islam and what sort of traditions determine their view on women. As also noted, Saudis generally rely on the Hanbali, Wahhabi interpretations of Islamic texts. These interpretations represent strongly lines of conservative orthodox thought in Islam. The alliance of the *ulama* with political rulers has made the subject of women a field of manoeuvre between the two sources of power, but for the most part it was left as a sphere of influence for the *ulama*. Equally important is that religious interpretations of the position of women are greatly influenced by traditions and customs prevailing for centuries in the Arabian Peninsula. Both Islamic beliefs and traditional customs regarding the status of women have noticeably impeded a definite cultural congruence between Saudi values on women and the internationally-recognized women's rights standards.

The previous discussions on the relationship between Islam and traditions on one hand and the status of women on the other have illustrated that several discriminatory practices and laws against women are based on culturally-influenced understanding of Islamic texts. In Saudi Arabia, the *shari'ah* and traditional values represent two integrated pillars influencing practices related to the treatment of women. With this mixture between Islam and traditions, disassociating certain practices from the *shari'ah* and considering them as cultural issues embodies a primary, but fundamental, step towards change.

Taking into consideration the prominent role of Islam in the state and society of Saudi Arabia, changes in norms associated with social and cultural, as opposed to religious, practices are likely to be less resisted and probably accepted eventually. For example, some Saudis opposed women's education in the early 1960s on religious grounds, but as illustrated later, women's education became religiously justified and socially accepted following a government campaign supported by the religious establishment. Less than two decades after introducing women's education, almost half of university graduates are female. Similarly, there have recently been changes in perspectives regarding some women's issues such as their right to work, the job opportunities available to women, and their right to drive. As indicated later, driving cars

by women was officially prohibited in 1991 based on religious *fatwa*, but in 2005 in an important progressive step officials and some *ulama* named social obstacles, as opposed to religious ones, as the reason for banning women from driving.

Since the establishment of Saudi Arabia in 1932, no segment of society has been subjected to more intensive debates than the role of women in society and in the development process. Any observer will notice that Saudi society has shown an obvious concern, and perhaps an obsession, about the subject of women. Due to the fact that the issue of women has been at the centre of struggles among various circles of power in the Kingdom, especially between the *ulama* and the state, women have been greatly affected. The extent and the concept of women's rights and responsibilities have been equally controversial between the two opposing streams in society: the so-called liberals or moderates and the conservatives. With such controversy, the Basic Law of Governance (the constitution) is silent on the rights of women despite stipulating some other human rights.⁵⁷

Internationally, almost every report and study reviewed by the researcher on human rights in the Kingdom has commented upon the role and the rights of Saudi women. In recent years, Saudi women's rights have received unprecedented attention from the international media. Human rights reports, studies or statements about Saudi Arabia issued by foreign states, think tanks, international institutions or NGOs have increasingly focused on the rights of Saudi women. The US Department of State's reports on human rights practices is a suitable example, showing increased focus on women's rights in Saudi Arabia. In the 2004 report about Saudi Arabia, the word woman/women/female has been mentioned 127 times, compared with 62 times in the 1996 report.⁵⁸ In the later part of the 1990s, the advancement of women's rights was given central priority in US human rights foreign policy;⁵⁹ the US focus on domestic issues in Saudi Arabia, including women's issues, has increased following the 11 September attacks. Furthermore, a recent study on women's rights in several Middle Eastern and North African countries ranked Saudi Arabia at the bottom, registering the lowest score in all categories in the study, with an average of 1.26 out of 5.⁶⁰ It referred to Saudi Arabia as the only country in the region that has no constitutional guarantees of equal protection for females.⁶¹ Also, Saudi women were portrayed in some international media as being harshly oppressed by society and mentally and physically tortured by their

husbands.⁶² Nonetheless, there are recent surveys that showed a notable increase in the ranking of women's rights among issues facing the country.⁶³

In Saudi, tribal culture, honour of the family is closely connected to a woman's chastity, as indicated earlier. Protecting women and preserving honour are two sides of one coin. In a male-dominated environment, a direct means to protect their honour is to limit and control the movement of women. Therefore, women's education and work, which necessitate mobility outside the home, preoccupied the great magnitude of discussions on the rights of women in Saudi Arabia. Based on culturally-influenced understandings of Islam, the woman is enjoined to behave modestly in public by wearing clothes that cover her from head to toe. While men in practice enforce the norms of veiling on their women, both women and men generally view the veiling as a religious command, and any infringement of this code may render punishment from Allah.⁶⁴ Part of that is connected to the Saudis' respect for privacy, especially when it comes to women, whose privacy is deemed inviolate. Also, a woman traditionally is raised to make a family and expected to give full commitment to her family home, but that has not prevented women in some rural and nomadic environments playing a role outside the home. With modernity and development, women have been offered increasing opportunities in both education and employment.

Liberals and moderates in the Kingdom have been pushing for more progress in women's education, work, and mobility, while conservative forces attempt to make any changes in these fields compatible to the prevalent understanding of Islam in the country and well-suited to traditional customs. Conservative *ulama*, inside and outside of the official establishment, have been placing the issue of women as a particular symbol of maintaining Islamic values. Fearful of Western influences associated with modernization and development, Saudi *ulama* have been increasingly concerned in their *fatwas* with *hijab* and *ikhtilat* (mixing between women and men). Consequently, more limitations on women's education, work, and mobility have been declared and enforced, such as the ban on women driving or sex segregation in public areas. While many of their *fatwas* serve as statements of principle intended to influence both public perceptions and government policies, their opinions on some issues have been institutionalized as laws because the state's legitimacy relies heavily on displaying its commitment to Islam.

As indicated earlier, rising wealth has permitted Saudis, who were under the influence of conservative revivalism, to further women's seclusion by providing

segregated public and private spaces. Also, with modernization and state expansion, restrictions that were observed as a matter of cultural understanding have become institutionalized as laws enforceable by the state agencies,⁶⁵ as was the case, for example, in the 1991 ban on women driving. Also, as early as 1958,⁶⁶ attaining permission from a *mahram* has become a lawful, enforceable requirement for a woman intending to utilize public services, such as travelling abroad or giving birth in a hospital. Moreover, specific arrangements were introduced to enforce proper clothing and appearance codes for both men and women.⁶⁷

A. Women's Right to Education:

During the 1950s, there were intensive debates in newspapers and among some elite about the right of women to education. In the 1970s, the question of the role of women in development and their right to work outside the home generated intensive discussions, which infuriated some conservatives in Saudi society.⁶⁸ Starting in the 1990s and intensifying by the beginning of the new millennium, new trends in discussion of women's mobility and identity have emerged, ranging from the woman's right to drive a car to calls to lift the ban on women travelling abroad without consent from a *mahram*.

Prior to 1956, women's education in the Kingdom was limited and always related to religious and classical learning. The earliest step to establish modern institutions for female education was when Princess Iffat, King Faisal's wife, quietly opened the first private school for girls in Jeddah in 1956. Public education for Saudi females was nonexistent until the 1960s, when King Faisal introduced formal female education as an important part of his Ten-Points Program for reform and development. Following the opening of public schools for girls, some Saudis rioted and demonstrated against girls' education, and forces were sent to keep schools open in the Qassim region. King Faisal was able to convince prominent religious figures, and later, the public of the need for female education.⁶⁹

While education for women in general had been opposed, the concerns focused not on education itself but on women going about in public and on the content and the subjects of female education. Islamic teachings clearly promote education for all. Those who had an objection to female public education argued that allowing women to go to schools could open the door for them mixing with men, which is deemed to be a breach of woman's morality. Public education, in their ideology, could lead to exposure to risks for

women's safety or morality and would bring foreign influence to domestic values and moral standards through non-Saudi female teachers.⁷⁰

Despite such objections, the government's decision on women's education was backed by the religious establishment and justified in religious provisions.⁷¹ One of the distinguishing features of female education in the Kingdom is its sex-based separation, as instructed by the *ulama*. Accordingly, laws were passed prohibiting the mixing between boys and girls at all levels, except at kindergarten.⁷² The *ulama*'s approval of public education for girls was also conditioned by keeping curriculums and administration under conservative inspection.⁷³ Until 2002, a separate institution administered women's education, and its educational policies have been influenced by conservative *ulama*.⁷⁴ Following a fire in a girls' elementary school in March 2002, a decision was taken to dissolve the General Presidency of Girls' Education and to incorporate female education into the Ministry of Education, abolishing segregation in education at the administrative level and partially restricting the influence of conservatives on female education. By late 2005, most men occupying executive and administrative positions related to girls' education within the Ministry of Education were replaced by women.⁷⁵

Economic upheaval arising from the increased income from oil has contributed to several changes in Saudi society, including the spread of education. It has been argued that education served to enforce conservative inclinations in Saudi society.⁷⁶ While this may be true within some segments of society, the increased opportunities for education, especially for women, have played major roles in changing several aspects of life in the Kingdom. Education has been a prime area of progress for women, through which they have made gains in other spheres. It has increased women's negotiating power within the family, and young Saudi women have become less ready to give unrestrained authority to men.⁷⁷ New trends towards education, within the Kingdom and abroad, and changes in lifestyle have had a significant impact in challenging many of the traditional social practices, including those related to the status of women, and have paved the way to an expansion of both education and employment opportunities. In a recent move, a private college in the Kingdom has begun to offer new fields of study for women such as law and engineering.⁷⁸ Despite the still-existing limitations on subjects available to women in public education, female education has been gradually opening up new options. The General Organization for Technical Education and Vocational Training, for instance,

announced in April 2005 its intention to open 24 technical colleges and 18 vocational institutes for girls.⁷⁹

In the domain of public debate, female education has empowered Saudi women to participate in the intellectual and academic activities in the Kingdom. Many educated women have played a role in getting women's concerns across to Saudi society and to the state authorities in particular by virtue of their abilities and skills as poets, writers, researchers or journalists. Whilst the extent of their influence is subject to considerable variation, their numbers and influence have been both on the rise and increasingly fortified. Women now have engaged in new fields of employment and gained further access that would allow them to make an impact for their cause. In the Saudi newspapers in the last few years, highly educated women are increasingly participating in discussions of public affairs and calling for the promotion of their rights and the expansion of their role.

The state of Saudi women has changed considerably since the opening of the first public girls' school in 1960. Educated women have been playing an increasing role in raising the educational, health, and cultural standards of the Saudi population. Developments in female education have gradually resulted in a rise in female employment and an increase in their mobility. However, despite the fact that nearly half of university graduates are female, Saudi Arabia confronts a problem of under-utilization of educated women in the workforce, partially because of discrimination, as women have limited options in work fields.⁸⁰ Critics of the Saudi women's rights record, therefore, continue calling for promulgation of legislation that guarantees equal rights and occupational opportunities for women.⁸¹

B. Women's Right to Work:

One of the primary aims of girls' education is to prepare them for work compatible with their nature as females, such as teaching, nursing and the medical professions.⁸² Despite the fact that the Code of Labour generally provides equal rights for all Saudi workers, without discrimination,⁸³ women are excluded from certain jobs that involve hazardous operations. Defining the limits of 'safe' jobs that are compatible with women's 'nature' remains a field of debate between conservative and liberal forces in the society.

While Saudi women comprise nearly half of all graduates, they constitute only a small proportion of the workforce - only 5 percent according to some estimates,⁸⁴ which

would make the Kingdom's unemployment rate for women the highest in the world.⁸⁵ This discrepancy between numbers of female graduates and employees was caused by various factors including traditional religious and social taboos.⁸⁶ As mentioned earlier, conservative *ulama* considered the house the appropriate place for women, where women are protected from all kinds of temptations. They advised that leaving the house could lead a woman into contact with men and may expose her honour to danger, arguing that such association with men or working in fields that are suitable for men is forbidden in the *shari'ah*.⁸⁷ There are also economic reasons that make the contribution of Saudi women to the labour force minimal and limited. Wealth during the boom era contributed to a decline in women's numbers in traditional work fields in rural and nomadic settings, such as farming and pasture, as hiring labour became affordable. Moreover, with the recent problem of increasing male unemployment, it might be in the interest of the government to maintain the status quo in relation to social perceptions about women's employment.⁸⁸ Both religious-inspired social restrictions and economic circumstances have minimized work opportunities available to women and restricted the activities of most Saudi women to their homes and children:

Nevertheless, new circumstances have emerged and trends developed in Saudi society which have positively influenced female employment. The introduction of women's public education was a turning point, opening new fields of employment to women. Women play an active role in some fields of employment, but mostly in segregated environments. Public and private sectors alike have been working towards creating more jobs for women but in separate facilities, such as all-female shopping centres, banks, factories and even separate sections in ministries. While separate education facilities or separate work environments may, in theory, provide equal opportunities, this trend reconfirms segregation as a social system "when segregation itself is a model of inequity."⁸⁹

Teaching is the field in which Saudi women comprise almost half of the workforce.⁹⁰ While women's employment is still mostly limited to teaching, health, and social services, the willingness of some Saudis to allow women to work in sex-integrated environments, like hospitals, has been raised through education, particularly secular education. The recent increase in population and the rise in poverty⁹¹ in Saudi Arabia have predisposed, for economic reasons, public acceptance of women's employment. Demands for female employment will likely grow, not only because of the desire of

educated women for self-fulfilment, but also because of family needs for a second income. Because granting women a more significant role is essential for the economy, and as a part of Saudi Arabia's necessary adjustments upon joining the WTO,⁹² more opportunities will be offered to women in various fields, mainly within the private sector. New fields of employment have already emerged such as marketing, advertising, information technology, hospitality industry, banking, and investment.⁹³

C. Political Climate:

The political climate in the country also influences the situation of women's rights. A major political event that negatively affected women's rights in Saudi Arabia was the siege of the Grand Mosque in 1979. Prior to that event, Saudi society witnessed debates in the newspapers about women's issues, such as appropriate fields of education and work available for women.⁹⁴ Saudi television typically broadcast music and programs presented by females. Extremists who seized the Grand Mosque condemned the government for allowing the intrusion of Western influences, including those related to women. To pacify the conservatives who shared some of the extremists' concerns about Western ideas that came with modernization and development, the government favoured the religious establishment with greater powers regarding the public life. More importantly, restrictions were imposed on the role of women in public life, including their appearances on television. Furthermore, for various reasons including the 1979 event, the decade of the 1980s was a breeding ground for conservative revivalism and strict religious ideas that obstructed progress in the role of women.

Human rights activism in the Kingdom has increased following the 1990-1991 Gulf War. Public discussions about human rights raised some questions about the rights of women. During the Gulf War, one of every three American vehicles was driven by a female on Saudi Arabia's roads.⁹⁵ Also, some Kuwaiti women, fleeing the Iraqi invasion, arrived in Saudi Arabia driving their cars.⁹⁶ These events, along with other factors such as the media focus on the Kingdom, encouraged some women to protest and demand to be allowed to drive cars. In November 1990, more than 40 educated Saudi women took part in a demonstration by driving in Riyadh's streets. While this event received coverage in the international press, the Saudi media kept silent on the matter.⁹⁷ Following the confiscation of the participants' passports and their sacking from their jobs, the Ministry of Interior condemned the protest and formally banned women from driving.

Furthermore, a *fatwa* by senior *ulama*⁹⁸ denounced demands for women to be able to drive and justified prohibition on religious grounds, as women driving “leads to many evils and negative consequences.”⁹⁹ However, in the last few years, linking the ban on women driving cars to Islam has been weakened. The extent of opposition and the justification for banning women from driving have changed among officials, *ulama* and the people.¹⁰⁰ In a televised interview, unusual by virtue that the King was interviewed by a woman, King Abdullah unequivocally expressed his advocacy of the rights of women, including their right to drive, and referred to social obstacles, as compared to religious objections, for banning women from driving.¹⁰¹

The political culture in the Kingdom that emphasizes Islam as the national identity remains important for state legitimacy and self-perpetuation. Because women are considered a principal symbol for maintaining Islamic values, the state has left shaping policies that affect the rights and the role of women mainly to conservatives. The wave of Islamic revivalism in the 1980s and early 1990s reinforced Islamic identity and contributed to a halt in the advancement of women’s rights. However, the internal and external anti-Islamic militant sentiments since the 11 September attacks have motivated the government to introduce programs that emphasize the ‘Saudi’ national identity and encouraged trends to improve and diversify women’s role in society.

Following the events of 11 September, discussions on issues related to women at various levels have noticeably flourished, and the Saudi media became openly supportive of women’s rights including their right to drive. Saudi officials in several occasions pointed out that lifting the ban on women driving is a social issue. When a member in *Majlis Al-Shura* announced in May 2005 that he would present a proposal to the *Majlis* for a gradual lifting of the ban on women driving, the Minister of Interior referred to women driving as “social matter to be decided by the society.”¹⁰² The Foreign Minister stated “we should overtake inherited opposition to women driving, as the matter is not a religious issue.”¹⁰³ The significance of this issue is its journey from being a religious matter in the early 1990s to becoming a social issue by the beginning of the new millennium. This change in Saudi attitudes, at both official and unofficial levels, can be attributed to internal and external influences and considered as a step, though a small one, in the process of socialization.

Although the status of women in Saudi Arabia has been controversial for a long time, the controversy following the events of 11 September intensified since Saudi Arabia,

along with its religious conservatism and fundamentalism, was the main focus of blame for the attacks. For critics, there are evident similarities in the treatment of women between Saudi Arabia and Afghanistan during the Taliban rule.¹⁰⁴ At the international level, defeating terrorism and fundamentalism and promoting democracy and development are arguably connected with the empowerment of women.¹⁰⁵ Within US foreign policy, women are not only “on the front lines of the battle of ideas”, but also “the battlefield itself.”¹⁰⁶ Under such circumstances, international focus on Saudi conservative view of women has noticeably increased, which has underpinned those who advocate women’s rights, whether individuals or institutions, and put tremendous pressure on the Saudi government to ease restrictions on women and to promote their rights.

Several international figures, who visited Saudi Arabia in the last few years, commented on the status of Saudi women. Those figures utilized their statements to encourage efforts towards easing restrictions on women and increasing their opportunities to engage in public life. In his address to the Jeddah Economic Forum in January 2004, former US President Bill Clinton urged the Kingdom to embrace reform and broaden the role and the freedom of women, referring to the ban on women’s driving as inconsistent with the Prophet’s teachings.¹⁰⁷ Also, the chairman of the Inter-Parliamentary Union (IPU) expressed, in a press conference during his visit to the Kingdom in early 2005, his support and desire to see Saudi women joining the *Majlis Al-Shura*.¹⁰⁸ The following year, two women were included in the Saudi delegation to the annual meetings of the IPU, but the *Majlis Al-Shura*’s chairman denied any pressure from the IPU on this move.¹⁰⁹ Another example is when Elizabeth Cheney¹¹⁰ met with Saudi female students and praised the role played by Saudi women.¹¹¹ Whereas the direct impact of such encouraging statements should not be overestimated, they contribute to a changing political atmosphere towards the issue of women.

In the surrounding environment, countries of the Middle East and Muslim World have witnessed an increase of feminist scholarship and a boost in efforts to promote women’s rights, particularly during the last ten years.¹¹² In Saudi Arabia, silence on the role and the treatment of women has already been broken, as the government and some women’s rights activists have been taking initiatives to debate and promote the role of women. The role played and the rights enjoyed by women in neighbouring Arab countries, especially countries of similar cultural and political systems, have inspired women’s rights activists in the Kingdom. For example, following municipal elections in

Kuwait and the appointment of two women to the Kuwaiti municipal council, Saudi women writers called for the involvement of Saudi women in municipal councils similar to what happened in Kuwait.¹¹³

Despite the importance of Islam to the state's legitimacy and national identity, and the weight given to conservatism in shaping policies that affect women's rights, recent domestic and international circumstances made the Saudi government re-think its traditional strategy when responding to political crises caused by fundamentalist movements. As noted earlier, Saudi Arabia has introduced educational and cultural programs in which greater focus on the 'Saudi' national identity has been emphasized. The government has recognized that granting women a more significant role is essential for nation-building, and economists stress the need for more Saudi women in the workforce.¹¹⁴ Nonetheless, recent trends towards easing restrictions on women and broadening their role are not only responses to economic necessity for nation-building, but also reactions to a political atmosphere that has domestic and international dimensions and ramifications, including the earlier-noted linkage between defeating terrorism and the empowerment of women.

D. New Developments on Women's Rights:

Since the late 1990s, debate about the status of women has emerged in the local media, stimulated by official statements. In 1999, the Crown Prince received unprecedented attention from the media when he unequivocally described the Saudi woman as a "first class citizen [who] has rights, duties and responsibility... when we talk about the comprehensive development which our country is experiencing in all aspects we cannot ignore the role of Saudi women... and her participation in the responsibility of this development."¹¹⁵ Women's rights activists claim that Saudi society has been gradually accepting that women can enter the public domain and the number of men who oppose that is declining, pointing to the increasing number of women seeking employment and willingly engaging in public life.¹¹⁶

Several developments have occurred to expand the role of women in public life (see Appendix III).¹¹⁷ The most noticeable step was when a few female Saudi experts entered *Majlis Al-Shura* as advisors, mainly on women's issues, and as participants in its formal delegation. Also, prominent Saudi women were allowed to take part in some regional and international activities as representatives of Saudi Arabia. Moreover, new

fields of employment have been opened to Saudi women such as television news presenters and reporters. In a new development, the Ministry of Foreign Affairs has started, since its announcement in late 2003, recruiting Saudi women as diplomats.¹¹⁸

In November 2001, the government decided to start issuing ID cards to women. Previously, women's names were included as dependents in 'family cards' under their fathers or husbands names, without their photographs. This positive development was justified by eliminating fraud committed in the name of a woman and to allow women to "perform all their activities with ease."¹¹⁹ It is worth noting that issuing a separate ID card for a woman is a symbolic move that is meant to undercut the notion of women's dependency and the sex hierarchy that has existed in Saudi society. Since July 2005, a woman no longer needs her guardian's approval to obtain an ID card,¹²⁰ following criticism of that condition as being discriminatory against women.¹²¹

Regulations pertaining to municipal elections were ambiguous for women, as their participation as voters or even candidates was neither confirmed nor ruled out. In light of this ambiguity, public debate intensified on the legal and religious aspects of whether women have rights to vote or to be elected to public office. Some Saudi *ulama* expressed a no-objection religious opinion on women's right to participate in elections.¹²² However, Saudi authorities announced in October 2004 that women would not be allowed to participate in the elections, naming logistical challenges and administrative barriers as the primary reasons.¹²³ Saudi officials suggested the possibility of women's participation in the next municipal elections in four years time.¹²⁴

The June 2004 third national dialogue session, one of a series of symposiums sponsored by KACND, focused on women's rights and their role in society. The purpose of this session was to reach an intellectual consensus, rather than a political one, that will become the basis for practical reforms regarding women. The outcome of the session was considered by some observers as vague and a show for media consumption,¹²⁵ as the session's recommendations avoided controversial topics. Nevertheless, that session marked the first time in which the issue of women's rights has been raised and addressed by the government in a public forum. The Crown Prince later met with women participants in that session, and they submitted alternative recommendations to him, including giving women access to health and educational services without permission from a guardian and making school education mandatory for girls.¹²⁶ Three months after

that meeting, Saudi newspapers publicized that KACND is drafting a charter on women's rights.¹²⁷

In most recently established NGOs in Saudi Arabia, like the SJA or the NHRA, a few women were selected as members. Similarly, in December 2005, a Saudi female engineer ran in an election for the Saudi Engineers' Syndicate and won a seat among the 10-member board. In the private sector, one report suggests women own 40 percent of private wealth and thousands of businesses.¹²⁸ To facilitate their involvement in the economy and increase their independence, women no longer need a guardian to obtain commercial licenses, following a decree in June 2004 that instructed government institutions and chambers of commerce to establish sections for women. The decree also stressed the need to facilitate women's involvement in the workforce through various measures and called upon the public and private sectors to train women and create jobs for them.¹²⁹

Saudi women hold 20 percent of the total invested wealth in the Kingdom, and 20 percent of commercial licenses are issued for women.¹³⁰ There are approximately 3000 Saudi businesswomen owning more than 1500 private companies.¹³¹ These businesswomen have lately been playing an active role through businesswomen sections within the regional chambers of commerce. For the first time, several Saudi businesswomen, some of them unveiled, participated in the Jeddah Economic Forum and directly addressed, and interacted with, mainly male participants. The Forum, held in January 2004, received intensive media coverage and was attended by top Saudi officials, businessmen and some international leaders.¹³² As indicated earlier, Bill Clinton addressed the forum and advocated a broader role for Saudi women, noting the impossibility of resisting the wind of change.¹³³ The participation of unveiled Saudi women and their mixture and interaction with men on Saudi soil provoked some *ulama*, which led the Grand Mufti to issue a statement condemning mainly the acts of those women.¹³⁴ In early 2005, a Saudi businesswoman became the first woman to be elected to the board of directors of a major Saudi bank. Also, in an unprecedented step, businesswomen won two seats out of twelve in the 2005 Jeddah Chamber of Commerce elections, marking a historical event in which women publicly voted, ran for and were elected to office in the Kingdom.¹³⁵ Although those businesswomen's exceptional circumstances are due in part to their progressive and wealthy families, the moves

themselves marked a new advancement in which Saudi women invaded a predominantly male domain.

In recent years, women's public activities increased and received more attention from the Saudi media. Recently, princes' wives and daughters have been increasingly involved in women's public events, with growing media coverage. In December 2003, more than 300 Saudi women demanded, in a petition to the Crown Prince, a greater role for, and fewer restrictions on, women.¹³⁶ In the last few years, events in which large groups of women attended, and participated in, activities related to human rights have notably increased and received extensive media coverage. For example, hundreds of Saudi women attended a lecture in December 2005 on 'Women's Rights Between the *Shari'ah* and the Society'; an event that was widely publicized and generated public debate.¹³⁷

Undoubtedly, the laws of segregation impede Saudi women from enjoying equal opportunities to men in fields like employment and education. However, those laws are not the only area of discrimination. Saudi women also face systematic discrimination in laws pertaining to nationality and citizenship. The wife of a Saudi man can take Saudi nationality, whereas a Saudi woman, with a foreign husband, cannot pass her nationality on to her husband or children. Unlike discriminatory inheritance laws that are prescribed in the *Qur'an* or segregation laws that are largely based on culturally-influenced interpretation of the Islamic texts, discrimination in nationality laws is essentially based on social considerations in which marriage should be within the tribe or extended family.

Until recently, there was also silence on the issue of parents or guardians who force their daughters into marriage and on the appropriate age for marriage. In a publicized move, the Council of the Senior *Ulama* issued a *fatwa* in April 2005 prohibiting forced marriage and declaring that such an act is subject to punishment.¹³⁸ Furthermore, Saudi newspapers revealed that the Ministry of Justice is preparing new laws banning the marriage of girls under the age of 14 years old.¹³⁹

Conclusion:

Internal and external factors have both contributed to the existing view about women and to developments in their status. The position of women is connected to the prevailing interpretation of Islamic texts in the Kingdom and to local traditions with their

patriarchal values. For the Saudi public, maintaining particular standards related to women has been regarded as the equivalent of upholding Islamic values. For better or worse, the issue of women has been a showground of competition between conservative and liberal circles, and the government has used it shrewdly to demonstrate its legitimacy as an Islamic state on the one hand, and the on other to distract the public from demands for accountability and political reforms. Recently, the government has tolerated, and perhaps encouraged, discussions and calls for reforms relating to the status of women, which are mainly connected with social and economic implications.

Political events have undoubtedly influenced women's rights. Whereas the wave of Islamic revivalism in the 1980s reinforced Islamic identity and contributed to halting the advancement of women, the internal and external anti-Islamic militant sentiments since 11 September have motivated official and unofficial trends to improve and diversify women's role in society. Significantly, the events of 11 September and their aftermath have put tremendous pressure on Saudi Arabia's political, socio-religious and educational systems and empowered internal and external influences, including those related to the advancement of women. Although political events have been negative as well as positive for the status of women, the possibility of backward moves has been minimized with the growing acceptance that empowering conservative trends is not necessarily in the interest of the state's stability and also with the presumed linkage between defeating terrorism and the empowerment of women.

For women's rights activists, combating a culture of stay-home wife and mother is very important for the advancement and the empowerment of Saudi women. The desire of educated women for self-fulfilment balanced with economic needs for increasingly nuclear families to obtain a second income are two important components to enhancing women's role in society beyond their traditional tasks. It is arguably economic necessity that will ultimately lead to eradication of some discriminatory practices, such as the enforced sex segregation or the ban on women driving.¹⁴⁰ However, change in social norms in a conservative society like Saudi Arabia cannot be achieved effortlessly. The role played by government proved to be decisive in advancing the rights of women. As was the case with female education, developments in women's rights are likely to be initiated by the government for various reasons. Many individuals in the leadership, including members of the royal family, embrace progressive perspectives on women's issues such as sex segregation and women's mobility and driving.

Discrimination against women exists in most societies to differing degrees. In Saudi Arabia, women still encounter various forms of discrimination and restriction. According to international standards, Saudi women still suffer from systematic discrimination in both laws and social customs. Nevertheless, developments in the last few years have blazed an important trail on the path towards greater realization of the rights of Saudi women. It is readily recognizable that women's rights have been a constant theme in the debate on political, social, and legal reforms in Saudi Arabia.

Women's education in particular has played a vital role in opening up more opportunities for women to realize their rights in private and public settings. Both education and work constitute two major components in an increasing role for women. The boost in women's educational and vocational opportunities leads to the advancement of women's economic and social spheres. One of the most important aspects of women's education is that Saudis, even conservatives, have comprehended that female education is not in contradiction either with Islam or with the concept of the chastity of women or the dignity and honour of the family. Furthermore, educated women are more likely to press for the realization of their rights. New social trends, caused by various factors including education and access to foreign influences through satellite television and the internet, support progressive views about women.

ENDNOTE (CHAPTER SEVEN)

- ¹ See, for instance, The Saudi Arabia Information Resource, "Prince Sa'ud AL-Faisal Delivers Lecture in London", 25 February 2005, viewed on line at <<http://www.saudinfo.com/main/y7906.htm>> accessed 26 July 2005, Amnesty International, "Saudi Arabia: Gross Human Rights Abuses Against Women", (AI Index: MDE 23/57/00, Date: September 2000) 4, and Amnesty International, "Saudi Arabia Business Briefing". (London: Amnesty International UK Business Group, 2000) 9, this publication was viewed on line at <<http://www.amnesty.org.uk/business/pubs/saudibusiness.pdf>> accessed 3 October 2004.
- ² See, for instance, Natana J. DeLong-Bas, *Wahhabi Islam: From Revival and Reform to Global Jihad* (Oxford: Oxford University Press, 2004) 123-124.
- ³ Ahmad Dallal, "The Origin and Objectives of Islamic Revivalist Thought, 1750-1850", *Journal of the American Oriental Society* 113:3 (1993) 349-351.
- ⁴ See, for instance, Eleanor Doumato, "The Ambiguity of Shari'a and the Politics of 'Rights' in Saudi Arabia", in *Faith & Freedom: Women's Human Rights in the Muslim World*, ed. Mahnaz Afkhami (Syracuse: Syracuse University Press, 1995) 145-154, Sifa Mtango, "A State of Oppression? Women's Rights in Saudi Arabia", *Asia-Pacific Journal on Human Rights and the Law*, 5:1 (2004) 52 and Ann Elizabeth Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder: Westview Press, 1995) 44-54 and 115-117.
- ⁵ See, for instance, *The Holy Qur'an*, verses (9:72), (33:35, 58, and 73), (48:5), (57:12) and (85:10).
- ⁶ *Ibid.*, verse (4:1).
- ⁷ *Ibid.*, verses (20:121).
- ⁸ Verse (58:1) of the Holy *Qur'an*, for example, demonstrated how a woman argued with the Prophet, and her plea to abolish an old pagan custom of divorce called *dhihar*, which freed the husband from marriage responsibilities and kept the wife in the husband's home unable to re-marry, was accepted. See, for instance, Muhammad Ibn Kathir, *Tafseer Ibn Kathir* [Ibn Kather's Interpretation] (Riyadh: Darussalam Publishers, 2000) Vol. 9, 510-512.
- ⁹ The Holy *Qur'an*, verses (4:32), (9:71), (33:35) and (60:12).
- ¹⁰ Muhammed Al-Albani, *saheeh sunan abi dawoud* [Narration of Abu Dawoud] (Riyadh: Al-Ma'areef Press, 1980) 115.
- ¹¹ See, for instance, Mona Al-Munajjed, *Women in Saudi Arabia Today* (London: Macmillan Press Ltd, 1997) 14.
- ¹² The Holy *Qur'an*, verse (60:12).
- ¹³ For more details, see, Mohammed Musilhi, "haq al mosawat baen al rajol wa al mar'ah fi al shari'ah al islamiyah" [The Right of Equality Between the Man and the Woman in Islamic Shari'ah], in *hoqooq al insan baen al shari'ah al islamiyah wa al qanoon al wadh'ei* [Human Rights between Islamic Shari'ah and Positive Law], ed. Proceedings of the Symposium on Human Rights between Islamic Shari'ah and Positive Law (Riyadh: Naif Arab Academy for Security Sciences, 2001) 718-719.
- ¹⁴ Refer to verse (58:1) of the Holy *Qur'an* regarding the *dhihar* divorce and the story of a woman who objected in the mosque a decision by the second Caliph (Omar Ibn Al-Khattab) to reduce dowries. Omar's reply to the woman's argument was "a women is right and Omar is wrong". See, for instance, Musilhi, "haq al mosawat baen al rajol wa al mar'ah fi al shari'ah al islamiyah" [The Right of Equality Between the Man and the Woman in Islamic Shari'ah], 719 and Al-Munajjed, *Women in Saudi Arabia Today*, 16.
- ¹⁵ It is interesting to note that today Islamic militant movements legitimize the engagement of women in their activities, even as suicide bombers!
- ¹⁶ There are different translations of this verse, and the above translation was quoted from the Holy *Qur'an* with English translation of the meanings and commentary (Almadinah: King Fahd Complex for the Printing of the Holy *Qur'an*, 1998).
- ¹⁷ See, for instance, Ibn Kathir, *Tafseer Ibn Kathir* [Ibn Kather's Interpretation], Vol. 2, 442, Sayed Qotb, *fi dhilal al quran* [in the shadow of the Qur'an] (Cairo, Al-Naser Press, 1982) Vol. 2, 652 and Salman Al-Awdah, "ani elqiwamah atahadath" [I am Talking About Qiwwamah], *IslamToday.Net* <<http://www.islamtoday.net/qprint.cfm?artid=11148>> accessed 11 September 2005.
- ¹⁸ See, for instance, Ibn Kathir, *Tafseer Ibn Kathir* [Ibn Kather's Interpretation], Vol. 2, 442 and UN document, UN Development Fund for Women, "Report of the Round Table Workshop: CEDAW and Islam and the Human Rights of Women", October 1999, viewed on line at <http://www.arabwomenconnect.org/docs/ASRO_HR_round_report.doc> accessed 7 August 2005.
- ¹⁹ See, for instance, Abdulaziz Ibn Baz, "hkurouj al mar'ah min bayteha lil amal" [A Woman Leaving Home to Work], *IbnBaz.Org* <http://www.binbaz.org.sa/last_resault.asp?hID=402> accessed 29 May 2005

and Sami Al-Majed, "khurouj al mara'ah min ghaer ethen zawjeha" [A woman Leaving without her Husband's Permission], *IslamToday.Net* <http://204.187.100.80/questions/show_question_content.cfm?id=31923> (17 January 2004) accessed 10 October 2005.

²⁰ Yahia Al-Nawawi, *saheeh moslim* [Narration of Moslim] (Beirut: Dar Ehiya Al-Turath Al-Arabi, 1995) 175.

²¹ *Ibid.*

²² For an insightful argument about the meaning of this *hadith*, see Suhailah Zenalabedin Hammad, *maseerat al mar'ah al saoydiyah: ila ayen* [The Journey of Saudi Women: To Where?] (Beirut: Al-Rayan Est., 2003) 47-51.

²³ This *hadith* appeared in several narrations with different wordings. See, for instance, Shehabaldeen Al-Asqalani, *fateh al bari fi sharh saheeh al bukhari* [Clarification on Narration of Al-Bakhari] (Beirut: Dar Alma'arifah, 1980) 255.

²⁴ Leila Al-Ahdab, "hal an nisa'a naqisat aqil wa deen" [Do Women Lack Rationality and Religious Observance], *Al-Watan*, 3 January 2004, 8.

²⁵ See, for instance, Abdullah A. An-Na'im, "Human Rights in the Moslem World: Socio-Political Conditions and Scriptural Imperatives", in *Human Rights Law*, ed. Philip Alston (Aldershot: Dartmouth Publishing, 1996) 277-281.

²⁶ For more details on the life of Aisha Bint Abi Bakr, see D. A. Spellerg, *Politics, Gender, and the Islamic Past: the Legacy of Aisha Bint Abi Bakr* (New York: Columbia University Press, 1994).

²⁷ For more details, see Al-Munajjed, *Women in Saudi Arabia Today* 16-17.

²⁸ Mtango, "A State of Oppression? Women's Rights in Saudi Arabia", 53.

²⁹ See, for instance, Musilhi, "haq al mosawat baen al rajol wa al mar'ah fi al shari'ah al islamiyah" [The Right of Equality Between the Man the Woman in Islamic Shari'ah], 717.

³⁰ Mtango, "A State of Oppression? Women's Rights in Saudi Arabia", 54.

³¹ Abdulaziz Ibn Baz, "mosawat al rajol bil mar'ah" [Equality Between Men and Women], *IbnBaz.Org* <http://www.binbaz.org.sa/last_resault.asp?hID=640> accessed 31 May 2005.

³² See, for instance, a fatwa by Sheikh Abdulaziz Ibn Baz on woman's voice in *al wafa fi sharh fatawa al nisa* [The Complete Explanation of Women's *Fatwas*], ed. Ali Al-Tahtawi (Beirut: Dar Al-Kutib Al-ilmiyah, 2002) 205 and Yousif Al-Ahmad, "libas al mar'ah: dawah for tasheeh wal moraja'ah" [Woman's Dress: A Call for Correction and Revision], a lecture delivered at Imam University in Riyadh (October 2000), its script was viewed on line at <<http://saaid.net/Doat/yusuf/21.htm>> accessed 20 August 2004.

³³ Soraya Al-Torki, *Women in Saudi Arabia: Ideology and Behavior among Elite* (New York: Columbia University Press, 1986) 52.

³⁴ The Holy *Qur'an*, verse 4:3. For more details on the justifications and conditions of polygamy in Islam, see, for instance, Murad Hofman, *Islam: The Alternative* (Maryland: Amana Publications, 1999) 119-121 and Purva Desphande, "The Role of Women in Two Islamic Fundamentalist Countries: Afghanistan and Saudi Arabia", *Women's Rights Law Reporter* 22:2 (2001) 194-195.

³⁵ The Holy *Qur'an*, verse 4:34.

³⁶ 'Common' here refers to the rate of recurrence. One of the most common cases is when a deceased person leaves behind a family, namely sons and daughters and a wife or husband. In the Islamic Science of '*Al-Fara'id*' in which every probable inheritance case was explored, those common cases constitute only a small portion of the entire inheritance cases. For more details, see Muhammad Al-Sabuni, "*al mawareeth fi al shari'ah al Islamic fi dhaw al kitab wa Sunnah*" [Inheritance Laws in the Islamic *Shari'ah* according to the *Qur'an* and *Sunnah*], (Beirut: Dar Al-Kutub Al-Ilmiyah, 1995) and Rafiq Al-Masri, "*Ilm al fara'id wa al mawareeth*" [the Science of Shares and Inheritance] (Beirut: Al-Dar Al-Shamiyah, 1994).

³⁷ The Holy *Qur'an*, verses (4:11 and 4:176).

³⁸ Awatif Abdulmajed, "*row'yah ta'seliyah litifagiyat al tamieyz dheda al mar'ah*" [Investigated Vision on CEDAW] (Khartoum: Centre of Women Studies, 1999) 70.

³⁹ The Holy *Qur'an*, verses (4:11, 4:12, and 4:176). The title of fourth Sura (chapter) of the *Qur'an* is Al-Nisa (The Women). It contains various positive, progressive rulings about women, including laws of inheritance. While the *Qur'an* has provided rulings on common cases, particularly those shares belonging to women, most details of inheritance laws in the Islamic *shari'ah* are based on the *Sunnah*. See, for instance, Muhammad Al-Sabuni, "*al mawareeth fi al shari'ah al Islamic fi dhaw al kitab wa Sunnah*" [Inheritance Laws in the Islamic *Shari'ah* according to the *Qur'an* and *Sunnah*], (Beirut: Dar Al-Kutub Al-Ilmiyah, 1995) 15-17 and Rafiq Al-Masri, "*Ilm al fara'id wa al mawareeth*" [the Science of Shares and Inheritance] (Beirut: Al-Dar Al-Shamiyah, 1994) 27-28.

⁴⁰ The Holy *Qur'an*, verse (2:282).

⁴¹ For example, the testimony of one woman is valid in proving women's bodily issues such as birth or menstruation, whereas the testimony of two women in financial loans cases equals that of a man since women are traditionally not involved in such business.

⁴² For more details, see Zaiban Ridhwan, "shahadat al mar'ah" [Woman's Testimony], The Arab Centre for Information on Violence against Women (AMAN), Working Paper delivered at Women's Forum for Studies and Training, Yemen (11-17 February 2004), viewed on line at <http://www.amanjordan.org/aman_studies/wmview.php?ArtID=979> accessed 21 August 2005 and UN document, "Report of the Round Table Workshop: CEDAW and Islam and the Human Rights of Women".

⁴³ A companion of the Prophet asked him about whether the mother or the father enjoys more rights. The Prophet replied "your mother, then your mother, then your mother, and then your father". Shehabaldeen Al-Asqalani, *fateh al bari fi sharh saheeh al bukhari* [Explanation on Narration of Al-Bakhari] (Beirut: Dar Alma'arifah, 1980) vol. 3, 131.

⁴⁴ For example, the Egyptian parliament passed, in 2002, a decision to give women a traditional Islamic right, known as *khol'a* divorce, by which a woman can divorce her husband. This reactivation or awakening of an Islamic meaning has gained the support of both feminists and religious *ulama* of Al-Azhar.

⁴⁵ See, for instance, An-Na'im, "Human Rights in the Moslem World: Socio-Political Conditions and Scriptural Imperatives", 287-290 and Abdullah A. An-Na'im, "The Dichotomy between Religious and Secular Discourse in Islamic Societies", in *Faith & Freedom: Women's Human Rights in the Muslim World*, ed. Mahnaz Afkhami (Syracuse: Syracuse University Press, 1995) 56-59.

⁴⁶ For more details, see Aharon Layish, "Saudi Arabia Legal Reform as a Mechanism to Moderate Wahhabi Doctrine", *Journal of the American Oriental Society* 107:2 (1987) 284-285.

⁴⁷ See, Daniela Donno and Bruce Russett, "Islam, Authoritarianism, and Female Empowerment: What are the Linkages", *World Politics* 56:3 (2004) 598.

⁴⁸ There are different theories on rationale of women veiling, but the soundest one is protecting the honour. For more details, See, for instance, Mtango, "A State of Oppression? Women's Rights in Saudi Arabia", 53 and Amani Hamdan, "Women and Education in Saudi Arabia: Challenges and Achievements", *International Education Journal* 6:1 (2005) 55.

⁴⁹ See, for instance, two statements by the Council of Senior *Ulama* in Saudi Arabia about two UN World conferences in which women's issues were discussed; the UN International Conference on Population and Development (UNICPD), which was held in Cairo in September 1994, and the UN Fourth World Conference on Women, which was held in Beijing on 4-14 September 1995. The two statements were circulated by the Saudi Press Agency and published and broadcast in the Saudi media. See, for instance, Saudi Press Agency, "al ulama yastankirun ajendat mo'tamar al sukan" [The *Ulama* Condemned the Agenda of the Population Conference], *Al-Jazirah*, 1 September 1994, 1 & 22 and Saudi Press Agency, "al mo'tamar hadafih itlaq al raghabat that sitar al huriyah" [The Conference Aims at Freeing the (sexual) Desires under the Name of Women's Freedom], *Al-Jazirah*, 2 September 1995, 1.

⁵⁰ See, for instance, George Lipsky, *Saudi Arabia: its People, its Society, its Culture* (New Haven: Hraf Press, 1959) 299.

⁵¹ Unni Wikan, *Behind the Veil in Arabia: Women in Oman* (Baltimore: the John Hopkins University Press, 1982) 55.

⁵² According to most *ulama*, the wife is not religiously required to do the housework.

⁵³ The Holy *Qur'an*, Verse (4:19).

⁵⁴ For more details, see Al-Munajjed, *Women in Saudi Arabia Today*, 11-12.

⁵⁵ The Holy *Qur'an*, verses (16:58-59).

⁵⁶ Mai Yamani, *Changed Identities: the Challenge of the New Generation in Saudi Arabia* (London: Royal Institute of International Affairs, 2000) 22-27.

⁵⁷ See Chapter Five of the Basic Law of Governance titled "Rights and Duties", particularly articles 26, 27, 28, 30, 31, 36, 37 and 40.

⁵⁸ United States, US Department of State, Country Reports on Human Rights Practices (2004) and (1996): Saudi Arabia, both reports were viewed on line at <<http://www.state.gov/g/drl/rls/hrrpt/2004/41731.htm>> and <http://www.state.gov/www/global/human_rights/1996_hrp_report/saudiara.html> accessed 23 May 2004.

⁵⁹ Geoff Simons, *Saudi Arabia: the Shape of a Client Feudalism* (New York, St. Martin's Press, 1998) 62.

⁶⁰ Sameena Nazir, "Challenging Inequality: Obstacles and Opportunities Towards Women's Rights in the Middle East and North Africa", *FreedomHouse.Org*

<<http://www.freedomhouse.org/research/menasurvey/essaysn.pdf>> (May 2005) accessed 3 September 2005. This study was presented at the World Economic Forum held in Jordan in May 2005.

⁶¹ *Ibid.*

⁶² In the internationally known television show of Oprah Winfrey, in an episode titled 'Women Across the Globe' in which eleven women from various cultures were hosted, Saudi women were portrayed as being harshly oppressed by Saudi society and mentally and physically tortured by their husbands. For more details on the episode and Saudis' reaction, see the Middle East Media Research Institute (MEMRI), "Saudi Women Angered By Oprah Winfrey Show: 'We Were Portrayed as a Backward Society That is Violent Towards Women'", *Memri.Org*, No 937, 20 July 2005

<<http://memri.org/bin/opener.cgi?Page=archives&ID=SP93705>> accessed 14 November 2005.

⁶³ See, for instance, James Zogby, "Arab Opinion on American Politics, Values and People", Testimony before the US House Committee on Foreign Affairs (Subcommittee on International Organizations, Human Rights, and Oversight, and Subcommittee on Middle East and Asia), 3 May 2007, viewed on line at <<http://foreignaffairs.house.gov/110/zog050307.pdf>> accessed 25 May 2007.

⁶⁴ Abdulaziz Ibn Baz, "Hukom al taburouj" [The Rule on Unveiling], *IbnBaz.Org*

<http://www.binbaz.org.sa/last_result.asp?hID=2483> and

<http://www.binbaz.org.sa/last_result.asp?hID=2491> both accessed 15 June 2005.

⁶⁵ See, Eleanor Doumato, "Women in Saudi Arabia Between Breadwinner and Domestic Icon", in *Women and Power in the Middle East*, eds. Suad Joseph and Susan Slyomovics (Philadelphia: University of Pennsylvania Press, 2001) 167.

⁶⁶ Said Arabia (official document), "nizam al jawazat al safariyah" [the Law of Passports for Travel] (1958).

⁶⁷ For example, a man walking in public with long hair was subject to be forcibly shaved in the spot.

⁶⁸ See, for instance, Najah Al-Dhehar, *taleim al mar'ah fi al mamlakah al arabiyah al saodiyah* [Women Education in the Kingdom of Saudi Arabia] (Jeddah: Dar Al-Mohammadi for Publication, 2003) 289-292 and Saddeka Arebi, *Women and Words in Saudi Arabia: the Political of Literary Discourse* (New York: Columbia University Press, 1994) 17-18.

⁶⁹ See, for instance, Al-Dhehar, *taleim al mar'ah fi al mamlakah al arabiyah al saodiyah* [Women Education in the Kingdom of Saudi Arabia] 298 and Hamdan, "Women and Education in Saudi Arabia: Challenges and Achievements", 48-49.

⁷⁰ Al-Dhehar, *taleim al mar'ah fi al mamlakah al arabiyah al saodiyah* [Women Education in the Kingdom of Saudi Arabia] 298.

⁷¹ Arebi, *Women and Words in Saudi Arabia: the Political of Literary Discourse*, 33.

⁷² Saudi Arabia (official document), *siyasat al ta'aleem fi al mamlakah al arabiyah al saudiyah* [The Policy of Education in the Kingdom of Saudi Arabia], adopted by the Council of Ministers in November 1969, Article 155.

⁷³ For more details, see Hamdan, "Women and Education in Saudi Arabia: Challenges and Achievements", 50 and Yahua S. Al-Hefdhhy, *The Role of the Ulama in Establishing an Islamic Education System for Women in Saudi Arabia* (The Florida State University: Unpublished PhD Thesis, 1994) 2-8.

⁷⁴ Al-Hefdhhy, *The Role of the Ulama in Establishing an Islamic Education System for Women in Saudi Arabia*, 8.

⁷⁵ Fawziyah Al-Harbi, "ta'neeth al idarat fi ta'leem al banat" [Feminising the Administrations of Girls' Education], *Al-Jazirah*, 22 October, 2005, 48.

⁷⁶ Hamdan, "Women and Education in Saudi Arabia: Challenges and Achievements", 60.

⁷⁷ See, for instance, Muwadhie Al-Mutairi, "1250 sayedah bi al sharqiyah yoqadeena azwajahon bi johmat al istighlal" [1250 Women in the Eastern Province Filed Charges of Exploitation Against Their Husbands] *Al-Yaum*, 6 March 2004, 11.

⁷⁸ Abdularahman Al-Musybeah, "eftitah awal qesim lil qanoon wal handasah" [Opening of the First Section of Law and Engineering for Girls], *Al-Jazirah*, 20 June 2005, 8.

⁷⁹ Naif Al-Zahim, "Al-Gafis: itlaq 24 kulliyah tikaniyah lil banat bi mokhrajat tatanasab ma'a tabi'atihen" [Al-Ghafis: Inauguration of 24 Technical Collage for Girls Teaching Fields Suitable to Their Nature], *Al-Riyadh*, 3 April 2005, 5.

⁸⁰ There are several reasons for the under-utilization of women in the workforce other than discrimination, including the lack of jobs available to both sexes particularly in recent years.

⁸¹ See, for instance, Sameena Nazir, "Challenging Inequality: Obstacles and Opportunities Towards Women's Rights in the Middle East and North Africa" and Report by the Minnesota Lawyers International Human Rights Committee titled "Shame in the House of Saud", quoted in Anders Jerichow, *The Saudi File: People, Power, and Politics* (New York: St. Martin's Press, 1998) 124-125.

⁸² See, Saudi Arabia (official document), *siyasat al ta'aleem fi al mamlakah al arabiyah al saudiyah* [The Policy of Education in the Kingdom of Saudi Arabia], adopted by the Council of Ministers in November 1969, Article 153.

⁸³ Saudi Arabia (official document), *nizam al amal* [The Labour Code], adopted by the Council of Ministers in November 1969, Article 48.

⁸⁴ There is imprecision surrounding statistics of Saudi male and female employment in the Kingdom, which reflects a general lack of transparency, but the quoted percentages appeared in several sources. See, for instance, World Bank, "Gender and Development in the Middle East and North Africa: Women in Public Sphere" (2004) 57, Daryl Champion, *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform* (New York: Columbia University Press, 2003) 193-199 and Lubna Al-Olayan, in an interview posted in the World Economic Forum's website at <<http://www.weforum.org/site/homepublic.nsf/Content/Investing+in+economic+reforms>> (10 May 2005) accessed 11 September 2005.

⁸⁵ See, Eleanor Doumato, "Manning the Barricades: Islam According to Saudi Arabia's School Texts", *The Middle East Journal* 57:2 (2003) 243.

⁸⁶ For more details, see Eleanor Doumato, "Women and Work in Saudi Arabia: How Flexible are Islamic Margins", *The Middle East Journal* 53:4 (1999) 578 and Rogayah Samergandi, *A Study of Factors that Contribute to the Discrepancy Between the High Number of Women Receiving College Education and the Low Number of Women Participating in the Labor Force in the Kingdom of Saudi Arabia* (University of Maryland, Baltimore: Unpublished PhD Thesis, 1992).

⁸⁷ See, for example, Abdulaziz Ibn Baz, "khatar moshrakat al mar'ah lil rajol fi maidan amalih" [the Danger of Women Sharing the Man his Domain of Employment], *IbnBaz.Org* <http://www.binbaz.org.sa/last_result.asp?hID=403> accessed 31 May 2005, Doumato, "Women in Saudi Arabia Between Breadwinner and Domestic Icon", 168 and Doumato, "Women and Work in Saudi Arabia: How Flexible are Islamic Margins", 577.

⁸⁸ See, Doumato, "Women and Work in Saudi Arabia: How Flexible are Islamic Margins", 570.

⁸⁹ *Ibid.*, 584.

⁹⁰ Saudi Arabia (official document), *al kitab al ihisa'i* [Statistical Yearbook] (Ministry of Economy and Planning, No 39, 2003) 93.

⁹¹ In November 2002, Crown Prince Abdullah made a publicized visit to homes of poor citizens in dilapidated suburbs in Riyadh. Following the visit, the government established a Poverty Fund and announced a national strategy to tackle the problem. According to Saudi experts' estimates, 20 percent of Saudis live in poverty. For more details on the issue, see, for instance, Ilhami Al-Merghani, "awai'q mukafahat al faqr fi al saudiyah [Obstacles of Combating Poverty in Saudi Arabia]", *IslamOnline.Net* <<http://www.islamonline.net/arabic/economics/2004/07/article06.shtml>> (20 July 2004) accessed 30 September 2006.

⁹² Pat Lancaster, "21st Century Arab Women", *Middle East*, Issue 347 (July 2004) 6.

⁹³ For more details, see, for instance, Samar Fatany, "The Status of Women in Saudi Arabia", *Arabview.com* <<http://www.arabview.com/articles.asp?article=477>> accessed 26 May 2005.

⁹⁴ Hamdan, "Women and Education in Saudi Arabia: Challenges and Achievements", 46.

⁹⁵ Khaled Ibn Sultan, *Desert Warrior* (London: Harper Collins Publisher, 1995) 211.

⁹⁶ See, for instance, Geraldine Brooks, *Nine Parts of Desire: the Hidden World of Islamic Women* (New York: Anchor Books, 1995) 197.

⁹⁷ See, for instance, Brooks, *Nine Parts of Desire: the Hidden World of Islamic Women*, 198 and Anders Jerichow, *Saudi Arabia: Outside Global Law and Order* (Richmond: Curzon Press, 1997) 77.

⁹⁸ Including Saudi Arabia's mufti sheikh Abdulaziz Ibn Baz.

⁹⁹ Abdulaziz Ibn Baz, "hokum qiyadat al mar'ah lil sayarah" [the Rule on Women Driving Car], *IbnBaz.Org* <http://www.binbaz.org.sa/last_result.asp?hID=456> (November 1990) accessed 31 May 2005.

¹⁰⁰ See, for instance, Samar Al-Miqren, "al obaikan ubarir rafdhaho qiadat al mar'ah lil sayarah be'adam tahu'a al mojtama'a" [Al-Obaikan Justifies the Ban on Women Driving by Unready Society], *Al-Watan*, 27 May 2005, 1.

¹⁰¹ See, ABC News, "Transcript: Saudi King Abdullah Talks to Barbara Walters", *ABC News* <<http://abcnews.go.com/2020/International/story?id=1214706&page=1>> (14 October 2005) accessed 15 November 2005 and Sultan Al-Qahtani, "al malik Abdullah yabuth isharat iejabiyah lilmar'ah al saudiyah" [King Abdullah Sent Positive Signals To Saudi Women], *Elaph.com News*

<<http://www.elaph.com/ElaphWeb/Politics/2005/10/97889.htm>> (14 October 2005) accessed 15 November 2005.

¹⁰² See, for instance, Abdulaziz Al-Shameri, "al-ameer Naif: madhu'a qiyadat al-mar'ah sabiq li awanih" [Prince Naif: Matter of Women Driving is Premature], *Al-Sharq Al-Awsat*, 13 June 2005, 1.

¹⁰³ Saudi Press Agency, "soad al-faisal: uayed qiyadat al-mar'ah" [Sa'ud Al-Faisal: I Support Women Driving], *Al-Jazirah*, 14 June 2005, 1.

¹⁰⁴ Ali Al-Ahmed, "Human Rights in Saudi Arabia: The Role of Women", Testimony of Ali Al-Ahmed Before the Congressional Human Rights Caucus, 4 June 2002, viewed on line at <<http://lantos.house.gov/HoR/CA12/Human+Rights+Caucus/Briefing+Testimonies/TESTIMONY+OF+ALI+AL-AHMED.htm>> accessed in 17 July 2005.

¹⁰⁵ See, for instance, UN publication, "Arab Human Development Report", UN Development Program (2002) 15-20 and Tom Lantos, "Discrimination Against Women and the Roots of Global Terrorism", *Human Rights* 29:3 (2002) 7-9.

¹⁰⁶ Elizabeth Cheney (US Principal Deputy Assistant Secretary of State for Near Eastern Affairs), Address at the Foreign Policy Association Annual Dinner, New York, 14 June 2005, transcript was viewed on line at <<http://www.usembassy.org.uk/forpo738.html>> accessed 7 November 2005.

¹⁰⁷ Dominick Evans, "Clinton yansah al saodiyah biadam moharabat tayyar al tageyar" [Clinton Advised Saudi Arabia not to Resist the Influx of Change], *Al-Quds Al-Arabi*, 20 January 2004, 1.

¹⁰⁸ UPI, "ra'ees al barluman al dawli: nargab bi indhman al mar'ah al saudiyah lil majlis" [IPU's Chairman: We Like Saudi Woman Joining Majlis Al-Shura], *Al-Quds Al-Arabi*, 2 February 2005, 2.

¹⁰⁹ Saad Al-Ojain, "musharakat saoudiyateen qana'ah shuriyah bila doghot min al barluman al dawli" [The Participation of Two Saudi Women is Without Pressure From the IPU], *Al-Jazirah*, 1 May 2006, 1.

¹¹⁰ She is the US Principal Deputy Assistant Secretary of State for Near Eastern Affairs.

¹¹¹ UPI, "Elizabeth Cheney: al mar'ah al saoudiyah modhishah" [Elizabeth Cheney: Saudi Woman is Impressive], *Al-Quds Al-Arabi*, 17 November 2005, 3.

¹¹² For more details, see Janet Afary, "The Human Rights of Middle Eastern & Muslim Women: A Project for the 21st Century", *Human Rights Quarterly* 26:1 (2004) 106-125.

¹¹³ Lydia Gorgy, "al mar'ah al saoudiyah to'aeyed dokholaha al majalis al baladiyah aswatan bima hadath fi al Kuwait" [Saudi Women Back their Involvement in Municipal Councils Following the Example of Kuwait], *Al-Quds Al-Arabi*, 7 June 2005, 2.

¹¹⁴ See, for instance, Hana Al-Suwaji, "asbab ghyab al ansr al nisaie ani al istithmar wal majalat al mutahah" [Reasons for Women Absence from Investment and Work Opportunities], *Al-Watan*, 16 December 2002, 7 and Al-Watan, "zeyadat furas amal al mar'ah wa insha aqsam nisaeyah fi al dawaer al hikomeyah" [Increase Women's Vocational Opportunities and Establishing Women's Sections in Governmental Institutions], *Al-Watan*, 1 June 2004, 1.

¹¹⁵ The Crown Prince's statement was widely covered in local and international media, and reported by human rights organizations. See, for instance, Amnesty International, "intihakat jasimah li hoqooq al insane tata'ard laha al mar'ah" [The Woman is Exposed to Gross Violations of Human Rights], September 2000, viewed on line at <http://www.amnesty-arabic.org/saudi_arabia/text/women/saudi_women_index_mde_23_57_00.htm> accessed 22 September 2003.

¹¹⁶ Shikhah Al-Thaqafi, "iqsa al mara'ah an majalat amal bihojjat ta'aredheha ma tabi'atiha al bashariyah nawo'a min anwa'a al tameiyaz" [Excluding Women from Certain Work Fields, As that Contradicts Their Human Nature, is a Form of Discrimination], *Al-Sharq Al-Awsat*, 9 November 2005, 15.

¹¹⁷ Appendix III chronicles recent developments and signs of reforms within the area of women's rights.

¹¹⁸ Ahmad Al-Yami, "Saud Al-Faisal: al iyalm al amriki yatamal dhed al mamlakah" [Saudi Al-Faisal: American Media Ignorantly Biased Against the Kingdom], *Al-Riyadh*, 2 October 2003, 1.

¹¹⁹ The Committee for the Defense of Human Rights in the Arabian Peninsula, "hoqooq al insane fi al mamlakah al arabiyah al soudiyah: al samt al abkam" [Human Rights in Saudi Arabia: the Muted Deaf], 19 December 2001, viewed on line at <<http://www.cdhrp.net/text/tt-d/Tqareer%20MOORAQABAT%20HAQQOQ%20AL%20INSAN/12.htm>> accessed 3 July 2003.

¹²⁰ Khalid Al-Ojan, "mowafaqat wali al amr listikhraj al bitagah al nisa'iyah" [Permission from Guardian to Obtain Women's ID Card], *Al-Yaum*, 18 July 2005, 3.

¹²¹ See, for instance, Nourah Al-Khereiji, "ID Cards for Women: Why Insist on Guardian's Consent?", *Arab News*, 22 November 2002, 9.

- ¹²² Mohammad Al-Gamdi, "Al-Shiekh Al-Obaikan: laisa hunak ma ymn'a musharakat al mar'ah fi al intikhabat" [Sheikh Al-Obaikan: There is Nothing that Prevent Women from Participating in the Elections], *Okaz*, 4 December 2004, 2.
- ¹²³ Mohammed Al-Ghonaim, "al a,eer Mansour: siysat al mamalakah fi al ta'amol ma'a al dhodhoot al dawliyah al tadrouj al agralni" [Prince Mansour: the Kingdom's Strategy in Handling International Pressures is Base on Rational, Gradual Steps], *Al-Riyadh*, 13 October 2004, 1.
- ¹²⁴ See, for instance, Prince Abdulaziz Al-Mugrin, "al saoudiyon yatasajaloun fi alwal intikhabat wa musharkat al mar'ah mu'ajal hata ishar akhar" [Saudi Registered for First Elections and Women's Participation Was Postponed], *Al-Quds Al-Arabi*, 23 November 2004, 1 and Saudi Arabia Information Resource, "Prince Sa'ud Al-Faisal Delivers Lecture in London", 25 February 2005, viewed on line at <<http://www.saudinfo.com/main/y7906.htm>> accessed 26 July 2005.
- ¹²⁵ For more details on the session and its recommendations, see, for instance, Aluma Bankowitz, "A Saudi National Dialogue on Women's Rights and Obligations", The Middle East Media Research Institute, (23 June 2004), viewed on line at <<http://memri.org/bin/opener.cgi?page=archives&ID=IA18304>> accessed 21 May 2005, International Crisis Group, "Can Saudi Arabia Reform Itself", (14 July 2004), 17-18 and Nawal Al-Yousif, "al mar'ah al saoudiyah wa haquha al hiwari" [Saudi Woman and its Right for Dialogue], The Arabic Network for Human Rights Information, (9 February 2004), viewed on line at <<http://www.hinfo.net/hotcase/04/pr040209.shtml>> accessed 11 August 2005.
- ¹²⁶ Jamil Al-Deyabi, "al tawseyat ba'da leqa al amir abdallah" [Recommendations After Meeting with Crown Prince Abdullah], *daralhayat.com* <http://www.daralhayat.com/arab_news/gulf_news/06-2004/20040614-15p03-01.txt/story.html> (15 June 2004) accessed 25 June 2004.
- ¹²⁷ P. K. Abdul Ghafour, "Charter on Women's Rights Getting Ready", *Arab News*, 29 October 2004, 1.
- ¹²⁸ Mariam Isa, "Weep not for the Saudi Women-They are OK", *Canberra Times*, 21 April 2003, 15.
- ¹²⁹ The decree was widely publicized in Saudi media. See, Al-Watan, "zeyadat furas amal al mar'ah wa insha aqsam nisaeiyah fi al dawaer al hikomeyah" [Increase Women's Vocational Opportunities and Establishing Women's Sections in Governmental Institutions], *Al-Watan*, 1 June 2004, 1.
- ¹³⁰ See, UN document, UNDP, Programme on Governance in the Arab Region, "Periodical News Bulletin: Saudi Arabia", Issue 4 (October-December 2005), viewed on line at <<http://pogar.org/arabic/govnews/2005/issue4/Saudi.html>> accessed 29 June 2006 and Mona Al-Manjomi, "al mar'ah tamtalik 20 fi al mi'ah men amwal sanadeeq al istishmar wa 15 milyar fi alhesabat al jariyah" [women own 20 percent of financial investment and SAR 15 billions in current accounts], *Al-Watan*, 8 June 2004, 2.
- ¹³¹ *Ibid.*
- ¹³² The former US president Bill Clinton and former Malaysian Prime Minister Mahathir Mohammed attended the forum.
- ¹³³ Dominick Evans, "Clinton yansah al saodiyah biadam moharabat tayyar al tageyar" [Clinton Advised Saudi Arabia not to Resist the Influx of Change], *Al-Quds Al-Arabi*, 20 January 2004, 1.
- ¹³⁴ See, for instance, Al-Quds Al-Arabi, "mufti al saoudiyah uonadid bi da'awa tahreer al mar'ah fi muntada Jeddah" [The Saudi Mufti Condemned Calls for Women's Freedom at Jeddah Forum], *Al-Quds Al-Arabi*, 21 January 2004, 1 and Saudi Press Agency, "Al-Sheikh: al ikhtilat bain al rejal wa an nisa'a muharam wa al mar'ah al saoudiyah lam takun muqiyadah litoharar" [Al-Sheikh: Mixing Men with Women is Forbidden and Saudi Woman is Unrestricted], *Al-Watan*, 21 January 2004, 1.
- ¹³⁵ See, for instance, Samir Al-Saadi, "Saudi Women to Run for Office for First Time", *Arab News*, 15 September 2005, 1.
- ¹³⁶ Arabic News, "Saudi Women Demand Women's Rights From Crown Prince Abdullah", *ArabicNews.com* <<http://www.arabicnews.com/ansub/Daily/Day/031231/2003123129.html>> (31 December 2003) accessed 16 October 2004.
- ¹³⁷ See, for instance, Hoda Al-Saleh, "hoqooq al mar'ah bain al shar'a wa al mojtama'a" [Women's Rights Between the *Shari'ah* and the Society], *Al-Sharq Al-Awsat*, 27 December 2005, 14.
- ¹³⁸ Radhwan Al-Ahmari, "the Ulama uwafiqoon ala mo'agabat man uzawij ibnatih qaharan" [The Ulama Agree to Punish Whoever Force his Daughter into Marriage], *Al-Watan*, 15 April 2005, 1.
- ¹³⁹ Khalid Al-Ojan, "man'a zawaj al fatayat dona sin al rabi'ata ashra" [Banning Marrying Girls Under 14 Years Old], *Al-Yaum*, 1 October 2005, 1.
- ¹⁴⁰ Doumato, "Women and Work in Saudi Arabia: How Flexible are Islamic Margins", 580.

CHAPTER EIGHT

WOMEN'S RIGHTS IN SAUDI ARABIA AND THE INFLUENCE OF THE UN HUMAN RIGHTS SYSTEM

(PART II)

Saudi Arabia's Response to Influence by The UN Human Rights System in Relation to Women's Rights

Introduction:

It is often argued that women's rights can be influenced by international pressures, as women's advocacy worldwide has increased remarkably and various actors have intensified activity at the international level regarding women's issues, especially during the last two decades.¹ Under the umbrella of the UN, significant efforts have been exerted on women's issues, including endorsing standards through declarations and conventions, organizing conferences, meetings and workshops, establishing consultative bodies and committees and issuing reports and publications. Such efforts have diversified in terms of quality and quantity, covering a wide range of activities related to the protection, advancement and empowerment of women such as women's rights, education, poverty and health, violence against women, women in armed conflict and women in power and decision-making.²

The UN has adopted several conventions and covenants dealing specifically with the rights of women or containing provisions concerning the status of women. The UN human rights system has offered, through CEDAW and other conventions, a diplomatic and lobbying instrument that has been used by domestic and international players to press states parties to adhere to internationally-recognized human rights for women and to translate their declared commitments into policy and practice.³ Amongst the UN efforts to address the issue of women's rights, the UN Arab Human Development Report, for example, cites women's empowerment, together with education and governance, as the main challenge facing countries in the region, including Saudi Arabia, to realize development. As various mechanisms of the UN have continued to press for the advancement of women, the question is how Saudi Arabia has been responding to such influence.

This chapter is devoted to examining Saudi Arabia's interaction with the UN human rights system in the area of women's rights and subsequently seeks to draw conclusions regarding the extent to which women's rights in the Kingdom has been influenced, or could be influenced, by the UN human rights system. While it is difficult to separate precisely the influence of the UN human rights system from other forms of internal and external influences, this chapter however examines various elements and analyze different signs that can assist in identifying the extent of its influence.

During the debate over international human rights instruments like the UDHR, ICCPC and the ICSECR, the rights of women were among those issues of considerable concern for Saudi Arabia's representatives to the UN. Tracing the Kingdom's perspectives expressed when debating women's rights in such international documents and conferences is amongst the objectives of this chapter. It is equally important to identify Saudi Arabia's prominent role in articulating its perspectives on human rights in Islam through regional and international symposiums and conferences, including the 1990 Cairo Declaration of Human Rights in Islam, and to look at how the rights of women have been defined.

Saudi Arabia has recognized internationally-accepted women's rights standards and acknowledged international scrutiny when it acceded to CEDAW in 2000. This step was a major development towards becoming legally bound by international women's rights standards. However, in light of the Kingdom's general reservation on CEDAW regarding the application of the *shari'ah*, the earlier investigation of the status of women in Islam in chapter seven serves as a fundamental platform for evaluating Saudi Arabia's compliance with the provisions of CEDAW. It is essential to address the question of whether Saudi laws related to women are compatible with CEDAW provisions, or whether they are an accurate representation of what is stated in the *Qur'an* and *Sunnah* and thus in harmony with Saudi Arabia's general reservation on the Convention. How far has Saudi Arabia changed its laws to come closer to complying with CEDAW's provisions? Accordingly, the second objective of this chapter is to review Saudi Arabia's position in relation to CEDAW's provisions and to UN activities for promoting women's rights in general.

It is a major objective of this chapter, and partly of the thesis as a whole, to examine the extent to which developments in the status of women in the Kingdom can be attributed to influence by the UN human rights system. To establish a correlation between

developments in the role of Saudi women and their rights with the influences exerted by the UN human rights system in general and the Kingdom's accession to CEDAW in particular, some features related to the two variables have to be analytically evaluated. It is crucial to look briefly at instrumental elements including the temporal dimension between the two variables, how media and human rights activists utilized CEDAW at both domestic and international levels, how Saudi Arabia responded to its obligations under other UN human rights conventions, and how other factors affect Saudi women's rights.

1. Saudi Arabia's Position Concerning UN Activities on Women's Rights:

Saudi Arabia participated in UN activities, including declarations, conventions and conferences regarding women. Exploring aspects of its participation is essential for identifying its positions towards issues of women's rights.

UN efforts for the advancement of human rights in general and women's rights in particular began with the passage of the UN Charter in 1945. Article 55 of the Charter not only established an international norm for human rights and equality, but also called upon the newly established international body to play a role in promoting "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."⁴ Ruling out any distinctions based on sex exemplifies a foundation for the rights of women to treatment equal to men. The UN Charter is the most accepted universal document, and joining the UN implies an acceptance of its charter.

As noted earlier in chapter six, Saudi Arabia's abstention from the UNGA voting on the UDHR was partly due to its objection to Article 16. The Saudi representative attempted unsuccessfully to define and limit the legal scope of this Article. However, in looking at the position adopted by Saudi Arabia in relation to rights that include women on the same footing with men, it is fair to say that the Kingdom did not object to several of the women's rights to equality set forth in the UDHR, such as equality in political and civil rights (Article 2) and in economic opportunity (Article 23).

As the UDHR was the foundation of the subsequent human rights treaties, arguments over some issues in the UDHR reappeared among UN states members when deliberating those treaties. Within the context of women's rights, Article 3 of both the CCPR and the CESCR has been designated to guarantee equality of men and women with

respect to the rights set forth in both covenants. Also, Article 23 of the CCPR is devoted to the protection of the family and of marriage and contains an explicit confirmation of the equality of rights of spouses and of the age of marriage. The term 'full age' in Article 16 of the UDHR, which had caused an extended debate in 1948, was changed to 'marriageable age' in the CCPR. Furthermore, the controversial phrase 'without limitation due to race, religion, or nationality' was removed from the draft text of this article. Again, Saudi Arabia endorsed both Article 25 of the CCPR which articulates equality in political and civil rights and Article 7 of the CESCR that confirms women's human rights to equal economic treatment. Unlike its position when voting on the UDHR, Saudi Arabia voted in favour of the CCPR and the CESCR.

It is essential to identify Saudi Arabia's position in relation to UN declarations or conventions that specifically concern promoting equality of rights between men and women and eliminating discrimination against women. One of the early developments with respect to UN efforts to advance the status of women, and to promote and protect their rights, was the adoption of the Convention on the Political Rights of Women. The Convention affirms the rights of women to participate in public life and exercise all public functions and upheld women's entitlement to hold public office. On 20 December 1952, the UNGA adopted the Convention in its 640 (VII) resolution by a roll-call vote of 46 to none, with 11 abstentions.⁵ Saudi Arabia was among the abstaining states.⁶ The Convention has not gained popularity, and only limited numbers of countries have ratified it. Saudi Arabia was not among those ratifying countries.⁷

Based on Article 15 of the UDHR, the Convention of the Nationality of Married Women provided safeguards concerning the loss or acquisition of nationality by women as a result of marriage. In January 1956, the UNGA adopted the Convention by its 1040 (XI) resolution through a roll-call vote of 47 to 2, with 24 abstentions.⁸ Saudi Arabia did not attend the voting and was listed among 9 absent states.⁹ During the drafting process in which articles and amendments were approved by vote, Saudi Arabia's representative to the UN took a neutral stand and abstained from voting.¹⁰ He informed the UNGA Third Committee that a draft of the Convention was forwarded to the Saudi government for instruction.¹¹ As of February 2002, only 70 countries acceded to the Convention, and Saudi Arabia is not a party to this convention.¹²

Similarly, Saudi Arabia followed the same pattern during discussion of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of

Marriages. This convention was founded on the basis of Article 16 of the UDHR and established legal standards for marriages. With the exception of articles 4 and 8, the other articles of the Convention were adopted after a brief discussion at the UNGA Third Committee. On 10 October 1962, the UNGA Third Committee approved the Convention as a whole by 80 votes to 0, with 8 abstentions.¹³ At the UNGA, the Convention was adopted by Resolution 1763A (XVII) on 7 November 1962, by 92 to 0, with 7 abstentions.¹⁴ UN documents did not record the voting of each state on this Convention,¹⁵ although the content of the Convention indicates that Saudi Arabia was among the abstaining states. Saudi Arabia is not among the 49 states parties that have acceded to the Convention as of February 2002.¹⁶

Following the completion of the work on the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the General Assembly requested the UN Economic and Social Council to ask the Commission on the Status of Women to review the draft Recommendation on the same subject. The Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages provided, in three principles as in its title, gave advice for each member state to adopt appropriate measures to give effect to such principles. Unlike the Convention, the Recommendation specified fifteen years as the minimum age for marriage. UN documents did not show active participation by the representative of Saudi Arabia in debating the Recommendation.¹⁷ Subsequent to the approval of the Recommendation's text by the UNGA Third Committee on 6 October 1965 by 87 votes to 0, with 1 abstention, the UNGA adopted it in Resolution 2018 (XX) by 95 votes to 0, with 2 abstentions on 1 November 1965.¹⁸ Similar to the Convention, UN documents did not contain the voting of each country, but it is likely that Saudi Arabia abstained from the voting at both the Third Committee and the UNGA Plenary Meeting, as the Recommendation stipulates fifteen years as the minimum age for marriage, which is inconsistent with Saudi laws.

With its eleven articles, the Declaration on the Elimination of Discrimination against Women was the first comprehensive international document concerning discrimination against women that provided for measures to be taken to guarantee the principle of equality of rights for men and women, constituting the basis of the subsequent international treaty on the elimination of all forms of discrimination against women. Following the without-vote adoption of the Declaration text by the UNGA Third

Committee in October 1967, the UNGA unanimously approved the Declaration by Resolution 2263 (XXII) of 7 November 1967.¹⁹ Saudi Arabia was among UNGA states members that adopted this unbinding document at the UNGA Third Committee and the Plenary Meeting, but UN records did not show active participation by Saudi Arabia in discussing this Declaration, except casting votes on debated articles. Surprisingly, no single statement or comment by the Saudi Arabian representatives was recorded, although a prolonged discussion at the UNGA Third Committee preceded the adoption.²⁰

Within the area of women's rights in armed conflicts, the UNGA adopted the Declaration on the Protection of Women and Children in the Emergency and Armed Conflict by Resolution 3318 (XXIX) of 14 December 1974. This Resolution was adopted by vote of 110 to 0, with 14 abstentions.²¹ Saudi Arabia was among states that supported adoption of the Declaration,²² as it is in line with Saudi Arabia's policy of providing women with special status and treating them as a vulnerable group along with children.

It is essential to recall that Saudi Arabia's representative to the UN did not actively engage in the debate during the drafting process of CEDAW in the 1970s, and its participation has been examined here essentially in the voting response on the convention's draft articles and amendments. Saudi Arabia's pattern of voting fluctuated between mostly neutral (abstaining from, or being absent during, the voting) or occasionally supporting articles of the draft convention, but rarely voting against draft articles. Saudi Arabia voted for adoption of the tenth and eleventh preambular paragraphs, regarding racism, colonialism and self-determination. It voted against paragraph (2) of Article 9 of the CEDAW, however, concerning granting women equal rights with men with respect to the nationality of their children. For the other paragraphs and articles of the draft convention, Saudi Arabia abstained from voting, including on the draft convention as a whole.²³ Despite its abstention in 1979, Saudi Arabia acceded to CEDAW in September 2000, with a general reservation regarding the application of the *shari'ah* and two specific reservations about Article 29 (1) and Article 9 (2), as explained in chapter six.

While not specializing in women's issues, some UN organs such as the International Labour Organization (ILO) and the UN Educational, Scientific and Cultural Organization (UNESCO) have given continuing attention to the issue of women and made efforts to eradicate discrimination against women in the workplace and in education. Both the ILO and UNESCO have separately adopted conventions, seeking to safeguard and

promote human rights and fundamental freedoms of all persons without discrimination of any kind; as indicated in chapter six, Saudi Arabia has ratified some of the ILO conventions. On 17 August 1973, Saudi Arabia ratified the UNESCO Convention against Discrimination in Education,²⁴ which was adopted by the General Conference of UNESCO in December 1960.

In addition to ratifying international conventions that deal with the rights of women, Saudi Arabia, with membership in numerous international institutions, has been represented at many international events devoted to the promotion of equality between women and men, the protection of women's rights, and eradication of discrimination against them. Four world conferences on women have been convened by the UN within twenty years and have been instrumental in elevating the cause of women's rights and sex equality to the forefront of the global agenda. The first world conference on the status of women was held in Mexico City to coincide with the 1975 International Women's Year. The Conference, along with the UN Decade for Women (1976-1985) proclaimed by the UNGA a few months later following the urging of the Conference, launched a new era in global efforts to promote the advancement of women. The second world conference on women held in Copenhagen in 1980, celebrated international efforts following the adoption of CEDAW in 1979. The declaration of 'Nairobi Forward-looking Strategies for the Advancement of Women to the Year 2000', adopted at the 1985 third UN world conference on women, provided a framework for action at the national, regional, and international levels to promote greater equality and opportunity for women.

Saudi Arabia was represented by low-level delegations to the first three world conferences on women and had limited involvement in the increasing worldwide attention towards promoting the advancement of women. International agenda on women did not receive public attention within the Saudi media during that time for various reasons. International issues, like the spread of atheistic Communism and the occupation of Palestine, distracted Saudis from engaging in debate about the international agenda on women. Moreover, Saudis were preoccupied in the local process of transformation to development and modernity. The Saudi government, for its part, did not articulate its support for the outcome of these conferences nor did it express condemnation or rejection of their contents.

Since the first UN world conference on women in the mid 1970s, activities within the UN on women's issues have grown dramatically, especially since the 1990s. Dozens

of decisions, resolutions or declarations concerning the status and the rights of women have been drafted and adopted by the UN. Saudi Arabia has participated in discussing such actions by virtue of its membership of the UN and of some bodies within the UN. In the majority of cases reviewed for this thesis, resolutions and declarations aimed at protecting women's rights and in advancement of their roles have been adopted as a whole without a vote, following debate on them in the drafting process. For instance, the Declaration on the Elimination of Violence against Women was adopted without vote by the UNGA 48/104 resolution on 20 December 1993.²⁵ A without-vote adoption implies the approval of all countries, including Saudi Arabia.

Prior to the UN International Conference on Population and Development (UNICPD), which was held in Cairo in September 1994, the issue of women occupied a great deal of public discussion in Saudi Arabia following the Gulf War and its aftermath, including a demonstration by a group of women. As explained in the previous chapter, the demand by a number of Saudi women who protested by driving themselves in their cars pleased liberally-oriented circles in society but aggravated conservatives, whose influence was then on the rise. This event generated discussion on the status of women and their rights. The UNICPD's agenda contained issues related to women such as sex equality and access to reproductive and sexual health services. Those topics provoked conservative *ulama* in the Kingdom, being, in their view, against the laws of Allah and the laws of nature. The Council of Senior *Ulama* issued a statement, strongly condemning the conference agenda as being an insult to the values of Muslims and against the laws of nature.²⁶ The statement also forbade attending the UNICPD and called on states to boycott it. In such an atmosphere, various articles and commentaries appeared in the Saudi press criticizing the UNICPD's agenda and arguing that issues like sex equality, abortion, homosexuality, and sex education would undermine morals and chastity in Muslim societies.²⁷ In the light of public attitudes against the conference and because of the religious revivalist sentiment that unfolded following the 1991 Gulf War, the Saudi government decided not to participate in the 1994 UNICPD.²⁸

A year later, the UN Fourth World Conference on Women was held in Beijing on 4-14 September 1995 and attended by delegations from all over the world. It was the largest gathering of governments and NGO representatives ever held.²⁹ Saudi Arabia was the only country that did not send a delegation to the conference,³⁰ as the Council of Senior *Ulama* in a statement published in the Saudi media called on Muslim governments,

peoples and individuals to denounce the agenda of the Beijing Conference and to be cautious about its outcome.³¹ The Saudi Grand Mufti unequivocally stated that the Beijing Conference had adopted un-Islamic principles (*mabadi Kufriyah*), calling on all Muslims to boycott it and to take all necessary measures to stop this 'immoral invasion'.³² The debate about the Beijing Conference in the Saudi Press reflected religious and traditional sentiment in which women's morality and chastity were central in the argument.

The twenty third Special Session of the UNGA, entitled 'Women 2000: Gender Equality, Development and Peace for the Twenty First Century', which took place in New York in June 2000, aimed at reviewing progress made in the five years after the adoption of the Beijing Declaration and Platform of Action. Unlike the Cairo or Beijing conferences, the UNGA special session on women (known as Beijing+5) failed to provoke public debate. Saudi Arabia did not send a delegation, but instructed its permanent representative to the UN to participate in the session. The final document of the session was adopted without vote, containing further actions and initiatives to implement the Beijing Declaration and Platform of Action. However, several states made statements explaining their position before adoption of the final document. In its explanatory statement, Saudi Arabia confirmed its commitment to implementation of the recommendation of the final document of the session in a manner that did not conflict with Islamic and national laws.³³

In relation to Saudi Arabia's engagement in the activities of UN development programs for women, the UNDP started in 2001 a pilot project for Saudi professional women.³⁴ Taking advantage of the development of the Internet as a medium of learning, the project aimed at empowering professional women and training them in the field of executive level management.

Regionally, the Cairo Declaration on Human Rights in Islam was endorsed in 1991 by the Foreign Ministers of the OIC. With Saudi Arabia playing an influential part in drafting the document, the Saudi Foreign Minister presented the Cairo Declaration at the 1993 World Conference on Human Rights in Vienna, indicating that the application of human rights requires consideration in the context of the diversity of societies and cultures.³⁵ Saudi Arabia has referred on several occasions to the endorsement of the Cairo Declaration as a document that symbolizes diversity on human rights.³⁶

In looking at the position of the Cairo Declaration in relation to women's rights, it avoided providing equality in rights regardless of sex. Instead, Article 6 establishes equality in 'human dignity' between a woman and a man and provides that the woman 'has her own rights to enjoy as well as duties to perform', specifying three rights: a woman's right to legal personality, to manage and own her own property and to retain her name after marriage. The enjoyment of rights, such as the right to freedom of movement in Article 12, has been linked to the framework of the *shari'ah*, which may allow restrictions to be placed on women. Consequently, Saudi Arabia's endorsement and reference to the Cairo Declaration does not clarify its position in relation to women's rights, as the Declaration itself is ambiguous about rights and duties of women and vague on the notion of equality of rights.

Similarly, the Kingdom sponsored, directly or indirectly, a number of international symposiums and conferences in which human rights in Islam were discussed. In reviewing documents and declarations of those meetings, and what has been said about women's rights in particular, it appears that they mostly reflect Saudi perspectives on human rights, typically using general, unspecific statements on issues which conflict with the internationally-recognized women's rights standards. While sex equality is generally a settled issue at the international level, the final declaration of the International Symposium on Human Rights in Islam, held in Rome in February 2000, stated that "men and women are partners in all fields of life, according to their competences."³⁷

The signing of CEDAW marked a turning point, from a legal point of view, in the rights of women in Saudi Arabia. Prior to its accession, Saudi Arabia's interaction with the UN human rights system, particularly within the field of women's rights, was largely shaped by expressing endorsement of UN proposals and participating in its activities, with rare abstentions and few absences. It is now useful to explore how Saudi Arabia has changed its policies to meet its obligations under the CEDAW.

2. Changes in the Status of Women since Saudi Arabia's Accession to CEDAW:

CEDAW primarily prohibits discrimination against women on the ground of sex and promotes equality between women and men in all spheres of life. With its 16 substantive articles, CEDAW defines discrimination against women and provides an

agenda for national action to eliminate discrimination against women and to establish absolute equality with men.

Saudi Arabia's accession to CEDAW in September 2000 was conditional upon laws of the *shari'ah* having precedence over the CEDAW provisions, as indicated previously. Saudi Arabia, as a state party to CEDAW, has committed to taking all appropriate measures to achieve sex neutrality, in which all discriminatory policies and practices against women should be eliminated, as long as those policies or rules do not contradict Islam. The legality of such a general reservation is questionable, particularly given the problematic reconciliation between Saudi Arabia's understanding of the *shari'ah* and the object and the purpose of CEDAW. The Vienna Convention on the Law of Treaties prohibits states from making reservations that go against the object and purpose of the treaty.³⁸ However, Saudi Arabia is not a party to this convention.³⁹

The earlier noted narrow interpretation of Islam combined with traditional, tribal practices makes it possible to visualize an improvement in the status of Saudi women and in promoting their rights. CEDAW is undeniably significant to Saudi women, as it provides a legal framework obligating Saudi Arabia to eliminate all forms of discrimination against women. Although the general reservation on CEDAW bestowed Saudi Arabia with a legal excuse to evade some of its obligations under the Convention, the signing of CEDAW by the Saudi government has given human rights activists within and outside the Kingdom a reference to use when pressing for change.

Part I of CEDAW (Articles 1, 2, 3, 4, 5 and 6) is related to prohibiting discrimination in national constitutions and legislation and affirming equality of women and men in all fields. It also calls upon states parties to take all appropriate measures and pursue every means to eliminate discrimination against women. In Saudi Arabia, there are several official laws and social practices based on religious rules and traditional values that are discriminatory against women. The constitution of Saudi Arabia remains silent about women's rights, let alone establishing sex equality. National legislation does not establish legal equality between women and men, although partially similar policies have been enacted to cover both sexes in fields like education, health and employment. Since its accession, some developments have taken place in the Kingdom to raise awareness of the need for a culture in which women would be treated as partners of men and to promote the role of women in public life. As pointed out earlier, the rationale behind the law prohibiting women from driving has been re-considered. Saudis, at official and public

levels, have become more willing to consider women driving as a social, as opposed to religious, issue. Activists have argued for women's right to drive by pointing out that Saudi Arabia has signed international treaties on non-discrimination between sexes as long as the treaties are not in conflict with Islam, and driving is not.⁴⁰

Despite new trends and developments aimed at granting Saudi women more rights and broadening their participation in public life, Saudi Arabia has not yet implemented in its national constitution and other relevant legislation the call of Part I of CEDAW to clearly prohibit discrimination against women. In addition to local traditions, Islamic general principles,⁴¹ such as *qiwamah* and *hijab*, and their narrow interpretation and traditionally-inspired application obstructed the Saudi government from adopting legislative measures and approving legal frameworks that would institute equality between men and women. It is worth noting that observing the 'Islamic', traditional code of women's dress has been strictly enforced by Saudi authorities, compared with lenience in enforcing the Islamic requirement for men to be covered from waist to knee, as in the case, for instance, of soccer players.⁴² This variation in enforcing the dress code, let alone the discrepancy of the code itself between women and men, is considered discrimination under Article 1 of CEDAW.⁴³ Although some Islamic principles can be subject to reinterpretation, absolute sex equality contradicts some laws that are manifestly stated in Islamic texts. Therefore, Saudi Arabia assumes that the avoidance of establishing equality between men and women in its legislation is compatible with its unspecified reservation on CEDAW.

Articles 7 and 8 urge states parties to grant women equal rights to participate in political and public life, including the right to be eligible for, and to vote in, all elections, to take part in formulating policies and performing all public functions including those of non-governmental organizations, and giving women the opportunity to represent their governments at international level and to participate in the work of international organizations. In Saudi Arabia, women play a limited, constrained role in public life, with no means to directly influence political decisions. To a large extent this is due to social values prevailing in the Saudi patriarchal, tribal society, which are justified and guarded by strict religious interpretation. As explained earlier, Islamic texts do not prohibit women's participation in public life. Muslim women, during the time of the Prophet and his four caliphs, took part in political activities, such as their partaking in *bay'ah*, emigration, wars and even argument with and opposition to the leadership. Accordingly,

the shortcoming in implementing Articles 7 and 8 cannot be justified by observing the *shari'ah* and is thus regarded here as incompatible with Saudi Arabia's general reservation.

Since its accession to CEDAW, the Saudi government has adopted several measures to expand women's role in Saudi society. As discussed earlier, more educational and vocational opportunities became available to Saudi women, and their appearance and influence in public life are increasing, especially within the business community. CEDAW, and the Kingdom's accession to it, was expressly cited in the debate over the participation of women in municipal elections. Public debate was generated when ambiguous wording of regulations applying to the rights of women to vote or be elected in the 2003 municipal elections were inferred as compatible with Saudi Arabia's accession to CEDAW.⁴⁴ Furthermore, Saudi women have gained membership in some local NGOs, represented the Kingdom at international forums and participated in the works of international organizations such as the UN.⁴⁵ While there are various reasons for these developments, those moves themselves are considered gradual steps to fulfilling the Kingdom's obligations under Articles 7 and 8 of CEDAW.

Article 9 is concerned with equality of rights in relation to nationality laws. Because there is nothing in Islam that prevents a woman from passing her nationality to her children, Saudi Arabia had to make specific reservation to Article 9 (2), which called upon states parties to grant women equal rights with men with respect to the nationality of their children. Despite the introduction of a newly amended nationality law in mid 2004 and recent discussions in Saudi media about this matter,⁴⁶ the Saudi government is not ready yet to grant the children of Saudi women married to foreigners Saudi nationality because the lineage in the Arab culture is still considered to be strongly connected with the males. Saudi Arabia's specific reservation on Article 9 (2) can be attributed mainly to tribal thinking about women, as its general reservation cannot be used to justify preventing children from acquiring their mother's nationality.

Equality in education is stipulated in Article 10, stating that women should enjoy equality in education including access to the same curricula and standards, ensuring equality in all levels and types of education and encouraging coeducation. Whereas segregation in education does not necessarily mean inequality, as implied in this Article, Saudi women suffer some disadvantages in educational facilities, compared to men, such as access to libraries, shortages in teachers and limited fields of study.⁴⁷ Shortages may

occur for various, sometimes uncontrollable, reasons, but the lack of teachers and the limited access to libraries or to fields of studies can be connected with a traditional, patriarchal view that gives male education more attention than female education. However, as indicated in the previous chapter, there has been a recent expansion of fields of study available to women in Saudi educational institutions, although women are still not permitted to study in fields such as engineering or military matters. Article 11 concerns equality of employment opportunities and affirms the right of women to maternity leave and protection during pregnancy. As with their educational status, Saudi women have limited access to jobs mainly due to the rule of sex-based segregation. Islam generally does not prevent women from education or employment, but socially influenced laws not only discriminate against women, they also obstruct the full realization of women's rights in the field of education and employment in accordance with Articles 10 and 11.

As explained earlier, several developments took place towards providing Saudi women with more educational and vocational opportunities. The passage of a new labour law that guarantees women's right to work has brought the Kingdom closer to compliance with Article 11, despite the fact that the new law limits women's right to work to fields that suit their nature.⁴⁸ Saudi press have been openly and increasingly discussing various obstacles and problems related to women's work, in which advocates of women's right to work referred frequently to Saudi Arabia's accession to CEDAW and pointed towards its significance in guaranteeing women equal rights to men.⁴⁹

Recent developments in women's education and employment are noticeable. Granting women more opportunities and increasing their role has become essential, not only to meet Saudi Arabia's obligations under CEDAW and to absorb international pressure on the issue of women, but also for the Kingdom's progress and the improvement of its economy. As explained in detail earlier, the Kingdom has witnessed in the last few years several developments towards improving the status of women in education and employment. However, there is a need for more changes to achieve compliance with standards set forth in Articles 10 and 11.

In accordance with Article 12, Saudi women have similar health care services to those available to men. Yet, to gain indisputable access to maternity wards for delivery, a woman is typically required to provide consent from a male guardian to the hospital. Inconsistently with Article 13, Saudi women are disadvantaged in gaining access to

recreational activities, sports and some aspects of cultural life. Again, *hijab* and its ramifications for segregation prevents women from enjoying equal rights in some aspects of economic, social and cultural life in the Kingdom. Saudi Arabia justifies ignoring rights related to providing similar access to sporting activities, as stated in this Article and Article 10 (g), by observing the *shari'ah*, which is consistent with its general reservation on CEDAW. Nonetheless, as providing separate, equal sport facilities for women is possible and Islamically acceptable, the existing lack of recreational facilities is likely related to restrictions that are based on traditional, tribal perspectives about women and their movement. It is noteworthy that recent years have witnessed public debate in Saudi newspapers about the need to initiate athletic activities suitable for women.⁵⁰ *Majlis Al-Shura* approved, by majority vote, a recommendation to the Ministry of Education to include a sport class in girls' public schools as part of their weekly schedule, similar to that applied in boys' schools.⁵¹ Although the recommendation has not been implemented, such debate has ended a social taboo by questioning the inequality of opportunities between boys and girls to participate in sport activities and physical education.

Article 15 established the principle of equality between women and men before the law, giving women in civil and private matters a legal capacity identical to that of men and the same opportunities to exercise that capacity. It also furnished women with equal legal rights as men regarding their movement and residence. Islamic texts gave women full legal capacity with a separate financial entity and accorded to women equality before the law in general, with the exception of testimony and inheritance laws noted previously. Concerning the right to movement, the Islamic principle of *qiwamah* and the subordination of women in tribal thinking have restrained women's free movement, as the woman is expected to get consent from her guardian to exercise the right of movement and choice of residence.

In Saudi Arabia, there are several laws that violate rights stated in Article 15. Most violations can be justified on *shari'ah* grounds and, thus, are in line with Saudi Arabia's general reservation on CEDAW. However, choosing strict interpretations of the *shari'ah* furthers the level of violation of women's rights. Moreover, one cannot attribute all laws pertaining to the treatment of women in the Kingdom to the *shari'ah*. Influenced by traditional and patriarchal orientations, laws of segregation and guardianship have restricted the legal capacity of Saudi women including their right to movement and freedom to choose their residence and domicile. Banning women from travelling, without

being accompanied by a *mahram* (guardian) or obtaining permission from him, is a restriction of the freedom of movement that is guaranteed under this Article. Since the time of joining CEDAW, Saudi Arabia has taken hesitant steps to enlarge the legal capacity of women to perform for themselves some procedures in public and private sectors, including allowing them to administer their businesses on an equal footing to men. As indicated earlier, issuing ID cards for women has advanced their independence in some aspects, including improving their legal capacity.

The focus of Article 16 is on eliminating discrimination against women in matters related to marriage and family relations and on establishing equity between women and men in all rights and responsibilities within the marriage institution. It also called upon states parties to legally specify a minimum age for marriage. There are several aspects within this Article that contradict mainstream interpretations of Islamic texts, either apparently or unequivocally. It is complicated to fully conciliate Islamic laws with the rights stated in this Article, especially problematic issues such as lawful polygamy for men, restricting Muslim women to marry only Muslim men, the requirement for the male guardian to validate the marriage contract and women's unequal legal status with men in matters relating to marriage and divorce. While it is possible, through reinterpreting Islamic texts, to limit the scope of such practices and to increase conditions on them, it is difficult to outlaw them completely.⁵² The age of marriage according to most *ulama* is determined by signs of maturity rather than by age only, but some jurisprudents linked maturity mainly with a certain age, mostly fifteen years of age.⁵³

In April 2005, the Saudi government issued a royal verdict announcing its intention to initiate a review process to revise and restructure institutions and laws governing the judicial system including the personal status courts, which deal with divorce issues, among other things.⁵⁴ Procedures available for Saudi women to gain easier access to divorce have recently been under growing public discussion,⁵⁵ as have forced or under-aged marriages. As mentioned in the previous chapter, the *ulama* issued a *fatwa* banning forced marriage, and the Ministry of Justice is preparing a new law to determine the age of marriage. Despite such minor steps, Saudi Arabia is still far behind in implementing rights expressed in this Article. The only refuge is its general reservation as some practices can arguably be justified on religious grounds.

For the first time, a Saudi female TV presenter (Ms. Mona Abu-Solaiman) was named as a UN Goodwill Ambassador. The UN Secretary General met with her in

Jeddah, giving support to a broadening of the role of Saudi women in public life. A well-known Saudi football player was also selected as a UN Goodwill Ambassador, but while the UN Secretary General did not meet with him, his meeting with Abu-Solaiman was published in the front page of some Saudi newspapers.⁵⁶ Despite being a symbolic step, naming a Saudi woman as a goodwill ambassador and organizing and publicizing her meeting with the UN Secretary General should be seen in the context of promoting the rights and the role of Saudi women by both the UN and the Saudi government as well. For the Saudi government, changing the status quo of women and responding positively to its obligations under CEDAW requires the highlighting and promotion of the roles played by prominent, successful Saudi women like Abu-Solaiman.

3. Responses of Saudi Arabia to its Obligations under CEDAW:

In order to explore the extent to which developments in Saudi women's rights can be linked to Saudi Arabia's obligations under CEDAW, one has to assess different features that can assist establishing a level of correlation between CEDAW's influences and the development of women's rights in the Kingdom. Given the theoretical discussion earlier in this thesis, UN human rights mechanisms can serve as important instruments in the process of socialization. Constructivist theories focus on the process of socialization and internalization, assuming that social learning mechanisms, rather than political pressure, leads states into compliance with international normative principles. By engaging and interacting with the UN human rights system since 1948 and joining its human rights legal arrangements since the mid 1990s, Saudi Arabia has become involved in the operation of that socialization process.

Certain elements within theories of compliance have to be utilized to understand the extent to which Saudi Arabia was responding to UN women's rights influences. As explained in chapter two, an enforcement model of compliance may prove to be effective in situations of gross violations of human rights or in areas such as trade or environment matters. For human rights, durable compliance with norms promoted by the UN human rights system rests fundamentally on their acceptance and their internalization into governmental policy and community thinking. To achieve this relies primarily on mechanisms such as cooperation, persuasion and shaming to induce states to implement their obligations arising from joining international human rights treaties.

The decision by the government of Saudi Arabia to become a state party to CEDAW was the result of various forms of influence. CEDAW and other international human rights treaties are the products of the UN human rights system. UN bodies and forums, in which Saudi Arabia is a member, have been used as a launching platform by international actors (states and NGOs) to urge states to join international human rights treaties and to adhere to international human rights standards. Saudi Arabia, as a UN state member, has been exposed to mechanisms of persuasion and shaming used by, or at, the UN human rights system. Accordingly, one cannot ignore the role played by the UN human rights system in making Saudi Arabia party to some international human rights legal arrangements, particular to CEDAW. Saudi Arabia's engagement in, and interaction with, the UN human rights system was a primary stage that contributed to its decision to join international human rights legal arrangements. However, becoming part of such arrangements is only a preliminary, but important, level of compliance in which the Kingdom has conditionally endorsed international treaties and provisionally accepted international scrutiny. It is therefore worth examining whether the recent developments in women's rights in Saudi Arabia related to its responses to the UN human rights system and to its obligations under CEDAW.

It has been indicated in the earlier theoretical discussion (chapter two) that compliance with human rights treaties normally necessitates a transitional period, as compliance with human rights standards typically involves changes in social norms. Human rights treaties were designed to initiate a process that over time, sometimes involving long periods, would bring behaviour into greater congruence with those ideals embodied in the human rights treaties including CEDAW. As we have seen, developments in women's rights that recently took place in the Kingdom can be linked in time to the period that followed Saudi Arabia's accession to CEDAW. This temporal coincidence can be misleading, as theories of compliance with human rights treaties suggest that changes in social norms usually occur over lengthy periods of time. In other words, Saudi Arabia was not necessarily responding to influences by CEDAW, but rather the Kingdom may have been reacting to several internal and external circumstances that coincided with influence by CEDAW.

Following Saudi Arabia's accession to CEDAW, both the media and women's rights activists, within Saudi Arabia and abroad, have been using CEDAW and its provisions as a reference point to press for a greater role for women in the Kingdom.⁵⁷

Using CEDAW as a reference reflects a level of impact and a form of pressure arising from international treaties and serves as a reminder of Saudi Arabia's obligations under CEDAW. While referring to CEDAW does not change the reality of women's rights in the Kingdom, it assists in building pressure on Saudi Arabia to implement its obligations under CEDAW. The traditional bi-dimensional influence of the media and women's rights activists was empowered when Saudi Arabia joined CEDAW to create a triangular dimension of pressure.

As illustrated earlier, reformers in the Kingdom used the international media to get their message across to the Saudi people who largely have the benefit of access to the international media through traditional avenues (such as radio) and new means (such as the Internet). At the present time, various forms of media available to most people in the Kingdom, particularly the Internet and satellite televisions, provide unrestricted access to information about domestic, regional and international issues. Routinely, women's rights activists use these media to call for the elimination of discriminatory practices related to the treatment of Saudi women, as part of Saudi Arabia's obligation under CEDAW. However, developments that occurred in relation to the status of women in the Kingdom cannot be directly linked to CEDAW. While CEDAW's direct influence is largely seen as limited, particularly on the substance, the Kingdom's decision to ratify CEDAW has empowered other external and internal factors that seek to advance the role of women in the Kingdom and protect their rights.

To assess how Saudi Arabia has responded to the requirements of CEDAW, one has to look at the way Saudi Arabia responded to its obligations under other international human rights conventions. As explained earlier, Saudi Arabia acceded to four human rights conventions including CEDAW, with general reservations to most of them not to abide by provisions that contradict the *shari'ah*. Numerous developments, mentioned in previous chapters, have been introduced to bring the Kingdom closer to standards set forth in those conventions, whilst there are still several shortcomings beyond those required by the explicit *shari'ah* laws. At the social, grassroots level, and as required by most international human rights conventions and declarations, officials in the Ministry of Education announced the introduction of a new strategy in schools to increase awareness of human rights, referring to the international working plan for education on human rights, among other sources, as guidance in preparing this strategy.⁵⁸ Moreover, in a publicized

step to promote a culture of human rights, the Saudi Postal Authority inaugurated a memorial postage stamp about human rights.⁵⁹

Saudi Arabia provided its initial reports on the three human rights conventions to which it has acceded (CRC, CERD and CAT) to illustrate its compliance with their provisions. It also explained practices and developments related to protecting and promoting human rights in the Kingdom before UN committees. For women's rights, Saudi Arabia's initial report was due in October 2001, but it has not yet been submitted. Unlike the other three human rights conventions, CEDAW is problematic and complex as it touches upon sensitive religious and social issues. Standards concerning combating torture, eliminating racial discrimination or protecting the rights of the child are in general compatible with the principles of the *shari'ah*, whereas the rights of women as stated in CEDAW are controversial from both Islamic and traditional perspectives. Furthermore, pressure applied by international actors on states to ratify international human rights conventions is intensive, when compared to pressure on states parties to submit their reports on those conventions. For instance, Amnesty International and Human Rights Watch exerted pressure on Saudi Arabia to ratify international human rights conventions, but the late submission of reports has received minor attention, although for various reasons not submitting reports on the scheduled time is common practice among states parties to human rights conventions.

The Saudi people, as represented in the survey sample discussed briefly in chapter four, by and large agree that international factors are effective in promoting changes in the status and role of women. Yet, the lack of knowledge among the study sample about Saudi Arabia's engagement with the UN human rights system and their disagreement with linking the recent changes on women's rights to the Kingdom's accession to CEDAW reflect a weakness of association between domestic public opinion and the UN human rights system. This supports the argument that Saudi Arabia's accession to CEDAW, as form of international influence, has not had a direct influence evident to the Saudi public.

In order to make a more accurate assessment as to whether Saudi Arabia is responding to CEDAW and the UN women's rights mechanisms, other external and internal factors should be briefly reviewed. In this context, three fundamental elements should be identified. First, domestic or international factors are more effective when national security or the regime's image is at stake. In the case of women's rights,

influences from international factors, including CEDAW and the UN human rights system as a whole, do not represent a threat to the security of the Kingdom, although they may relate to issues that have a negative influence on the image of Saudi Arabia. Foreign states, NGOs and international media utilize various mechanisms to put pressure on Saudi Arabia to change its pattern and policies relating to the treatment of women.

Second, traditional wisdom would suggest that domestic factors could have a more substantial influence, but the unequal relationship between Saudi Arabia and outside powers may weaken this wisdom. As explained in chapter five, Saudi Arabia's dependence on outside powers to sustain its security has made the Kingdom more vulnerable to pressure by those powers. As promoting women's rights serves the interests of Western powers, especially in combating conservative notions allegedly responsible for spreading fundamentalism and terrorism, recent developments related to women were often linked to pressure by those powers. In this context, CEDAW has been used as a vehicle for exercising pressure, when various actors and activists call on Saudi Arabia to honour its commitment by implementing CEDAW's provisions.⁶⁰

Third, today's world makes interactions between various external and internal factors an inescapable reality, while interactions among various forms of international influence are more likely. However, in looking at how CEDAW and the UN women's rights mechanisms in themselves have affected women's rights in Saudi Arabia, it is fair to conclude that their influence is undoubtedly positive in the process of change, although it is slow and has not yet profoundly touched the substance of women's rights in Saudi Arabia. In an indirect way, CEDAW has empowered other forms of influence, particularly international factors such as states, NGOs, and the media. Domestically, various liberally-oriented circles within the Saudi government and media consider ratifying CEDAW as a step in the right direction in advancing the role of women in Saudi society. Overall, the ratification of CEDAW could be seen both as a sign of change and as a result of ongoing processes of internal and external influences.

Conclusion:

In examining Saudi Arabia's interaction with the UN human rights system within the area of women's rights, one of the most noticeable conclusions is that the Kingdom has typically linked its position towards women to its view of the *shari'ah*. It is Islam,

rather than traditions or national laws, that has been emphasized in the Kingdom's response towards influences exerted by the UN mechanisms concerning women's rights. Yet, some practices related to the treatment of women in Saudi Arabia are not only against the international human rights standards to which Saudi Arabia is legally bound to adhere, but also unrelated to Islam.

Saudi Arabia has referred, in its statements and arguments at UN forums, to the *shari'ah* as the primary source of laws and policies pertaining to the rights of women. Nonetheless, Saudi Arabia's interaction with the UN human rights system has been shaped by avoiding explicitly stipulating what Islamic views on women are and, when participating in the activities of the UN human rights system, by staying away from openly opposing the universally-recognized women's rights standards. Similarly, documents produced within the Islamic framework and/or under the sponsorship of Saudi Arabia have not contained a specific position that clarifies the Islamic perspective on the issue of women's rights.

When Saudi Arabia acceded to CEDAW in 2000, it expressed a general reservation that gives its interpretation of Islam a priority over its obligation under CEDAW. The review of CEDAW's articles has revealed that a level of contradiction existed between CEDAW and the established Islamic view about women's roles and rights. However, it is an open-ended argument as how to define the Islamic view on some of women's rights. The clear-cut Islamic rules on women's rights will remain a controversial issue between traditionalists, conservatives, reformists and liberals themselves, let alone within those groups.

Adopting policies that have avoided specifying a set of norms as the Islamic standards of women's rights reflects both the complexity of the issue and the shrewdness of the Saudi government. Taking into consideration the dominant ideology in the Saudi society, the Saudi government has handled cautiously and with sensitivity calls for sex equality and greater freedoms for women, as seen in its engagement at the UN on matters pertaining to women.

It is therefore legitimate to conclude that only a weak correlation between Saudi Arabia's accession to CEDAW and the recent developments in the case of women's rights in Saudi Arabia can be established. As Saudi Arabia expressed a general reservation not to be bound by CEDAW's articles that in its view contradict Islam, the Kingdom has not found it difficult to evade legally whatever norms are believed to be in contradiction with

its understanding of Islam. However, as the thesis's argument is based on the fact that the issue of women's rights fits best into a constructivist perspective, Saudi Arabia's accession to CEDAW and its increasing engagement in the UN human rights system as a whole in recent years is a genuine factor in the process of socialization and learning. Recent developments in women's rights and growing calls to increase their role in society are considered the product of a socialization process initiated and motivated by various internal and external circumstances, including CEDAW and the UN women's rights mechanisms. The UN human rights system, however, has played a significant role in codifying principles related to the treatment of women in establishing the foundational bases for empowering and legitimizing other forms of influence.

ENDNOTE (CHAPTER EIGHT)

- ¹ See, for instance, Steven C. Poe, Dierdre Wendel-Blunt, and Karl Ho, "Global Patterns in the Achievement of Women's Human Rights to Equality", *Human Rights Quarterly* 19:4 (1997) 816.
- ² See, UN publication, "Beijing Declaration and Platform for Action with the Beijing +5 Political Declaration and Outcome Document", (New York: United Nations, 2001).
- ³ For more details, see Marilou McPhedran, Susan Bazilli, Moana Erickson and Andrew Bynes, *The First CEDAW Impact Study* (New York: The Centre for Feminist Research, 2000) 11-26.
- ⁴ UN Charter, Article 55.
- ⁵ UN document, Yearbook of the UN (1952), 484.
- ⁶ *Ibid.*
- ⁷ See, UN document, Office of the UN High Commissioner for Human Rights (OHCHR), United Nations Treaty Collection, Convention on the Political Rights of Women, the Status of Ratifications, Reservation and Declarations, viewed on line at <http://www.unhchr.ch/html/menu3/b/html/menu3/b/treaty1_esp.htm> accessed 30 March 2006.
- ⁸ UN document, Yearbook of the UN (1956), 238.
- ⁹ Dusan J. Djonovich, *United Nations Resolutions* (New York: Oceana Publications, 1985) Vol. VI, 39.
- ¹⁰ UN document, UNGA Third Committee, 11th session (1956), 89-123.
- ¹¹ *Ibid.*, 109.
- ¹² UN document, Office of the UN High Commissioner for Human Rights (OHCHR), United Nations Treaty Collection, Convention of the Nationality of Married Women, the Status of Ratifications, Reservation and Declarations, viewed on line at <<http://www.unhchr.ch/html/menu3/b/treaty2.htm>> accessed 25 March 2006.
- ¹³ UN document, Yearbook of the UN (1962), 325.
- ¹⁴ *Ibid.*, 330.
- ¹⁵ Having exhausted all available UN documents to find out the position of Saudi Arabia on this voting, the researcher turned to the UN Information Centre in Australia (Sydney). Following checking related documents, Ms. Toni Smith at the Centre advised that there are some UNGA resolutions where only the result of the voting recorded without listing the voting of each country.
- ¹⁶ UN document, Office of the UN High Commissioner for Human Rights (OHCHR), United Nations Treaty Collection, Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the Status of Ratifications, Reservation and Declarations, viewed on line at <http://www.unhchr.ch/html/menu3/b/treaty3_esp.htm> accessed 26 March 2006.
- ¹⁷ UN document, UNGA Plenary Meetings, 20th session (1965), 235-242 and UN document, UNGA Third Committee, 20th session (1965), 77-84.
- ¹⁸ UN document, Yearbook of the UN (1965), 468.
- ¹⁹ UN document, Yearbook of the UN (1967), 514.
- ²⁰ See, UN document, UNGA Third Committee, 22nd session (1967), 15-111.
- ²¹ UN document, Yearbook of the UN (1974), 643.
- ²² UN document, UNGA Plenary Meetings, 29th session (1974), Vol II, 188.
- ²³ See, UN document, UNGA Plenary Meetings, 34th session (1979), vol. III, 1991-1997.
- ²⁴ UNESCO document, State of Ratification: Convention against Discrimination in Education (1960), viewed on line at <http://portal.unesco.org/education/en/ev.php-URL_ID=27481&URL_DO=DO_TOPIC&URL_SECTION=201.html> accessed 1 April 2006.
- ²⁵ UN document, Yearbook of the UN (1993), 1046.
- ²⁶ The statement of the Council of Senior *Ulama* was circulated by the Saudi Press Agency and published and broadcasted in the Saudi media. See, for instance, Saudi Press Agency, "al ulama yastankirun ajendat mo'tamar al sukan" [The *Ulama* Condemned the Agenda of the Population Conference], *Al-Jazirah*, 1 September 1994, 1 & 22.
- ²⁷ See, for instance, Abdullah Al-Dosari, "mo'tamar al ejhadh wa thgafat al jins" [Abortion's Conference and Sex Culture], *Al-Jazirah*, 8 September 1994, 9, Jasir Al-Jasir, "al tasalut al hadhari fi mo'tamar al sukan" [Cultural Domination in the Population Conference], *Al-Jazirah*, 10 September 1994, 2, Mohammed Ba-Junaid "na'am: yajib an nahthar hatha al mo'tamar" [Yes: We Must be Cautious of this Conference], *Al-Jazirah*, 5 September 1994, 24 and Abdullah Al-Hetheri, "mo'tamar wa'd al bashariyah" [The Conference of Burying Humanity], *Al-Jazirah*, 11 September 1994, 21.
- ²⁸ For more details, see Mai Yamani, "Feminism and Islam: Legal and Literary Perspectives", in *Some Observations on Women in Saudi Arabia*, ed, May Yamani (New York: New York University Press, 1996) 267 and Eleanor Doumato, "The Ambiguity of Shari'a and the Politics of 'Rights' in Saudi Arabia", in *Faith*

& *Freedom: Women's Human Rights in the Muslim World*, ed. Mahnaz Afkhami (Syracuse: Syracuse University Press, 1995) 146-148.

²⁹ UN publication, "Beijing Declaration and Platform for Action with the Beijing +5 Political Declaration and Outcome Document", (New York: United Nations, 2001) 2.

³⁰ Eleanor Doumato, "Women in Saudi Arabia Between Breadwinner and Domestic Icon", In *Women and Power in the Middle East*, Eds. Suad Joseph and Susan Slyomovics (Philadelphia: University of Pennsylvania Press, 2001) 167.

³¹ Saudi Press Agency, "al mo'tamar hadafih itlaq al raghabat that sitar al huriyah" [The Conference Aims at Freeing the (sexual) Desires under the Name of Women's Freedom], *Al-Jazirah*, 2 September 1995, 1.

³² Saudi Press Agency, "Ibn Baz: mo'tamar al mar'ah tabanna mabadi kufriyah wa ala al muslimmeen muqata'toh" [Ibn Baz: The Women Conference Adopted Un-Islamic Principles and Muslims Have to Boycott it], *Al-Jazirah*, 4 September 1995, 5.

³³ UN document, *GA/9725* of 10 June 2000, Press Release: "General Assembly Reaffirms Commitment to 1995 Beijing Conference Goals, as 'Women 2000' Special Session Concludes at Headquarters".

³⁴ UN document, UNDP, "Internet Based Distance Training for Saudi Professional Women: Saudi Arabia", viewed on line at <<http://www.sdn.undp.org/gender/news/gb15.html>> accessed 18 April 2006.

³⁵ Saudi Arabia (official document), statement by Sa'ud Al-Faisal before World Conference on Human Rights, (Vienna, 15 June 1993), viewed on line at <http://www.saudiembassy.net/press_release/hr-Vienna-93.html> accessed 12 March 2002.

³⁶ See, for instance, Saudi Arabia (official document), Saudi Arabia's Statement delivered by Turki Bin Muhammad Bin Saud Al-Kabeer, at the 56th Session of the Commission on Human Rights on 6 April 2000 and the Saudi Arabia Information Resource, "Prince Sa'ud Al-Faisal Delivers Lecture in London" <<http://www.saudinfo.com/main/y7906.htm>> (25 February 2005) accessed 26 July 2005.

³⁷ International Symposium on Human Rights in Islam, Final Declaration, Rome (25-27 February 2000).

³⁸ UN document, Vienna Convention on the Law of Treaties, Article 19 (c), viewed on line at <http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf> accessed 19 November 2005.

³⁹ The Vienna Convention on The Law of Treaties: States Parties, viewed on line at <<http://members.yline.com/~waltergehr/trea/statesparties.html>> accessed 25 March 2006.

⁴⁰ See a statement by Dr. Suhaila Hammad, a senior member of the newly established National Society of Human Rights in Saudi Arabia, reported by P. K. Abdul Ghafour, "Women Driving is Not a Priority: Prince Naif", *Arab News*, 14 June 2005, 1.

⁴¹ *Qiwamah* (guardianship) and *hijab* (veiling) are Islamic principles, but their interpretation and application in the Saudi society are influenced by customary practices.

⁴² See, for instance, Purva Desphande, "The Role of Women in Two Islamic Fundamentalist Countries: Afghanistan and Saudi Arabia", *Women's Rights Law Reporters* 22:2 (Spring 2001) 195.

⁴³ Sifa Mtango, "A State of Oppression? Women's Rights in Saudi Arabia", *Asia-Pacific Journal on Human Rights and the Law*, 5:1 (January 2004) 54.

⁴⁴ Maisoun Al-Dakhil, "musharakat al mar'ah fi al majalis al baladiyah" [Participation of Women in the Municipal Councils], *Al-Watan*, 18 August 2004, 3.

⁴⁵ For instance, when Thoraya Obaid was appointed as the executive director of the UN Population Fund (UNFPA) in 2001, Saudi Arabia hailed her appointment as an achievement by all Saudi women despite her advocacy to sex equality.

⁴⁶ See, for instance, Alarabiyah TV, "al ta'delat ala qanoon al jensiyah fi al saodiyah" [Amendments to the Nationality Law in Saudi Arabia], 30 October 2004, the transcript of the program was viewed on line at <<http://www.alarabiya.net/Articles/2004/10/30/7533.htm>> accessed 3 April 2006.

⁴⁷ Mtango, "A State of Oppression? Women's Rights in Saudi Arabia", 55.

⁴⁸ Section nine of the new labour law has been devoted to articulate the rules that protect the rights of women in the workplace, but still linked work opportunities available to women to the *shari'ah* law (Article 40) and to the fields that suit the nature of women (Article 149). See, Saudi Arabia (official document), "nizam al amal" [The Labour Law], (2004), viewed on line at <http://www.mol.gov.sa/mol_site/p77-122.pdf> accessed 28 March 2006.

⁴⁹ See, instance, Mirza Al-khowaildi, "hal tahmi al andhemah al mar'ah al aamelah min tahrosh al rejal wa hal yaqbalon biqiyadatiha lil al amal" [Do Laws Protect the Working Woman from Men's Harassment and Do They Accept her Leadership?], *Al-Sharq Al-Wasat*, 9 November 2005, 7 and Shikhah Al-Thaqafi, 'iqsa al mara'ah an majalat amal bihojjat ta'aredheha ma tabi'atiha al bashariyah nawo'a min anwa'a al tameiyaz' [Excluding women from Certain Work Fields, As that Contradicts Their Human Nature, is a Form of Discrimination], *Al-Sharq Al-Awsat*, 9 November 2005, 7.

⁵⁰ See, for instance, Al-Jazirah, "thaqafiyat al shura: nosi bi takhsees nashatat riyadhiyah mohasibah lil mar'ah" [Cultural Committee Recommended Allocation of Sport Activities Suitable for Women], *Al-Jazirah*, 19 November 2005, 7.

⁵¹ Muneef Al-Sofogi, "tadrees al tarbiyah al riyadhiyah fi madaris al banat al saodiyah uthero jadalain bain al mu'ayedeen wa al mu'arideen" [Teaching Athletic Classes in Saudi Girls' Schools Provoked Debate Between Pro and Con], *Al-Sharq Al-Awsat*, 1 January 2004, 4.

⁵² For more details on views for bridging the differences between Islamic perspectives on women's rights in marriage and this Article of CEDAW, see UN Development Fund for Women, "Report of the Round Table Workshop: CEDAW and Islam and the Human Rights of Women" <http://www.arabwomenconnect.org/docs/ASRO_HR_round_report.doc> (October 1999) accessed 7 August 2005.

⁵³ The issue of determining the age of maturity has been a controversial question among the *ulama*, including the major four Islamic schools of thought. For more details, see, for instance, *al mawso' al al fiqhiyah* [The Encyclopaedia of Jurisprudence] (Kuwait: Ministry of Endowment and Islamic Affairs, 1986), Volume 22, 194-211 and a study by sheikh Al-Ameen Al-Haj Mohammed, "alamat al bolugh wa mujibatih" [Signs of Maturity and its Determents], viewed on line at <<http://www.islamadvice.com/usra/usra12.htm>> accessed 28 March 2006.

⁵⁴ Saudi Press Agency, "amr malaki li i'adat tanzim nizam al qada" [A Royal Verdict for Re-organizing the Judicial System], *Al-Watan*, 3 April 2005, 1.

⁵⁵ Sahar Al-Ramlawi and Norah Al-Huwaiti, "mahakim al ahwal al shachsiyah: hal tosbih masdaran tashri'ean li mu'alajat qadaya al mar'ah" [Personal Status Court: Is its Role to Become a Source of Legislative Laws for Solving Women's Issues], *Al-Riyadh*, 24 April 2005, 5.

⁵⁶ See, for instance, Al-Sharq Al-Awsat, "Anan yaltaqi al mothe'ah al saodiyah Muna Abu Solaiman" [Anan Meet with the Saudi Presenter Mona Abu Soliaman], *Al-Sharq Al-Awsat*, 11 November 2005, 1.

⁵⁷ See, e. g., Amnesty International, "Women Denied Right to Vote in Saudi Arabia", *The Wire*, AI's monthly magazine (December 2004), viewed on line at <http://web.amnesty.org/wire/December2004/Saudi_Arabia> accessed 18 March 2006 and Shikhah Al-Thaqafi, "iqsa al mara'ah an majalat amal bihojjat ta'aredheha ma tabi'atiha al bashariyah nawo'a min anwa'a al tameiyaz" [Excluding women from Certain Work Fields, As that Contradicts Their Human Nature, is a Form of Discrimination], *Al-Sharq Al-Awsat*, 9 November 2005, 7.

⁵⁸ P. K. Abdul Ghafour, "Schools May Step in to Raise Rights Awareness", *Arab News*, 27 November 2005, 2.

⁵⁹ Sultan Al-Mawash, "hoqooq al insan fi tab'i baridee" [Human Rights in a Postal Stamp], *Al-Jazirah*, 25 April 2006, 4.

⁶⁰ Annual human rights reports, such as reports issued by the United States, Amnesty International, or Human Rights Watch, typically refer to Saudi Arabia's accession to CEDAW when commenting on women's rights in Saudi Arabia.

CONCLUSION

This thesis has examined the relationship between the effects of one particular form of external influence, the UN human rights system, on developments in human rights practices in Saudi Arabia, with a focus on changes in the rights and the role of women in the Kingdom. The UN human rights system provides primarily a conceptual framework and promotional mechanisms for what are known as international human rights standards. The Kingdom of Saudi Arabia has been interacting with, and engaging in, the activities of the UN human rights system since the deliberation over the UDHR in the late 1940s. As illustrated, Saudi Arabia voted for most of the major international human rights declarations and conventions passed by the UN and has generally accepted in principle the universality of human rights norms, while legally making reservations when acceding to the internationally-recognized human rights conventions. Moreover, since the mid 1990s, Saudi Arabia has moved even closer to formal acknowledgement of the internationally-recognized human rights standards by ratifying four out of six international human rights conventions and become more involved in the activities of the UN human rights system. Furthermore, this period has witnessed some changes and developments in practice towards the protection and promotion of human rights in the Kingdom. During recent years, new laws have been adopted and institutions established to give effect to these developments. Whereas a range of other factors could be argued to have been influencing these changes, the central question has been to what extent such developments could be associated with Saudi Arabia's engagement with the UN human rights system, rather than with these other factors.

The issue of women's rights was selected as a case study for various reasons, including the considerable criticism leveled, mainly but not only by external actors, at the treatment of women in Saudi Arabia. Following the international focus on Saudi Arabia caused by its indirect association with the 11 September 2001 attacks and its subsequent involvement on the war on terrorism, the rights and the role of women in Saudi society have received unprecedented attention. Increasing external and internal criticism and influence related to women's rights, including those influences exerted by the UN human rights system, have resulted in some developments and triggered public debate on the matter. The focus on women's rights in this thesis has been aimed at establishing a more accurate understanding of the process of change in human rights in Saudi Arabia and to assessing the relationship between developments in

human rights practices in Saudi Arabia and the influence of the UN human rights system.

Although this thesis has essentially argued that the constructivist approach, involving processes of socialization and learning, is a suitable theoretical framework for examining developments towards human rights in Saudi Arabia, constructivism should be seen as a supplement to rather than an alternative to the realist and liberalist arguments on the diffusion of human rights norms. Developments in the human rights field in the Kingdom, as examined in this thesis, have been associated with various forms of influence, pressure, persuasion and interaction. This thesis has accepted that the notion of modern human rights is derived mainly from human reason extrapolating from the laws of nature. It acknowledged that the argument that human rights in the first place aims at protecting the life, security and integrity of individuals is compatible with the theories of human, moral nature and rational laws.

Although sovereignty is acknowledged in today's world as being increasingly porous, human rights remain principally within the control of national governments; sovereignty does still matter. Saudi Arabia, like some other countries, continues to use the principle of sovereignty to defend its human rights policies, but that does not mean the Kingdom is immune from some forms of external intervention, including influences exerted by the international human rights regime, involving naming and shaming or persuasion and encouragement.

The thesis has accepted that the UN is a principal actor in the international human rights regime, particularly in the processes of codification and promotion of international human rights norms. While accepting the significant role of internal factors in shaping domestic policies and producing compliance, the increasing complexity and interdependency of current global politics supports the argument that the international human rights regime, as an external factor, has gained further importance in influencing governments' decisions on domestic issues. In an increasingly interdependent world, this thesis has emphasized that international influences play a significant role in the processes of socialization and learning and in encouraging domestic acceptance of human rights norms. However, the interactions between external and internal factors are influential in shaping the outcome of such processes.

Among the concluding observations concerning arguments on the universality or cultural relativity of human rights is the view that that cultural relativity appears to be insignificant at the conceptual level. This is apparent particularly in relation to basic human rights, given that, among other things, the roots for respecting and

protecting human dignity have existed in various cultures and with the fact that member-states of the UN with those varied cultures have officially endorsed the accepted international human rights standards. In particular, those human rights connected with protecting the life, security and integrity of individuals and with providing basic human needs have a striking cross-cultural consensus. While acknowledging that human rights are universal, indivisible and interrelated, this thesis has argued that emphasizing minimalist approach to universality, which focuses on protecting and empowering human agency, provides useful instruments in the construction of universal culture of human rights. That cultural relativity exists as a reality explains the gap between theory and practice, even among countries of similar cultures. That fact clearly substantiates the view that the interpretations of human rights principles are, to an extent, mediated by culture and progress towards their acceptance is dependant upon cultural environments. In examining developments in the rights and role of Saudi women, the findings of this thesis have indicated that the pace of progress in their rights has been essentially influenced by the local cultural and religious environment.

In relation to the Islamic and Wahhabi traditions, the thesis found that the mainstream interpretations of Islamic texts, including those of Wahhabism, are inconsistent with some aspects of internationally-recognized human rights standards. The interpretations of the *shari'ah* have been affected by the surrounding environments; various cultural, traditional and sectarian differences have influenced interpretations of Islamic texts, as seen in the considerable variations among Islamic countries and Muslim *ulama* in their positions on human rights issues. Nevertheless, this thesis argued that cultural and religious values in the Muslim world, including Saudi Arabia, are not immune from change, even if change is precipitated by contact with other cultures, given the dynamic nature of culture and the malleability of the *shari'ah*. As demonstrated, Saudi society has been influenced by an increasingly open environment, which explains the various orientations and the growing debate on human and women's rights. Though hitherto limited, changes occurring in Saudi society suggest that traditional and religious values are undergoing a process of change.

In examining the major internal and external factors influencing developments in human rights practices in the Kingdom, this thesis concluded that there was little reason to believe that developments of human rights in Saudi Arabia, particularly women's rights, are linked merely to developments in the domestic structure of the Saudi political system. In assessing the degree of compatibility or congruence

between international human rights norms and widespread domestic beliefs and values of Saudis, it was noted that the gap between the two is still evident, despite some changes in traditional and cultural values in the Kingdom. Studying major domestic crises and events has revealed that influences and pressures associated with domestic events following the 11 September attacks, along with its international and domestic implications, helped forge a powerful movement supportive of change. Such events have urged the government, as well as the society as whole, to rethink their views about several issues including those related to human rights. Domestic factors broadly appeared to matter more in engendering direct and effective pressures, but external factors certainly facilitated and empowered internal pressures for reform.

Influences and pressures exerted by foreign states, international human rights NGOs, the process of modernization and globalization, and the international media and public opinion have illustrated that external factors did matter in encouraging the Saudi government to respond positively to such influences and in empowering internal factors and actors to influence domestic values, including those related to human rights. From the range of factors determining Saudi policy today, there are clear signs that external factors now have more potential to influence government choices than at any time in the recent past. Various external political, economic and cultural circumstances and high levels of information exchange with the outside world have transformed the mentality of Saudis towards change, mainly through a process of socialization and learning. International influences and pressures could be thus considered as the primary reasons behind the renunciation by both the people and the government of Saudi Arabia of certain aspects of the status quo amidst the desire for reform. In examining internal and external factors, this thesis has found that international influences have contributed, to a large extent, to the reorientation of domestic human rights policy in a pro human rights direction. However, since those factors tend to overlap and interact, it is difficult to single out one form of influence as the sole explanation of developments towards human rights taking place in Saudi Arabia. While domestic activists often utilize foreign pressure, international actors routinely seek to encourage local efforts and enhance indigenous capacity for the protection of human rights. This knitted, overlapping, nature of internal and external factors reflect the difficulties surrounding the assessment of any one particular form of external influence, in this case that of the UN human rights system. Within this context, the role of the UN human rights system in codifying human rights principles through universally accepted declarations and conventions has been primarily critical

for providing an international guide for all other forms of influence, whether internal or external.

Nevertheless, in examining the central question on the relationship between human rights in Saudi Arabia and the UN human rights system, there have been several aspects of this relationship that are helpful in making concluding assessments of the correlation between developments of human rights in the Kingdom and the influence of the UN human rights system. Saudi Arabia actively participated in the debate over the creation of the international human rights conventions, especially during the deliberations of the international bill of rights (UDHR, CESCRC and CCPR). Despite its widely known abstention on the UDHR voting, the Kingdom's pattern of voting clearly showed that it did not vote against any human rights treaties or declarations. On the contrary, Saudi Arabia demonstrated its support for the international human rights project when it approved (without vote) or cast its vote for international human rights conventions with the exception of its abstention on the CEDAW voting. Saudi Arabia, however, has changed its pattern of engagement in the UN human rights system, from a limited involvement during the period from the late 1940s to the early 1990s to a desire to be part of the international human rights arrangements and to a greater substantial involvement in the activities and mechanisms of the UN human rights system since the second half of the 1990s.

The purpose of the increasing engagement in the UN human rights system was, inter alia, to attempt to influence the outcome of that system, especially working to prevent possible moves that may cause shaming or publicizing of practices that are considered as violations of internationally-recognized human rights standards. Also, the Kingdom has a genuine interest in demonstrating to the rest of the world that human rights as observed in Saudi Arabia are not only in accordance with the Islamic *shari'ah* but also compatible with, or at least not in violation of, the internationally-recognized human rights standards. Given that Saudi Arabia's engagement in, and interaction with, the UN human rights system has increased since the mid 1990s, this thesis argues that it is important to look at such involvement as a primary step in the process of socializing Saudi Arabia into the exercise in practice of international human rights principles.

There have been several developments in the Kingdom related to human rights in recent years, notably the establishment of institutions and the passage of laws that aimed to offer more protection of human rights. With as yet minor changes in substance, such moves constitute crucial steps in the construction of a course of action that may change the situation of human rights substantially in the long-term. The

general reservations expressed by the Kingdom when it joined the legally binding international arrangements are among the factors explaining the absence of any short-term impact from the UN human rights system. Nevertheless, although direct influences from the UN human rights system appeared to be insignificant, particularly prior to the Kingdom's greater involvement since the mid 1990s, it is likely to have had more positive impacts over the succeeding years in the context of the process of socialization and learning. Significantly, the UN human rights system has provided the necessary conditions, through its universal declarations and conventions, for empowering and legitimizing other forms of influence.

Yet, overall, Saudi Arabia did not change its engagement with the UN human rights system as a whole because of influences by the UN human rights system alone, but rather because of various national and international factors including efforts by the UN. Nonetheless, the UN human rights system has been the foundational base for all other forms of influence. When Saudi Arabia joined the international legally binding arrangements, another factor was added to other circumstances that influenced positively the situation of human rights in Saudi Arabia, at least at the structural level of institutions and laws.

The issue of women's rights provided a practical instrument to pinpoint the extent of linkages between developments related to the rights and the role of women and the Kingdom's engagement with the UN human rights system. In looking at factors determining the status and rights of Saudi women, their position is essentially influenced by the prevailing interpretation of Islamic texts and local traditions interlaced with their patriarchal values. However, changes in the status of women that have occurred during in the last few decades could be linked to various internal and external factors. Although the political events examined were negative as well as positive in their impacts on the status of women, the possibility of backward moves has been minimized with the growing conviction that empowering conservative trends is not necessarily in the interest of the state's stability. Significantly, the events of 11 September and their aftermath have put remarkable pressure on Saudi Arabia's political, socio-religious and educational systems and empowered internal and external influences, particularly those related to the advancement of women. Domestic factors, including the growing educational and vocational opportunities for women, constitute major components leading to further developments in women's rights. However, external factors, such as international women's rights advocacy, linking development and the defeat of terrorism with the empowerment of women, and the rapid spread of cultural globalization in the era of information and new communication technologies

have been influential in initiating changes in the status of women and socializing Saudis towards the acceptance of international women's rights standards. These external influences typically give additional power to domestic factors/actors to promote new norms related to the treatment of women.

In assessing the extent of the relationship between Saudi Arabia's interaction with the UN human rights system within the area of women's rights, particularly its accession to CEDAW, and the recent developments of women's rights and their increased public role, it was possible to indicate only a weak direct relationship between the two. As Saudi Arabia expressed a general reservation not to be bound by any of CEDAW's articles that are viewed as contradictory to Islam, the Kingdom has not found it difficult to ignore legally whatever norms are believed to be in contradiction with its understanding of Islam. However, Saudi Arabia's accession to CEDAW and its increasing engagement with the UN human rights system as a whole in recent years is a genuine factor in the process of socialization and learning. Recent developments in women's rights practices and growing calls to increase their role in society are considered the product of a socialization process initiated and motivated by various internal and external circumstances, including CEDAW and the UN women's rights mechanisms.

To make a more accurate assessment of the influence of the UN human rights system, the survey conducted while researching this thesis has provided important insights. Given that the Saudi government has been attempting to influence public opinion on women's rights through various means in order to gain wider acceptance for its policies on the issue, the survey's results indicated that respondents have been influenced by internal and external factors, including governmental policies. Despite the limited weight given to the UN human rights system by respondents, the overall results supported the hypothesis that external factors play an influential role in the positive developments of human rights, and women's rights in particular, in Saudi Arabia. The significant correlation registered in the survey between external factors and the recent trends in women's rights is best understood in the context of the generalized process of socialization and learning, and the specific characteristics such as studying abroad and, to lesser extent, holding postgraduate degrees were significant variables in determining Saudis' perspectives on human and women's rights and on the role of external versus internal factors.

Concluding that women's rights in the Kingdom are not compatible with international standards does not mean at all that those rights are violated according to domestic standards. Domestic standards are based on a particular interpretation of the

Islamic texts and reflect values of the Saudi traditions and customs. In looking at the findings of the case study, it was noticed that attention has grown in the last few years about women's rights in Saudi Arabia, although the achieved changes were hitherto insignificant. With campaigns aiming to dismantle ideologies presumed to be associated with terrorist activities, Saudi Arabia has introduced educational and cultural programs in which more focus on the issue of women has been emphasized. Unlike traditional strategies adopted when responding to political crises or events caused by fundamentalist movements, recent events pushed Saudi Arabia to adopt a different approach in which a moderate version of Islam was promoted, including new, moderate views on the treatment of women.

In the final analysis, human rights cannot be protected in an effective and sustainable manner without developing an internal popular human rights culture and the local infrastructures necessary for consolidating achievements. Moreover, no reform process is likely to produce a positive, stable outcome without the cooperation of the monarchy. With the inevitable gradualness of the processes of socialization, developments and changes in human rights, particularly women's rights, are likely to be slow for a variety of reasons, including prevailing conservative trends and the government's understanding that the gradual approach is the guarantee for peaceful change. Socio-cultural changes are likely to be slow in order for society to adapt to them, but political reforms and the empowerment of the civil society can, however, take a quicker course. While reluctant to proceed in political reforms, the government is using preliminary stages of debate to test the water and see how far the government can push for reforms, especially in social spheres.

In spite of the formal participation in, and recognition of, the UN human rights system, certain internationally accepted human rights are, and perhaps will continue to be, violated in Saudi Arabia because they are basically inconsistent either with prevailing interpretations of the *shari'ah* or with the Saudi traditions. However, Saudi Arabia's engagement with the UN human rights system plays a notable role not only in socializing the Kingdom within the international human rights atmosphere and pushing for the observation of its obligations arising from having acceded to international human rights arrangements; it also gives power to other external and internal factors and actors to influence human rights in Saudi Arabia. Although the Saudis still work hard to maintain certain images and preserve their traditional practices, particularly in relation to women, there have been growing signs indicating that the wind of change is too powerful to resist indefinitely.

BIBLIOGRAPHY

This bibliography generally contains more sources than what actually has been cited throughout the thesis. However, whilst numerous UN and Saudi official documents and publications were reviewed, this bibliography includes only those cited documents and publications. The Arab authors are placed according to the last component of their family names, including the definite articles 'al'. English translations are provided for titles in Arabic.

1- Arabic Language Sources:

The Holy *Qur'an*.

The Prophet *Sunnah (Hadith)*.

Abdulkareem, Amr. *al awlamah: a'alam thalith ala abwab karn jaded* [Globalisation: The Third World Approaching New Century] (Cairo: Al-Ma'rifah Press, 1999).

Abdulmajed, Awatif. *row'yah ta'seliyah litifagiyat al tamieyz dheda al mar'ah* [Investigated Vision on CEDAW] (Khartoum: Centre of Women Studies, 1999).

Abdulmajeed, Mohammed. *al saodiyah bain al estibdad wa al dimoqratiyah* [Saudi Arabia Between Tyranny and Democracy] (London: Al rafidain Est. for publication, 1996).

Al-A'ed, Saleh. *hoqooq ghair al muslim fi bilad al islam* [Rights of Non-Muslims in Islamic Countries] (Riyadh: Dar Eshbelia for Publications, 2001).

Al-Abdulkareem, Abdulasalam. *mo'amalat al hukam fi dhaw'a al kitab wa al sunah* [Dealing with Rulers According to *Qur'an* and *Sunnah*] (Riyadh: Dar Al-Habeeb for Publications, 1996).

Al-Ahmad, Yousif. "libas al mar'ah: dawah for tasheeh wal moraja'ah" [Woman's Dress: A Call for Correction and Revision], a lecture delivered at Imam University in Riyadh (October 2000), its script was viewed on line at <<http://saaaid.net/Doat/yusuf/21.htm>> accessed 20 August 2004.

Al-Albani, Mohammed. *saheeh sunan abi dawoud* [Narration of Abu Dawoud] (Riyadh: Al-Ma'areef Press, 1980).

Alarabiya TV. "al qada'a al saoudi ba'da al indimam li monadamant al tijarah al dawliyah" [The Saudi Judiciary After Joining the WTO], aired 2 January 2006, transcript was viewed on line at <<http://www.alarabiya.net/Articles/2006/01/04/20071.htm>> accessed 6 January 2006.

Al-Asqalani, Shehabaldeen. *fateh al bari fi sharh saheeh al bukhari* [Clarification on Narration of Al-Bakhari] (Beirut: Dar Alma'rifah, 1980).

Al-Awdah, Salman. "al islah wa al modhaharat" [Reform and Demonstrations], *IslamToday.Com*, <<http://www.islamtoday.net/qprint.cfm?artid=33656>> (5 November 2003) accessed 20 November 2003.

Al-Awdah, Salman. "ani elqiwamah atahadath" [I am Talking About Guardianship], *IslamToday.Net* <<http://www.islamtoday.net/qprint.cfm?artid=11148>> accessed 11 September 2005.

Al-Bakor, Abdilmohsen. *hoqooq al insan fi al saodiyah* {Human Rights in Saudi Arabia} (Riyadh: Dar Eshbilya for Publications, 2002).

Al-Dhehar, Najah. *taleim al mar'ah fi al mamlakah al arabiyah al saodiyah* [Women's Education in the Kingdom of Saudi Arabia] (Jeddah: Dar Al-Mohammadi for Publication, 2003).

Al-Dhehar, Rawiyah. *hoqooq al insan fi al islam* [Human Rights in Islam] (Jeddah: Dar Al-Mohammadi for Publication, 2003).

Al-Faleh, Matrouk. *al islah al distorie fi al saodiyah: al qadhaya wa al asielah al asaliyah* [Constitutional Reform in Saudi Arabia: The Issues and The Crucial Questions] (Paris: Arabian and European Est. for Publishing, 2004).

Al-Firozabadi, Muhammad. *al qamoos al muhit* [The Full Dictionary] (Beirut, Dar Al-Malayan, 1979).

Al-Gasimie, Dhafer. *nizam al hokm fi al shari'ah wa al tarikh* [The System of Governance in *Shari'ah* and History] (Beirut: Dar Al Nafa'is Press, 1974).

Al-Ghata, Mohammed. *nagdh fatawa al wahhabiyah* [Rebuttal of Wahhabi Fatwas] (Beirut: Aal Al-Bait Est., 1998).

Al-Gowail, Ibrahim. *al dimoqratiyah wa al ilmaniyah wa hoqooq al insane* [Democracy, Secularism and Human Rights] (Beirut: Dar Al-Aafaq Al-Jadeedah, 1999).

Al-Hageel, Suleiman. *hoqooq al insan fi al islam* [Human Rights in Islam] (Riyadh: Al-Humaidhi Press, 1999).

Al-Hageel, Suleiman. *hoqooq al insan fi al islam wa tatbigatiha fi al mamlakah al arabiyah al saudiyah* [Human Rights in Islam and Their Applications in the Kingdom of Saudi Arabia] (Riyadh: Al-Humaidhi Press, 2001).

- Al-Hamed, Abdullah. *al ma'ayer al dawliyah li istiqlal al qada fi bawtaqat al shari'ah al islamiyah* [International Standards for the Independence of Judiciary and Islamic *Shari'ah*] (Beirut: Arab Scientific Publishers, 2004).
- Al-Hamed, Abdullah. *al mushqilah wa al hal: al istibdad wa al shura* [The Problem and Solution: The Tyranny and *Shura*] (Beirut: Arab Scientific Publishers, 2004).
- Al-Hamed, Abdullah. *lil islah hadaf wa manhaj* [Reform Has a Goal and Program] (Beirut: Arab Scientific Publishers, 2004).
- Al-Hamed, Abdullah. *tholathiyat al mujtama al madani* [The Trilogy of Civil Society] (Beirut: Arab Scientific Publishers, 2004).
- Al-Hassan, Hamzah. *al shiy'ah fi al mamlakah al arabiyah al saodiyah* [Shiite in The Kingdom of Saudi Arabia] (London: Al-Baqee'a for Publishing, 1993).
- Al-Humaidhi, Solieman. *al qadha fi al islam* [Judiciary in Islam] (Makkah: Muslim League Press, 1989).
- Al-Huwaigel, Mu'jeb. *al shurtah wa hoqooq al insan fi al shari'ah al islamiyah* [Police and Human Rights in the Islamic *Shari'ah*] (Riyadh: Naif Academy Press, 1999).
- Al-Jabiri, Muhammad A. *al demoqratiyah wa hoqooq al insan* [Democracy and Human Rights] (Beirut: Centre for Arab Unity Studies, 1997).
- Al-khateeb, Abdulkareem. *al khilafah wa al imamah: diyahan wa siyasa* [The Caliphate and Imamate: religiosity and Politics] (Beirut: Dar Al-Marifah Press, 1975).
- Al-khateeb, Abdulkareem. *al khilafah wa al imamah: diyahan wa siyasa* [The Caliphate and Imamate: Religiosity and Politics] (Beirut: Dar Al-Marifah Press, 1975).
- Al-Lahim, Abdulrahman. "al saodiyah: mokafahat al erhah wa hoqooq al insan" [Saudi: Combating Terrorism and Human Rights]. Arabic Commission for Human Rights, November 2004, viewed on line at <<http://www.hrinfo.net/mena/achr/pr041100.shtml>> accessed 25 November 2004.
- Al-lahim, Abdulrahman. "hoqooq al insan fi al saoudiyah wa wahm al khososiyah" [Human Rights in Saudi Arabia and the Illusion of Particularity], *Sho'on Saoudiyah [Saudi Affairs]*, Issue 14, March 2004, 17-19.
- Al-Majed, Sami. "khuroj al mara'ah min ghaer ethen zawjeha" [A woman Leaving without her Husband's Permission], *IslamToday.Net* <http://204.187.100.80/questions/show_question_content.cfm?id=31923> (17 January 2004) accessed 10 October 2005.
- Al-Majallah (Cover story). "fakh al tamweel al ajnabi: al musa'adat muqabil al ma'alumat" [The Trap of Foreign Funds: Aids in Exchange for Information], *Al-Majallah*, 19-25 June 2005, 15-24.
- Al-Mas'ari, Mohammed. *al adallah al qatayah ala adam shar'iyat al dawlah al saudiyah* [Definite Evidence in the Illegitimacy of the Saudi State] (London: Committee for the Defence of Legitimate Rights, 2002).
- Al-Mas'ari, Mohammed. *ta'at oli al amer: hodudoha wa qoyudoha* [Obedience of Rulers: its Limitations and Restrictions] (London: Committee for the Defence of Legitimate Rights, 2002).
- Al-Mawardi, Ali. *al ahkam al soltaniyah wal wilayat al diniyah* [The Authoritative Rules and Religious Custodies] (Beirut: Islamic Office, 1996).
- Al-Najjar, Bakir. *al arab wa al awlamah: al makawif wa attahadiyat* [Arabs and Globalisation: Fears and Challenges] (Cairo: Al-Neal Publisher, 1999).
- Al-Nawawi, Yahia. *saheeh moslim* [Narration of Moslim] (Beirut: Dar Ehya Al-Turath Al-Arabi, 1995).
- Al-Othaimean, Abdullah. *tareekh al mamlakah al arabiyah al saodiyah* [the History of the Kingdom of Saudi Arabia] (Riyadh: Darat Al Malik Abdulaziz Press, 1999).
- Al-Qahtani, Fahd. *sera'a al ajnihah fi al a'iyah al saodiyah* [Clans' Conflict Within the Saudi Family] (London: Al-Safa Press, 1988).
- Al-Qahtani, Fahd. *zelzal Juhaiman fi Makkah* [Juhaiman's Earthquake in Makkah] (London: Islamic Revolution in the Arabian Peninsula, 1987).
- Al-Rasheed, Madawi. *ma'zeg al islah fi al saodiyah fi al qan al hadi wa al ishreen* [Reform's Dilemma in Saudi Arabia in the 21st Century] (Beirut: Dar Al-Sagi, 2005).
- Al-Rihani, Amin. *tarikh Najd al hadeeth wa mulhaqatuha* [The History of Modern Najd and Its Dependencies] (Beirut, Dar Al-Malayin, 1982).
- Al-Sharif, Kamel and Hamid Al-Rafaie. *al islam wa hoqooq al muwatin wa wajejabatih* [Islam and The Rights and Duties of Citizens] (Jeddah, International Islamic Committee for Dialogue, 2000).
- Al-Tahtawi, Ali. *al wafa fi sharh fatawa al nisa* [The Complete Explanation of Women's Fawas] (Beirut: Dar Al-Kutub Al-ilmyiah, 2002).
- Al-Taweel, Ibrahim. "indhman al mamlakah al arabiyah al saodiyah li monadhamat al tijarah al a'alamiyah wa a'atharoh" [Kingdom of Saudi Arabia Accession to the WTO and its Impact], Al-Haramain Islamic Information Centre, 10 October 2004, viewed on line at <<http://haramaincenter.co.uk/text/drasat/10/1.htm>> accessed 2 November 2004.
- Al-Torki, Abdullah. *al islam wa hoqooq al insan: nomoothaj al mamlakah al araboyah al saodiyah* [Islam and Human Rights: the Case of Saudi Arabia] (Riyadh: Islamic Affairs Ministry Press, 1996).

- Al-Yousif, Nawal. "al mar'ah al saoudiyah wa haquha al hiwari" [Saudi Woman and its Right for Dialogue], The Arabic Network for Human Rights Information, 9 February 2004, viewed on line at <<http://www.hrinfo.net/hotcase/04/pr040209.shtml>> accessed 11 August 2005.
- Amnesty International. "intihakak jasimah li hoqooq al insan tata'ard laha al mar'ah" [The Woman is Exposed to Gross Violations of Human Rights], September 2000, viewed on line at <http://www.amnesty-arabic.org/saudi_arabia/text/women/saudi_women_index_mde_23_57_00.htm> accessed 22 September 2003.
- Attar, Talal. *al majlis al iqtisadi wa al ijtimai'ei* [Economic and Social Council] (Riyadh: Al-Farazdaq Press, 1993).
- Babili, Mahmood. *al huriyah al eqtisadiyah fi al islam* (Economic Freedom in Islam) (Makkah: Muslim League Press, 1990).
- Babili, Mahmood. *al shura: sulook wa eltizam* [Al-Shura: Behaviour and Commitment] (Makkah: Muslim League Press, 1986).
- Centre for Arab-European Studies. *al aalam al arabi al islami wa hoqooq al insan* [Islamic and Arabic World and Human Rights], Proceedings of a symposium held in Geneva in September 2000.
- Fo'ad, Muhammed. "al deen wa al dawlah fi al mamlakah al arabiyah al soadiyah: al awodah al mustahilah" [Religion and State in the Kingdom of Saudi Arabia: the Impossible Return], *Qadaya Al-Khaleej* [Gulf Issues] (July 2003), viewed on line at <<http://www.gulfissues.net/mpage/gulfarticles/article0040.htm>> accessed 10 October 2004.
- Forkieh, Jan Michele. *al saodiyah al diktatoriyah al mahmeyah* [Saudi Arabia: Protectorate Dictatorship] (Paris: Midwest Press, 1989).
- Hammad, Suhailah Zenalabedin. *maseerat al mar'ah al saoydiyah: ila ayen* [The Journey of Saudi Women: To Where?] (Beirut: Al-Rayan Est., 2003).
- Hamzah, Fo'ad. *al bilad al arabiyah al saodiyah* [The Country of Saudi Arabia] (Riyadh: Al Nasr Press, 2nd edition, 1968).
- Hilmei, Mustafa. *nizam al khilafah fi al fikr al islami* [Caliphate System in Islamic Thought] (Cairo: Dar Al Ansar Press, 1973).
- Ibn Baz, Abdulaziz. "hkurouj al mar'ah min bayteha lil amal" [A Woman Leaving Home to Work], *IbnBaz.Org* <http://www.binbaz.org.sa/last_result.asp?hID=402> accessed 29 May 2005.
- Ibn Baz, Abdulaziz. "hokum qiyadat al mar'ah lil saiyarah" [The Rule on Women Driving Car], *IbnBaz.Org* <http://www.binbaz.org.sa/last_result.asp?hID=456> (November 1990) accessed 31 May 2005.
- Ibn Baz, Abdulaziz. "hukom al tabouroj" [The Rule on Unveiling], *IbnBaz.Org* <http://www.binbaz.org.sa/last_result.asp?hID=2483> accessed 15 June 2005.
- Ibn Baz, Abdulaziz. "kaifa nuharib al gazo al thaqafi al garbi" [How We Battle Western Cultural Invasion], *IbnBaz.Org* <<http://www.binbaz.org.sa/displayprint.asp?f=Bz00151.htm&print=on>> (January 1984) accessed 15 December 2004.
- Ibn Baz, Abdulaziz. "khatar moshrakat al mar'ah lil rajol fi maidan amalih" [the Danger of Women Sharing the Man his Domain of Employment]. *IbnBaz.Org* <http://www.binbaz.org.sa/last_result.asp?hID=403> accessed 31 May 2005.
- Ibn Baz, Abdulaziz. "mosawat al rajol bil mar'ah" [Equality Between Men and Women], *IbnBaz.Org* <http://www.binbaz.org.sa/last_result.asp?hID=640> accessed 31 May 2005.
- Ibn Bishr, Othman. *unwan al majd fi tarikh Najd* [The Symbol of Glory in the History of Najd] (Riyadh, Dar Al Habeeb, 1999).
- Ibn Kathir, Muhammed. *Tafseer Ibn Kathir* [Ibn Kather's Interpretation] (Riyadh: Darussalam Publishers, 2000).
- Ibn Khaldun, Abdulrahman. *al moqadimat* [The Introduction] (Beirut: Dar Al-Kotob Al-Ilmiyah, 2003).
- Ibn Taimiyah, Ahmad. *al siyasa al shariyah fi islah al ra'ie wa al ra'iayh* [The Shari'ah Policy in Reforming the Ruler and the Ruled] (Beirut: Dar Al-Kotob Al-Ilmiyah, 2000).
- Kamaludeen, Mohammed. *hoqooq al insan: bain helf al fodhool wa mithaq al umam al mutahidah* [Human Rights: Between Al-Fodhool Alliance and the UN Charter] (Bahrain: Dar Al-Mahajjah Al-Baidha, 2000).
- Kustner, Joseph. *al arabiyah al saudiyah: min al qabaliyah ela al malakiyah* [Saudi Arabia: From Tribalism to Monarchy 1916-1936] (Cairo: Madbuli Press, 1985).
- Makki, Yousef. "al indimam li monadamant al tjarah al alamiyah: al mahatheer wa al afaq" [Joining the WTO: Misfortunes and Horizons], *arabrenewal.com*, <<http://www.arabrenewal.com/index.php?rd=AI&AI0=10703>> (16 October 2005) accessed 16 December 2005.
- Musilhi, Mohammed. "haq al mosawat baen al rajol wa al mar'ah fi al shari'ah al islamiyah" [The Right of Equality Between the Man the Woman in Islamic Shari'ah]. In *hoqooq al insan baen al shari'ah al islamiyah wa al qanoon al wadh'ei* [Human Rights between Islamic Shari'ah and Positive Law]. Ed. Proceedings of the Symposium on Human Rights between Islamic Shari'ah and Positive Law (Riyadh: Naif Arab Academy for Security Sciences, 2001) Vol. 2, 707-740.

- Naif Arab Academy For Security Science. "a'amal nadwat hoqooq al insan bain al shari'ah al islamiyah wa al qanoon al wad'ie" [Proceedings of the Symposium on 'Human Rights between Islamic Shari'ah and Positive Law'] (Riyadh: NAASS Publications, 2001).
- Najem, Mohammed. *al qadha wa shorot al qadhi fi al islam wa tatbigatoh fi al mamlakah al arabiyah al saadiyah* [Judiciary and Judges in Islamic *Shari'ah* and its Application in the Kingdom of Saudi Arabia] (Al-Madinah: Al-Uloom Press, 2001).
- Petition. "e'lan hawl taghier al manahij" [Declaration About Changing the Curriculum], (December 2003).
- Petition. "ma'an difa'an an il watan" [In Defence for the Nation], (September 2003).
- Petition. "nida ila al qiyadah wa al shaab ma'an: al islah al distoori awwalan" [An Appeal to the Leadership and the People: Constitutional Reform First], (December 2003).
- Petition. "ro'yah li hadher al watan wa mustagbalih" [Vision for the Present and the Future of the Homeland], (January 2003).
- Qotb, Sayed. *fi dhilal al quran* [In the Shadow of the Qur'an] (Cairo, Al-Naser Press, 1982).
- Ridhwan, Zaiban. "shahadat al mar'ah" [Woman's Testimony]. The Arab Centre for Information on Violence against Women (AMAN), Working Paper delivered at Women's Forum for Studies and Training, Yemen (11-17 February 2004), viewed on line at <http://www.amanjordan.org/aman_studies/wmview.php?ArtID=979> accessed 21 August 2005.
- Sa'ati, Ameen. *al tatworat al siyasiyah fi al mamlakah al arabiyah al saadiyah* [Political Developments in the Kingdom of Saudi Arabia] (Jeddah: Dar Al-Ameer for Publication, 1987).
- Sa'ed, Mohammed A. *breatania wa ibn saod: al alaqaat al siyasiyah wa ta'theroha ala al moshkilah al falastiniyah* [Britain and Ibn Saud: Political Relations and Their Effects on the Palestinian Problem] (London: Dar Aljazeera for Publication, 1982).
- Safwat, Najdat. *al jazeera al arabiyah fi al watha'q al britaniyah* [Arabian Peninsula in British Documents] (London: Al-Saqi Books, 2000).
- Saudi Arabia (official document). "al nizam al asasi lil hokom" [The Basic Law of Governance], (May, 1992).
- Saudi Arabia (official document). "nizam al sejn wa al tawqeef" [The Law of Arrest and Imprisonment], (April, 1978).
- Saudi Arabia (official document). "al kitab al ihsaie" [Statistical Yearbook] (Ministry of Economy and Planning, No 39, 2003).
- Saudi Arabia (official document). "al kitab al ihsaie" [Statistical Yearbook] (Ministry of Economy and Planning, No 40, 2004).
- Saudi Arabia (official document). "awal jami'ayh mustaqillah li hoqooq al insane" [First Independent Human Rights Organization], a press release of 3 July 2004, viewed on line at <<http://www.saudiembassy.net/2004News/Press/PressDetaol.asp?>> accessed 5 November 2004.
- Saudi Arabia (official document). "himyat hoqooq al insan fi al ijra'at al jina'iyah wa an nizam al qada'ei fi al mamlakah al arabiyah al saoudiyah" [Protection of Human Rights in Criminal Procedure and in the Organization of the Judicial System in the Kingdom of Saudi Arabia](Riyadh: Ministry of Foreign Affairs, 2000).
- Saudi Arabia (official document). "nizam al amal" [The Labour Code], (1969).
- Saudi Arabia (official document). "nizam al amal" [The Labour Code], (2005).
- Saudi Arabia (official document). "nizam al baladiyat wa al qura" [The Law of Municipalities and Villages], (1977).
- Saudi Arabia (official document). "nizam al ijra'at al jazaiyah" [The Law of Panel Procedures], (2002).
- Saudi Arabia (official document). "nizam al muhamat" [The Law of Legal Profession], (2002).
- Saudi Arabia (official document). "nizam al murafa'at al shariyah" [*Shari'ah* Persecutions Law], (2002).
- Saudi Arabia (official document). "nizam diwan al mazalim" [The Code of the Board of Grievances] (1980).
- Saudi Arabia (official document). "siyasat al ta'aleem fi al mamlakah al arabiyah al saoudiyah" [The Policy of Education in the Kingdom of Saudi Arabia], (1969).
- Saudi Arabia (official document). Ministry of Foreign Affairs, Press Release regarding the 2000 Amnesty International Report, 27 May 2000.
- Saudi Arabia (official document). Sa'ud Al-Faisal, statement before World Conference on Human Rights, (Vienna, 15 June 1993), viewed on line at <http://www.saudiembassy.net/press_release/hr-Vienna-93.html> assessed 12 March 2002.
- Saudi Arabia (official document). Saudi Arabia's Statement delivered by Prince Sa'ud Al-Faisal, Saudi Minister of Foreign Affairs, before the World Conference on Human Rights, Vienna, on 15 June 1993.
- Saudi Arabia (official document). Saudi Arabia's Statements (1999-2005) delivered at the annual session of the UN Commission of Human Rights.
- Saudi Arabia (official publication). *al shura fi al mamlakah al arabiyah al saadiyah; khalfiyah tarikhiyah* [*Al-Shura* in the Kingdom of Saudi Arabia: Historical Background], viewed on line at <<http://www.shura.gov.sa/ArabicSite/shurainksa/4.htm>> accessed 9 November 2004.

- Saudi Arabia (official publication). *Majlis Al-Shura Ha'qaiq Wa Arqam* [The Consultative Council: Facts and Figures] (Riyadh: Majlis Al-Shura publications, 1996).
- Saudi Arabia (official publications). HRH Crown Prince Abdullah Bin Abdulaziz, Speech at the UN Millennium Summit in New York, September 2000.
- Shaheen, Saefadeen. *hoqooq al insan fi al islam* [Human Rights in Islam] (Cairo: Dar Al-Anfal for Publication, 1993).
- The Committee for the Defense of Human Rights in the Arabian Peninsula. "hoqooq al insan fi al mamlakah al arabiyah al soudiyah: al samt al abkam" [Human Rights in Saudi Arabia: the Muted Deaf], 19 December 2001, viewed on line at <<http://www.cdhrp.net/text/tt-d/Tqareer%20MOORAQABAT%20HAQOQ%20AL%20INSAN/12.htm>> accessed 3 July 2003.
- Wafi, Ali A. *hoqooq il insan fil islam* [Human Rights in Islam] (Cairo: Dar Nahdat Misr Press, 1967).
- Zamzami, Yahia. *hoqooq al insan: mafhumoh wa tatbigatih fi al quran al qareem* [Human Rights: Their Concept and Applications in the Holy Qur'an], Working Paper delivered at the International Conference on Human rights in Times of War and Peace, Riyadh-Saudi Arabia (14-17 October 2003).

2- Books:

- Abir, Mordechai. *Saudi Arabia in The Oil Era: Regime and Elites; Conflict and Collaboration* (London: Croom Helm, 1988).
- Abir, Mordechai. *Saudi Arabia: Government, Society and the Gulf Crisis* (London: Routledge, 1993).
- Abukhalil, As'ad. *The Battle for Saudi Arabia: Royalty, Fundamentalism, and Global Power* (New York: Seven Stories Press, 2004).
- Aburish, Sa'id. *The Rise, Corruption, and Coming Fall of The House of Saud* (New York: St. Martin's Griffin, 1996).
- Afifi, Mohamed. *The Arabs and The United Nations* (London: Longmans Ltd., 1964).
- Al-Angari, Haifa. *The Struggle for Power in Arabia: Ibn Saud, Hussein and Great Britain 1914-1924* (Reading: Ithaca Press, 1998).
- Al-Farsy, Fouad. *Modernity and Tradition: The Saudi Equation* (Cambridge: Bookcraft Limited, 2000).
- Algar, Hamid. *Wahhabism: A Critical Essay* (New York, IPI, 2002).
- Ali, Shaheen Sardar. *Gender and Human Rights in Islam and International Law: Equal Before Allah, Unequal Before Man* (London: Kluwer Law International, 2000).
- Al-Minawi, Kawther. *Human Rights in Islam* (Riyadh: Ammar Press, 1993).
- Al-Minawi, Kawther. *The Child Rights in Islam* (Riyadh: Dar Al-Amal, 1993).
- Al-Munajjed, Mona. *Women in Saudi Arabia Today* (London: Macmillan Press Ltd, 1997).
- Al-Rasheed, Madawi. *A History of Saudi Arabia* (Cambridge: Cambridge University Press, 2002).
- Al-Torki, Soraya. *Women in Saudi Arabia: Ideology and behavior among Elite* (New York: Columbia University Press, 1986).
- Al-Yassini, Ayman. *Religion and State in the Kingdom of Saudi Arabia* (Boulder: Westview Press, 1985).
- An-Na'im, Abdullahi A. *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse, NY: Syracuse University Press, 1990).
- Arebi, Saddeka. *Women and Words in Saudi Arabia: the Political of Literary Discourse* (New York: Columbia University Press, 1994).
- Arkoun, Mohammad. *Rethinking Islam: Common Questions, Uncommon Answers* (Boulder: Westview Press, 1994).
- Badawi, Jamal. *The Status of Women in Islam* (Buraidah: Foreigners Guidance Centre, 1991).
- Brems, Eva. *Human Rights: Universality and Diversity* (The Hague: Kluwer Law International, 2001).
- Brooks, Geraldine. *Nine Parts of Desire: the Hidden World of Islamic Women* (New York: Anchor Books, 1995).
- Burgerman, Susan. *Moral Victories: How Activists Provoke Multilateral Action* (Ithaca: Cornell University Press, 2001).
- Champion, Daryl. *The Paradoxical Kingdom: Saudi Arabia and the Momentum of Reform* (New York: Columbia University Press, 2003).
- Chayes, Abram and Antonia Handler Chayes. *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge: Harvard University Press, 1995).
- Clark, Ann Marie. *Diplomacy of Conscience: Amnesty International Changing Human Rights Norms* (Princeton: Princeton University Press, 2001).
- Cooper, John P. *Human Rights: Towards an Islamic Framework* (London: Gulf Centre For Strategic Studies, 1994).
- Cowan, Jane K., Marie-Benedicte Dembour, and Richard A. Wilson. *Culture and Rights: Anthropological Perspectives* (Cambridge: Cambridge University Press, 2001).
- Cuddihy, Kathy. *Saudi Customs and Etiquette* (London: Stacey International, 2002).
- DeLong-Bas, Natana J. *Wahhabi Islam: From Revival and Reform to Global Jihad* (Oxford: Oxford University Press, 2004).

- Djonovich, Dusan J. *United Nations Resolutions* (New York: Oceana Publications, 1985).
- Donnelly, Jack. *International Human Rights* (Boulder: Westview Press, 1993).
- Donnelly, Jack. *Universal Human rights in Theory and Practice* (Ithaca: Cornell University Press, 1989).
- Donnelly, Jack. *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, second edition, 2003).
- Dwyer, Kevin. *Arab Voices: the Human Rights Debate in the Middle East* (Berkeley: University of California Press, 1991).
- Esposito, John L. and John O. Voll. *Makers of Contemporary Islam* (Oxford: Oxford University Press, 2001).
- Esposito, John L. *The Oxford History Of Islam* (Oxford: Oxford University Press, 1999).
- Fandy, Mamoun. *Saudi Arabia and the Politics of Dissent* (New York: St. Martin's Press, 1999).
- Finnis, John. *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980).
- Foot, R. *Rights Beyond Borders: The Global Community and the Struggle Over Human Rights in China* (Oxford: Oxford University Press, 2000).
- Forsythe, David P. *The Internationalisation of Human Rights* (Lexington, Mass: Lexington Books, 1991).
- Gazzaz, Hassan. *The Security We Enjoy* (Jeddah: Dar Al-Elm Publishing Co, 1992).
- Gilpin, Robert. *War and change in World Politics* (Cambridge: Cambridge University Press, 1981).
- Glendon, Marry Ann. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).
- Halliday, Fred. *Nation and Religion in the Middle East* (Boulder: Lynne Rienner Publishers, 2000).
- Hamidullah, Muhammad. *Muslim Conduct of State* (Lahore: M. Ashraf, 1953).
- Hasenclever, Andreas, Peter Mayer, and Volker Rittberger. *Theories of International Regimes* (Cambridge: Cambridge University Press, 1997).
- Hawkins, Darren. *International Human Rights and Authoritarian Rule in Chile* (Nebraska: University of Nebraska, 2002).
- Hofman, Murad. *Islam: The Alternative* (Maryland: Amana Publications, 1999).
- Hofmann, Murad. *Religion On The Rise* (Maryland: Amana Publication, 2001).
- Holden, David and Richard Johns. *The House of Saud* (London: Sidgwick & Jackson, 1981).
- Hussain, Sheikh Showkat. *Islam and Human Rights* (Kuala Lumpur: Budaya Ilmu Sdn Bhd, 1991).
- Ibn Sultan, Khaled. *Desert Warrior* (London: Harper Collins Publisher, 1995).
- Ignatieff, Michael. *Human rights as Politics and Idolatry* (Princeton: Princeton University Press, 2001).
- Iriye, Akira. *Cultural Internationalism and World Order* (Baltimore: The John Hopkins University Press, 1997).
- Jerichow, Anders. *Saudi Arabia: Outside Global Law and Order* (Richmond: Curzon Press, 1997).
- Jerichow, Anders. *The Saudi File: People, Power, and Politics* (New York: St. Martin's Press, 1998).
- Kalathil, Shanthi and Taylor C. Boas. *Open Networks, Closed Regimes: The Impact of the Internet on Authoritarian Rule* (Washington: Carnegie Endowment for International Peace, 2003).
- Kausar, Zeenath. *Women's Empowerment and Islam: the UN Beijing Document Platform for Action* (Kuala Lumpur: Ilmiah Publishers, 2002).
- Kent, Ann. *China, The United Nations, and Human Rights: The Limits of Compliance* (Philadelphia: University of Pennsylvania Press, 1999).
- Koolmees, Jill. *My Desert Kingdom* (Sydney: Bantam Book, 2004).
- Krasner, Stephen D. *Sovereignty: Organized Hypocrisy* (New Jersey: Princeton University Press, 1999).
- Lewis, Bernard. *Islam and the West* (New York: Oxford University Press, 1993).
- Lewis, Bernard. *What Went Wrong? The Clash Between Islam and Modernity in the Middle East* (London: Weidenfeld & Nicolson, 2002).
- Lindsey, Gene. *Saudi Arabia* (New York: Hippocrene Books, 1991).
- Lipsky, George. *Saudi Arabia: its People, its Society, its Culture* (New Haven: Hraf Press, 1959).
- Little, David, John Kelsay, and Abdulaziz A Sachedina. *Human Rights and the Conflict of Cultures: Western and Islamic Perspectives on Religious Liberty* (South Carolina: University of South Carolina Press, 1980).
- Locke, John. *Two Treaties of Government* (London: Tuttle, 1993).
- Long, David E. *The Kingdom of Saudi Arabia* (Gainesville: University Press of Florida, 1997).
- Mackey, Sandra. *The Saudis: Inside The Desert Kingdom* (New York: W. W. Norton & Company, 2002).
- Masri, Ghalib. *What about Women in Islam* (Gassim: Foreigners Guidance Centre, 1998).
- Mawdudi, Abul A'la. *Human Rights in Islam* (London: The Islamic Foundation, 1980).
- Mayer, Ann Elizabeth *Islam and Human Rights: Tradition and Politics* (Boulder: Westview Press, 1995).
- McPhedran, Marilou, Susan Bazilli, Moana Erickson and Andrew Byrnes. *The First CEDAW Impact Study: Final Report*. (New York: The Centre for Feminist Research, 2000).

- Morsink, Johannes. *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (Philadelphia: University of Pennsylvania Press, 1999).
- Mueller, John E. *Quiet Cataclysm: Reflections on the Recent Transformation in World Politics* (New York: Basic Books, 1995).
- Nackmias, Chava Frankfort and David Nachmias. *Research Methods in the Social Sciences* (New York: St. Martin's Press, 1992).
- Nino, Carlos Santiago. *The Ethics of Human Rights* (Oxford: Clarendon Press, 1991).
- Ojo, Bamidele A. *Human Rights and the New World Order: Universality, Acceptability, and Human Diversity* (New York: Nova Science Publishers, 1997).
- Patterson, Orlando. *Freedom: Freedom in the Making of Western Culture* (New York: Basic Books, 1991).
- Philby, Harry. *Arabia of the Wahhabis*, (London: Cass, 1977).
- Philby, Harry. *Saudi Arabia* (London, Benn, 1955).
- Piscatori, James P. *Islam in a World of Nation-States* (Cambridge: Cambridge University Press, 1986).
- Renteln, Alison. *International Human Rights: Universalism versus Relativism* (London: Sage Press, 1990).
- Rittberger, Volker. Ed. *Global Governance and the United Nations System* (Tokyo: United Nations University Press, 2001).
- Safran, Nadav. *Saudi Arabia: the Ceaseless Quest for security* (Cambridge, Mass: Harvard University Press, 1985).
- Saikal, Amin. *Islam and The West: Conflict or Cooperation* (New York: Palgrave Macmillan Press, 2003).
- Sasson, Jean. *Princess* (London: Bantam Books, 1988).
- Sikkink, Kathryn. *Mixed Signals: US Human Rights Policy and Latin America* (Ithaca: Cornell University Press, 2004).
- Simons, Geoff. *Saudi Arabia: the Shape of a Client Feudalism* (New York, St. Martin's Press, 1998).
- Sincock, Peter. *Saudi Arabia and Human Rights* (London: Gulf Centre For Strategic Studies, 2001).
- Sisk, Timothy D. *Islam and Democracy: Religion, Politics, and Power in the Middle East* (Washington: US Institute of Peace Press, 1992).
- Smithson, Michael. *Statistics With Confidence* (London: Sage Publications, 2000).
- Sottas, Eric. *The Least Developed Countries: Development and Human Rights* (Geneva: OMCT / SOS-Torture, 1990).
- Spellerg, D. A. *Politics, Gender, and the Islamic Past: the Legacy of Aisha Bint Abi Bakr* (New York: Columbia University Press, 1994).
- Steiner, Henry and Philip Alston. *International Human Rights in Context* (Oxford: Oxford University Press, 2000).
- Teitelbaum, Joshua. *Holier than Thou: Saudi Arabia's Islamic Opposition* (Washington: Washington Institute for Near East Policy, 2000).
- Vassiliev, Alexei. *The History of Saudi Arabia* (New York, New York University Press, 2000).
- Vincent, R. J. *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986).
- Vogal, Frank E. *Islamic Law and Legal System: Studies of Saudi Arabia* (Boston: Brill Press, 2000).
- Waltz, Kenneth N. *Theory of International Politics* (New York: McGraw-Hill, 1979).
- Wikan, Unni. *Behind The Veil in Arabia: Women in Oman* (Baltimore: the John Hopkins University Press, 1982).
- William, Howard. *Kant's Political Philosophy* (Oxford: Basil Blackwell, 1983).
- Wilson, Peter W. and Douglas F. Graham. *Saudi Arabia: The Coming Storm* (New York: M. E. Sharpe, 1994).
- Yamani, Hani A. *To Be a Saudi* (London: Janus, 1997).
- Yamani, Mai. *Changed Identities: the Challenge of the New Generation in Saudi Arabia* (London, Royal Institute of International Affairs, 2000).
- Young, Oran R. *Creating Regimes: Arctic Accords and International Governance* (Ithaca: Cornell University Press, 1998).

3- Chapters in Edited Books:

- Alston, Philip. "Appraising the United Nations Human Rights Regime". In *The United Nations: A Critical Appraisal*. Ed. Philip Alston (Oxford: Clarendon Press, 1992) 1-21.
- Al-Turabi, Hassan. "The Islamic State". In *Voices of Resurgent Islam*. Ed. John L. Esposito (Oxford: Oxford University Press, 1983) 241-251.
- American Anthropological Association, "Statement on Human Rights", Submitted to the UN Commission on Human Rights (December 1947). In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 111-115.

- An-Na'im, Abdullahi A. "The Dichotomy Between Religious and Secular Discourse in Islamic Societies". In *Faith & Freedom: Women's Human Rights in the Muslim World*. Ed. Afkhami, Mahnaz (Syracuse: Syracuse University Press, 1995) 51-60.
- An-Na'im, Abdullahi A. "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman, or Degrading Treatment or Punishment". In *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. Ed. An-Na'im, Abdullahi A. (Philadelphia: University of Pennsylvania Press, 1991) 19-43.
- An-Na'im, Abdullahi A. "Human Rights in the Muslim World: Socio-Political Conditions and Scriptural Imperatives". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 253-292.
- Annan, Kofi. "Human Rights and Humanitarian Intervention in the Twenty-First Century". In *Realizing Human Rights: Moving From Inspiration to Impact*. Eds. Power, Samantha and Graham Allison (New York: St. Martin's Press, 2000) 309-320.
- Buchan, James. "Secular and Religious Opposition in Saudi Arabia". In *State, Society and Economy in Saudi Arabia*. Ed. Niblock, Tim (London: Croom Helm Ltd, 1982) 88-115.
- Carino, Fliciano V. "Some Ethical and Theological Reflections and Considerations". In *Globalization and Its Impact on Human Rights*. Ed. Chunakara, George Mathews (Hong Kong: Christian Conference of Asia, 200) 135-149.
- Chai, Yash. "Human Rights and Governance: The Asian Debate". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 219-252.
- Charlesworth, Hilary. "The Challenges of Human Rights Law for Religious Traditions". In *Religion and International Law*. eds. Mark Janis and Carolyn Evans (The Hague: Martinus Nijhoff Publishers, 1999) 401-415.
- Crystal, Jill. "Civil Society in the Arab Gulf States". In *Toward Civil Society in the Middle East*. Ed. Schwedler, Jillian (Boulder: Lynne Rienner Publishers, 1995) 61-62.
- Donnelly, Jack. "Human Rights and Human Dignity: An Analytic Critique of Non-Western Conceptions of Human Rights". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 147-160.
- Doumato, Eleanor. "Gender, Islam, and the Saudi State: Gulf War Perspectives". In *Continuity and Change: Women at the Close of the Twentieth Century*. Eds. (The Thomas J. Watson Jr., Institute for International Studies, Brown University, Paper Number 12, 1992) 62-76, viewed on line at <<http://www.watsoninstitute.org/pub/op12.pdf>> accessed 15 July 2004.
- Doumato, Eleanor. "The Ambiguity of Shari'a and the Politics of 'Rights' in Saudi Arabia". In *Faith & Freedom: Women's Human Rights in the Muslim World*. Ed. Afkhami, Mahnaz (Syracuse: Syracuse University Press, 1995) 135-160.
- Doumato, Eleanor. "Women in Saudi Arabia Between Breadwinner and Domestic Icon". In *Women and Power in the Middle East*. Eds. Joseph, Suad and Susan Slyomovics (Philadelphia: University of Pennsylvania Press, 2001) 166-175.
- Doyle, Michael W. and Anne-Marrie Gardner. "Introduction: Human Rights and International Order". In *The Globalization of Human Rights*. Eds. Coicaud, Jean-Marc, Michael W. Doyle and Anne-Marrie Gardner (Tokyo: United Nations University Press, 2003) 1-19.
- Duquette, David. "Universalism and Relativism in Human Rights". In *Universal Human Rights*. Eds. Reidy, David A. and Mortimer N. Sellers (Oxford: Rowman & Littlefield Publishers, 2005) 59-77.
- Esposito, John L. "Islam and Secularism in the Twenty-First Century". In *Islam and Secularism in the Middle East*. Eds. Tamimi, Azzam and John L. Esposito (London, Hurst and Company, 2000) 3-20.
- Falk, Richard. "Comparative Protection of Human Rights in Capitalist and Socialist Third World Countries". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 49-75.
- Falk, Richard. "Cultural Foundations for the International Protection of Human Rights". In *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. Ed. An-Na'im, Abdullahi A. (Philadelphia: University of Pennsylvania Press, 1991) 44-64.
- Faure, Michael and Jurgen Lefevere. "Compliance with International Environmental Agreements". In *The Global Environment: Institutions, Law, and Policy*. Eds. Vig, Norman J. and Regina S. Axelrod (Washington, D.C.: CQ Press, 1999) 138-156.
- Fox, Jonathon. "Transnational Civil Society Campaigns and the World Bank Inspection Panel". In *Globalization and Human Rights*. Ed. Brysk, Alison (Berkeley: University of California Press, 2002) 75-102.
- Gallagher, Anne. "Making Human Rights Treaty Obligations a Reality: Working with New Actors and Partners". In *The Future of UN Human Rights Treaty Monitoring*. Eds. Alston, Philip and James Crawford (Cambridge: Cambridge University Press, 2000) 201-228.
- Gause III, F. Gregory. "The Persistence of Monarchy in the Arabian Peninsula: A Comparative Analysis". In *Middle East Monarchies: the Challenge of Modernity*. Ed. Kostiner, Joseph (Boulder: Lynne Reiner Publishers, 2000) 167-186.

- Haberman, Jurgen. "Kant's Idea of Perpetual Peace, With the Benefit of Two Hundred Years' Hindsight". In *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*. Eds. Bohman, James and Matthias Lutz-Bachmann (Cambridge: MIT Press, 1997) 113-153.
- Henley, Kenneth. "Human Rights and the Rule of Law: Sovereignty and the International Criminal Court". In *Universal Human Rights*. Eds. Reidy, David A. and Mortimer N. Sellers (Oxford: Rowman & Littlefield Publishers, 2005) 173-186.
- Honneth, Axel. "Is Universalism a Moral Trap? The Presuppositions and Limits of Politics of Human Rights". In *Perpetual Peace: Essays on Kant's Cosmopolitan Ideal*. Eds. Bohman, James and Matthias Lutz-Bachmann (Cambridge: MIT Press, 1997) 155-178.
- Howard, Rhoda E. "Dignity, Community, and Human Rights". In *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. Ed. An-Na'im, Abdullahi A. (Philadelphia: University of Pennsylvania Press, 1991) 81-102.
- Jingsheng, Wei. "Human Rights: Not Merely an Internal Affair". In *Realizing Human Rights: Moving From Inspiration to Impact*. Eds. Power, Samantha and Graham Allison (New York: St. Martin's Press, 2000) 39-47.
- Jonsson, Christer. "Cognitive Factors in Explaining Regime Dynamics". In *Regime Theory and International Relations*. Ed. Rittberger, Volker (Oxford: Clarendon Press, 1993) 201-222.
- Kant, Immanuel. "Reflections on the Philosophy of Rights". In *Kant's Political Philosophy*. Ed. William, Howard (Oxford: Basil Blackwell, 1983) 157-173.
- Kausikan, Bilabari. "Asia's Different Standard". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 201-218.
- Koskenniemi, Martti. "The Pull of The Mainstream". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 31-47.
- Krasner, Stephen D. "Sovereignty, Regimes, and Human Rights". In *Regime Theory and International Relations*. Ed. Rittberger, Volker (Oxford: Clarendon Press, 1993) 139-167.
- Krasner, Stephen D. "Structural Causes and Regime Consequences: Regimes as Intervening Variables". In *International Regimes*. Ed. Krasner, Stephen D. (Ithaca: Cornell University Press, 1989) 1-22.
- Layish, Aharon. "Ulama and Politics in Saudi Arabia". In *Islam and Politics in the Modern Middle East*. Eds. Heper, Metin and Raphael Israeli (London: Croom Helm, 1984) 29-63.
- Lee, Steven P. "Human Rights and Humanitarian Intervention". In *Universal Human Rights*. Eds. Reidy, David A. and Mortimer N. Sellers (Oxford: Rowman & Littlefield Publishers, 2005) 141-154.
- Lewis, Bernard. "Monarchy in the Middle East". In *Middle East Monarchies: the Challenge of Modernity*. Ed. Kostiner, Joseph (Boulder: Lynne Reiner Publishers, 2000) 15-22.
- Mernissi, Fatima. "Arab Women's Rights and the Muslim State in the Twenty-first Century: Reflections on Islam as Religion and State". In *Faith & Freedom: Women's Human Rights in the Muslim World*. Ed. Afkhami, Mahnaz (Syracuse: Syracuse University Press, 1995) 33-50.
- Meron, Theodor. "On A Hierarchy of International Human Rights". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 77-99.
- Niblock, Tim. "Social Structure and Development of the Saudi Arabian Political System". In *State, Society and Economy in Saudi Arabia*. Ed. Niblock, Tim (London: Croom Helm Ltd, 1982) 95-142.
- Nino, Carlos Santiago. "Positivism and Communitarianism: Between Human Rights and Democracy". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 357-383.
- Pangalangan, Paul C. "Sweatshops and International Labor Standards: Globalizing Market, Localizing Norms". In *Globalization and Human Rights*. Ed. Brysk, Alison (Berkeley: University of California Press, 2002) 93-138.
- Panikkar, R. "Is the Notion of Human Rights A Western Concept?". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 161-188.
- Peach, Joy Lucinda. "Are Women Human? Feminist Reflections on 'Women's Rights as Women Rights'". In *Universal Human Rights*. Eds. Reidy, David A. and Mortimer N. Sellers (Oxford: Rowman & Littlefield Publishers, 2005) 81-108.
- Piscatori, James P. "Ideological Politics in Saudi Arabia" In *Islam in the Political Process*. Ed. Piscatori, James P. (Cambridge: Cambridge University Press, 1984) 56-72.
- Rao, Arati. "The Politics of Gender and Culture in International Human Rights Discourse". In *Women's Rights, Human Rights: International Feminist Perspectives*. Eds. Peters, Julie and Andrea Wolper (London, Routledge, 1995) 158-187.
- Reisman, W. Michael. "Sovereignty and Human Rights in Contemporary International Law". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 545-555.
- Risse, Thomas, and Kathryn Sikkink. "The Socialization of International Human Rights Norms into Domestic Practices". In *The Power of Human Rights: International Norms and Domestic Change*. Eds. Risse, Thomas, Stephen Ropp, and Kathryn Sikkink (Cambridge: Cambridge University Press, 1999) 1-38.
- Risse-Kappen, Thomas. "Bringing Transnational Relations Back In: Introduction". In *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures and International Institutions*. Ed. Risse-Kappen, Thomas (Cambridge: Cambridge University Press, 1995) 3-33.

- Roth, Kenneth. "Human Rights Organizations: A New Force for Social Change". In *Realizing Human Rights: Moving From Inspiration to Impact*. Eds. Power, Samantha and Graham Allison (New York: St. Martin's Press, 2000) 225-248.
- Rugh, William A. "Saudi Mass Media and Society in the Faisal Era". In *King Faisal and the Modernization of Saudi Arabia*. Ed. Beling, William A. (Boulder: Westview Press, 1980) 125-144.
- Shafiq, Munir. "Secularism and the Arab-Muslim Condition". In *Islam and Secularism in the Middle East*. Eds. Azzam Tamimi and John L. Esposito (London, Hurst and Company, 2000) 134-150.
- Simma, Bruno and Philip Alston. "The Source of Human Rights Law: Custom, Jus Cogens, and General Principles". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 3-29.
- Steiner, Henry J. "Political Participation As a Human Right". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 386-442.
- Stroh, Christian. "The Development of the International Human Rights System by the United Nations". In *The United Nations: Law and Practice*. Eds. Cede, Franz and Lilly S. Behramann (London: Kluwer Law International, 2001) 155-209.
- Tehrani, Majid. "Disenchanted Worlds: Secularisation and Democratization in the Middle East". In *Democratization in the Middle East: Experience, Struggle, Challenges* (Tokyo: United Nations University Press, 2003) 79-102.
- Teson, Fernando R. "International Human Rights and Cultural Relativism". In *Human Rights Law*. Ed. Alston, Philip (Aldershot: Dartmouth Publishing Company, 1996) 117-146.
- Young, Oran and Gail Osherenko. "Testing Theories of Regime Formation: Findings from a Large Collaborative Research Project". In *Regime Theory and International Relations*. Ed. Rittberger, Volker (Oxford: Clarendon Press, 1993) 224-249.
- Young, Oran. "Compliance in the International System". In *International Law: A Contemporary Perspective*. Eds. Falk, Richard, Friedrich Kratochwil and Saul H. Mendlovitz (Boulder: Westview Press, 1985) 99-109.

4- Articles in Journals and Magazines:

- Aba-Namay, Rashed. "The Dynamics of Individual Rights and Their Prospective Development Under the New Constitution of Saudi Arabia". *Journal of South Asian and Middle Eastern Studies* 18:3 (1995) 21-40.
- Abu Alsamh, Rasheed. "Saudis Ready for the Polls", *Al-Ahram Weekly*, 7 September 2004, viewed on line at <<http://weekly.ahram.org.eg/print/2004/705/re5.htm>> accessed 6 November 2004.
- Afary, Janet. "The Human Rights of Middle Eastern & Muslim Women: A Project for the 21st Century". *Human Rights Quarterly* 26:1 (2004) 106-125.
- An-Na'im, Abdullah A. "The contingent Universality of Human Rights: The Case of Freedom of Expression in African and Islamic Contexts". *Emory International Law Review* 10:3 (1997) 29-66.
- An-Na'im, Abdullahi A. "Human Rights in the Arab World: A Regional Perspective". *Human Rights Quarterly* 23:4 (2001) 701-732.
- Barbieri, William. "Group Rights and the Muslim Diaspora". *Human Rights Quarterly* 21:4 (1999) 907-926.
- Bielefeldt, Heiner. "Muslim Voices in the Human Rights Debate". *Human Rights Quarterly* 17:4 (1995) 587-617.
- Buergenthal, Thomas. "The Normative and Institutional Evolution of Intentional Human Rights". *Human Rights Quarterly* 19:4 (1997) 703-723.
- Burgerman, Susan D. "Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights". *Human Rights Quarterly* 20:4 (1998) 905-923.
- Cardenas, Sonia and Andrew Flibert. "National Human Rights Institutions in the Middle East". *The Middle East Journal* 59:3 (2005) 411-237.
- Cardenas, Sonia. "Norm Collision: Explaining the Effects of International Human Rights Pressure on State Behavior". *International Studies Review* 6:2 (2004) 213-231.
- Cema, Christina M. "Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Contexts". *Human Right Quarterly* 16:3 (1994) 740-752.
- Champion, Daryl. "The Kingdom of Saudi Arabia: Elements of Instability Within Stability". *Middle East Review of International Affairs Journal* 3:4 (1999) 9, viewed on line at <<http://www.biu.ac.il/SOC/besa/meria/journal/1999/issue4/jv3n4a4.html>> accessed 26 May 2004.
- Checkel, Jeffery. "International Law and Domestic Politics: Bridging the Rationalist-Constructivist Divide". *European Journal of International Relations* 3:4 (1997) 473-495.
- Crossman, Brenda. "Reform, Revolution or Retrenchment? International Human rights in the Post-Cold War Era". *Harvard International Law Journal* 32:2 (1991) 312-340.
- Crystal, Jill. "The Human Rights Movement in the Arab World". *Human Rights Quarterly* 16:2 (1994) 435-454.

- Dallal, Ahmad. "The Origin and Objectives of Islamic Revivalist Thought, 1750-1850". *Journal of the American Oriental Society* 113:3 (1993) 341-359.
- Desphande, Purva. "The Role of Women in Two Islamic Fundamentalist Countries: Afghanistan and Saudi Arabia". *Women's Rights Law Reporter* 22:2 (2001) 193-204.
- Dommen, Caroline. "Raising Human Rights Concerns in the World Trade Organization Actors, Processes and Possible Strategies". *Human Rights Quarterly* 24:1 (2002) 1-50.
- Donnelly, Jack. "Human Rights in The New World Order". *World Policy Journal* 9:2 (1992) 249-277.
- Donnelly, Jack. "Human Rights, Democracy, and Development". *Human Rights Quarterly* 21:3 (1999) 608-632.
- Donnelly, Jack. "International Human Rights: A Regime Analysis". *International Organization* 40:3 (1986) 599-642.
- Donno, Daniela and Bruce Russett. "Islam, Authoritarianism, and Female Empowerment: What are the Linkages". *World Politics* 56:3 (2004) 582-607.
- Doran, Michael Scott. "The Saudi Paradox". *Foreign Affairs*, (January/February 2004), viewed on line at <<http://www.foreignaffairs.org/20040101faessay83105/michael-scott-doran/the-saudi-paradox.html>> accessed 13 October 2004.
- Doumato, Eleanor. "Manning the Barricades: Islam According to Saudi Arabia's School Texts". *The Middle East Journal* 57:2 (2003) 260-279.
- Doumato, Eleanor. "Women and Work in Saudi Arabia: How Flexible are Islamic Margins". *The Middle East Journal* 53:4 (1999) 568-584.
- Eads, Brian. "Saudi Arabia's Deadly Export". *Reader's Digest*, 162:970 (February 2003) 119-125.
- Fandy, Manoun. "Cyber Resistance: Saudi Opposition between Globalisation and Localization". *Comparative Studies in Society and History* 41:1 (1999) 124-147.
- Farer, Tom J. "The Ethic of Intervention in self-Determination Struggles". *Human Rights Quarterly* 25:2 (2003) 382-406.
- Farer, Tom J. "The United Nations and Human Rights: More Than A Whimper Less Than A Roar". *Human Rights Quarterly* 9:4 (1987) 550-587.
- Finnemore, Martha and Kathryn Sikkink. "International Norm Dynamics and Political Change". *International Organization* 52:4 (1998) 887-917.
- Gause III, F. Gregory. "Saudi Arabia at a Crossroads? Notes from a Recent Visit". *Strategic Insights* 3:2 (2004), viewed on line at <<http://www.ccc.nps.navy.mil/si/2004/feb/gauseFeb04.asp>> accessed 20 August 2004.
- Gerna, Christina M. "Universality of Human Rights and Cultural Diversity: Implementation of Human Rights in Different Socio-Cultural Context". *Human Rights Quarterly* 16:3 (1994) 470-752.
- Goldstein, Judith and Lisa L. Martin. "Legalization, Trade Liberalization, and Domestic Politics: A Cautionary Note". *International Organization* 54:3 (2000) 603-632.
- Goodhart, Michael. "Origins and Universality in the Human Rights Debates: Cultural Essentialism and the Challenge of Globalization". *Human Rights Quarterly* 25:4 (2003) 935-964.
- Green, Maria. "What We Talk About When We Talk About Indicators: Current Approaches to Human Rights Measurement". *Human Rights Quarterly* 23:4 (2001) 1062-1097.
- Hamdan, Amani. "Women and Education in Saudi Arabia: Challenges and Achievements". *International Education Journal* 6:1 (2005) 42-64.
- Hamm, Brigitte I. "A Human Rights Approach to Development". *Human Rights Quarterly*, 23:4 (2001) 1005-1031.
- Harland, Christopher. "The Status of the International Covenant on Civil and Political Rights (ICCPR) in the Domestic Law of State Parties: An Initial Global Survey Through UN Human Rights Committee Documents". *Human Rights Quarterly* 22:1 (2000) 187-260.
- Henderson, Conway W. "Conditions Affecting the Use of Political Repression". *Journal of Conflict Resolution* 35:1 (1991) 120-142.
- Herb, Michael. "Princes and Parliaments in the Arab World". *The Middle East Journal*, 58:3 (2004) 367-385.
- Heyns, Christof and Viljoen Frans. "The Impact of the United Nations Human Rights Treaties on the Domestic Level". *Human Rights Quarterly* 23:3 (2001) 483-535.
- Hicks, Neil. "Does Islamist Human Right Activism Offer a Remedy to the Crisis of Human Rights Implementation in the Middle East?". *Human Rights Quarterly* 24:1 (2002) 361-381.
- Horan, Hume. "Saudi Arabia: A Successful Anomaly (So Far)". *The American Enterprise* (September 2003), viewed on line at <http://www.taemag.com/issues/articleID018196/article_detail.asp> accessed 5 December 2003.
- Hunter, Timothy N. "Appeasing the Saudis". *The Middle East Quarterly* 3:1 (1996), viewed on line at <<http://www.meforum.org/article/283>> accessed 10 June 2003.
- Jones, Toby. "Seeking a 'Social Contract' for Saudi Arabia". *Middle East Report*, vol. 228 (Fall 2003), viewed on line at <<http://www.merip.org/mer/mer228/mer228.html>> accessed 3 August 2004.
- Jones, Toby. "Violence and the Illusion of Reform in Saudi Arabia". *Middle East Report*, November 2003, viewed on line at <<http://www.merip.org/mero/mero111303.html>> accessed 3 August 2004.

- Kechichian, Joseph A. "Saudi Arabia's Will to Power". *Middle East Policy* 7:2 (February 2000) 47-60.
- Kent, Ann. "States Monitoring States: The United States, Australia, and China's Human Rights, 1990-2001". *Human Rights Quarterly* 23:3 (2001) 583-624.
- Khan, Muqtadar. "The Globalization of Wahhabism", *Fellowship Magazine* (July-August 2003), viewed on line at <<http://www.forusa.org/fellowship/july-aug-03/khan.html>> accessed 3 November 2003.
- Kostiner, Joseph. "State, Islam, and Opposition in Saudi Arabia", *Middle East Review of International Affairs Journal* 1:2 (1997), viewed on line at <<http://www.biu.ac.il/SOC/besa/meria/journal/1997/issue2/jvIn2a8.html>> accessed 8 June 2004.
- Kovach, Bill. "The Impact of Public Opinion Polls: Do They Shape or Measure Opinion?", (The Nieman Foundation for Journalism at Harvard University), *Nieman Report* (double issue) 53:4 (1999) & 54:1 (2000), viewed on line at <http://www.nieman.harvard.edu/reports/99-4_00-1NR/Kovach_Impact.html> accessed 15 April 2006.
- Kubba, Laith. "Arabs and Democracy: The Awakening of Civil Society". *Journal of Democracy* 11:3 (2000) 84-90.
- Künnemann, Rolf. "A Coherent Approach to Human Rights". *Human Rights Quarterly* 17:2 (1995) 223-242.
- Lacroix, Stephane. "Between Islamists and Liberals: Saudi Arabia's New 'Islam Liberal' Reformists". *The Middle East Journal* 58:3 (2004) 345-366.
- Lagervist, Johan. "The Rise of Online Public Opinion in the People Republic of China". *China: An International Journal* 3:1 (2005) 119-130.
- Lancaster, Pat. "21st Century Arab Women". *Middle East*, Issue 347 (July 2004) 6-15.
- Landman, Todd. "Comparative Politics and Human Rights". *Human Rights Quarterly* 24:4 (2002) 890-923.
- Lantos, Tom. "Discrimination Against Women and the Roots of Global Terrorism". *Human Rights* 29:3 (2002) 7-9.
- Layish, Aharon. "Saudi Arabia Legal Reform as a Mechanism to Moderate Wahhabi Doctrine". *Journal of the American Oriental Society* 107:2 (1987) 279-292.
- Leckie, Scott. "Another Step Towards Indivisibility: Identifying the Key Features of Violations of Economic, Social and Cultural Rights". *Human Rights Quarterly* 20:1 (1998) 81-124.
- Looney, Robert. "The Broader Middle East Initiative: Requirements for Success in the Gulf". *Strategic Insights* 8:3 (August 2004), viewed on line at <<http://www.ccc.nps.navy.mil/si/2004/aug/looneyAUG04.pdf>> accessed 29 December 2004.
- Marceau, Gabrielle. "WTO Dispute Settlement and Human Rights". *European Journal of International Law* 13:4 (2001), viewed on line at <<http://www.ejil.org/journal/Vol13/No4/art1.pdf>> accessed 19 August 2003.
- Marks, Stephen P. "From the 'Single Confused Page' to the 'Decalogue for Six Billion Person': The Roots of the Universal Declaration of Human Rights in the French Revolution". *Human Rights Quarterly* 20:2 (1998) 459-514.
- Mayer, Ann Elizabeth. "Book Review: Islam and Justice: Debating the Future of Human Rights in the Middle East and North Africa". *Human Rights Quarterly* 19:3 (1997) 875-878.
- McCormick, James M. and Neil J. Mitchell. "Human Rights Violations, Umbrella Concepts, and Empirical Analysis". *World Politics* 49:4 (1997) 510-525.
- Menyhart, Russell. "Changing Identities and Changing Laws: Possibilities for a Global Legal Culture", *Indiana Journal of Global Legal Studies* 20:2 (2003) 157-199.
- Meyer, John, John Boli, George Thomas, and Francisco Ramirez. "World Society and the National-State". *American Journal of Sociology* 103:1 (1997) 144-181.
- Milner, Wesley, Steven Poe and David Leblang. "Security Rights, Subsistence Rights, and Liberties: A Theoretical Survey of the Empirical Landscape". *Human Rights Quarterly* 21:2 (1999) 403-443.
- Moravcsik, Andrew. "Taking Preferences Seriously: A Liberal Theory on International Politics". *International Organization* 51:4 (1997) 513-553.
- Moravcsik, Andrew. "The Origin of Human Rights Regimes: Democratic Delegation in Postwar Europe". *International Organization* 54:2 (2000) 217-252.
- Mtango, Sifa. "A State of Oppression? Women's Rights in Saudi Arabia". *Asia-Pacific Journal on Human Rights and the Law*, 5:1 (2004) 49-67.
- Obaid, Nawaf E. "The Power of Saudi Arabia's Islamic Leaders". *The Middle East Quarterly* 6:3 (1999), viewed on line at <<http://www.meforum.org/article/482>> accessed 10 June 2003.
- Page, Benjamin and Robert Shapiro. "Effects of Public Opinion on Policy". *American Political Science Review* 77:1 (1983) 175-190.
- Page, Benjamin Robert Shapiro and Glenn Dempsey. "What Moves Public Opinion". *American Political Science Review* 81:1 (1987) 23-44.
- Page, Benjamin. "Democratic Responsiveness? Untangling the Links between Public Opinion and Policy". *Political Science and Politics* 27:1 (1994) 25-29.
- Poe, Steven C., Dierdre Wendel-Blunt and Karl Ho. "Global Patterns in the Achievement of Women's Human Rights to Equality". *Human Rights Quarterly* 19:4 (1997) 813-835.

- Poe, Steven, C. Neal Tate, and Linda Camp Keith. "Repression of Human Rights to Personal Integrity Revisited: A Global Crossnational Study Covering the Years 1979-1993". *International Studies Quarterly* 43:2 (1999) 291-315.
- Preis, Ann-Belinda S. "Human Rights as Cultural Practice: An Anthropological Critique". *Human Rights Quarterly* 18:2 (1996) 286-315.
- Raphaeli, Nimrod. "Saudi Arabia: A Brief Guide to its Politics and Problems". *Middle East Review of International Affairs Journal* 7:3 (2003), viewed on line at <<http://meria.idc.ac.il/journal/2003/issue3/jv7n3a2.html>> accessed 29 August 2004.
- Reus-Smit, Christian. "Human Rights and the Social Construction of Sovereignty". *Review of International Studies* 27:2 (2001) 519-538.
- Sano, Hans-Otto. "Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development". *Human Rights Quarterly* 22:3 (2000) 734-752.
- Shestack, Jerome J. "The Philosophic Foundations of Human Rights". *Human Rights Quarterly*, 20:1 (1998) 201-234.
- Shone, Steve J. "Cultural Relativism and the Savage: the Alleged Inconsistency of William Graham Sumner". *The American Journal of Economics and Sociology* 63:3 (2004), viewed on line at <http://www.findarticles.com/p/articles/mi_m0254/is_3_63/ai_n6142202/print> accessed 3 July 2006.
- Skogly, Sigurd and Mark Gibney. "Transnational Human Rights Obligations". *Human Rights Quarterly* 24:4 (2002) 781-798.
- Solomon, Ty. "Norms and Human Rights in International Relations". *Political Studies Review* 4 (2006) 36-47.
- Stammers, Neil. "A Critique of Social Approaches to Human Rights". *Human Rights Quarterly* 17:3 (1995) 488-508.
- Taecker, Kevin R. "A Dialogue: Saudi Arabia". *School of Advanced International Studies (SAIS) Review* 22:2 (2002) 199-228.
- Talbi, Mohamed. "Arabs and Democracy: A Record of Failure". *Journal of Democracy* 11:3 (2000) 58-68.
- Teitelbaun, Joshua. "Dueling for *Da'wa*: State vs. Society on the Saudi Internet". *Middle East Journal* 56:2 (2002) 222-239.
- Telhami, Shibley, Fiona Hill, et al. "Does Saudi Arabia Still Matter? Differing Perspectives on the Kingdom and Its Oil". *Foreign Affairs* (November/December 2002), viewed on line at <<http://www.foreignaffairs.org/20021101faresponse10002/shibley-telhami-fiona-hill/does-saudi-arabia-still-matter-differing-perspectives-on-the-kingdom-and-its-oil.html>> accessed 17 May 2004.
- The Gulf Centre for Strategic Studies. "Women's Debut at the Consultative Council", *Saudi Trends* 1:4 (January 2002), viewed on line at <<http://www.sauditrends.com/english/current.htm>> accessed 3 December 2002.
- Tilley, John J. "Cultural Relativism". *Human Rights Quarterly* 22:2 (2002) 501-547.
- Walker, Scott and Steven C. Poe. "Does Cultural Diversity Affect Countries' Respect for Human Rights?". *Human Rights Quarterly* 24:1 (2002) 237-263.
- Walt, Stephen M. "International Relations: One World, Many Theories". *Foreign Policy* 110:1 (1998) 29-35.
- Waltz, Susan. "Universal Human Rights: The Contribution of Muslim States". *Human Rights Quarterly* 26:4 (2004) 799-844.
- Waltz, Susan. "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights". *Human Rights Quarterly* 23:1 (2001) 44-72.
- Wendt, Alexander. "Collective Identity Formation and the Intentional State". *The American Political Science Review* 88:2 (1994) 384-396.
- Wittes, Tamara Cofman. "The Promise of Arab Liberalism". *Policy Review* 125:3 (2004), viewed on line at <<http://www.policyreview.org/jun04/wittes.html>> accessed 29 November 2004.

5- Unpublished Materials:

- Akers, Deborah Sue. "The Tribal Concept in Urban Saudi Arabia", (PhD Thesis, Ohio State University, 2001).
- Al-Ajmi, Abdullah Saad. "Factors that Support Arab Muslim Women in their Career Roles: Saudi Arabia", (EdD Thesis, University of Pittsburgh, 2001).
- Al-Hefdhhy, Yahua S. "The Role of the Ulama (Islamic Scholars) in Establishing an Islamic Education System for Women in Saudi Arabia", (The Florida State University: Unpublished PhD Thesis, 1994).
- Al-Oraifi, Mariam M. "Saudi Iranian Relations 1971-1991: An Analysis of the Dynamics from the Saudi Perspective", (PhD Thesis, Australian National University, 2002).
- Al-Rashoud, Abdullah. "Satellite Broadcasting & National Development: Relevance to Saudi Arabia", (PhD Thesis, Australian National University, 2001).
- Al-Salem, Salem Ali. "The Impact of the Internet on Saudi Arabian EFL Female's Self-Image and Social Attitudes" (PhD Thesis, Indiana University of Pennsylvania, 2005).

Checkel, Jeffrey T. "Why Comply? Constructivism, Social Norms and the study of international institutions". Centre for European Studies at the University of Oslo (ARENA), Working Paper (99/24) delivered at the 1999 Annual Meeting of the American Political Science Association, Atlanta, Georgia (September 1999), viewed on line at <http://www.arena.uio.no/publications/wp99_24.htm> accessed 16 June 2003.

Grazia, Ketta. "Human Rights: The Role of the United Nations and Nongovernmental Organizations", (MPA Thesis, Roosevelt University, 2003).

Guzman, Andrew T. "International Law: A Compliance Based Theory", University of California, Berkeley, Public Law and Legal Theory, Working Papers Series, Research Paper No. 47 (April 2001), viewed on line at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=260257> accessed 12 May 2003.

Habbar, Anne-Christine and Guiraud, Marie. "The World Trade Organization and Human Rights", International Federation of Human Rights (Position Paper, 1999), viewed on line at <<http://www.fidh.org/rapports/wto-fidh.htm>> accessed 19 August 2003.

Hawkins, Darren. "The Domestic Impact of International Human rights Norms", a paper presented at the 42nd Annual Convention of the International Studies Association, Chicago (February 2001), viewed on line at <<http://www.isanet.org/archive/hawkins.html>> accessed 19 April 2004.

Jolyon, Ford. "The Age of Constitutions", Seminar at the Australian National University, National Europe Centre, 5 May 2004.

Kent, Ann Elizabeth. "China, the United Nations and International Human Rights Regime, 1971-1994: the Learning Process", (PhD Thesis, Australian National University, 1996).

Mayer, Ann Elisabeth. "Debating the Universality of Human Rights: A Plea for a Critical Perspective". This paper was viewed on website of the University of Pennsylvania, Wharton School for Legal Studies at <<http://lgst.wharton.upenn.edu/mayera/Documents/Hamudps3.pdf>> accessed 28 June 2005.

Miyaoka, Isao. "State Compliance With International Legitimate Norms: Wildlife Preservationist Pressures on Japan Fishing". Columbia International Affairs Online (CIAO), a paper presented at 41st Annual Convention of the International Studies Association, Los Angeles (March 2000), viewed on line at <<http://www.ciaonet.org/isa/mii01/>> accessed 19 June 2003.

Nagengast, Carole. "Women, Individual Rights and Cultural Relativity: Power and Difference in Human Rights Debates", University of New Mexico, Working Paper #266, December 1998), viewed on line at <<http://www.wid.msu.edu/resources/papers/pdf/WP266.pdf>> accessed 10 August 2003.

Piscatori, James. "Democracy in the Muslim Middle East: Do Elections Matter?". A Lecture delivered at the Australian National University on 23 November 2005.

Rehemi, Madani F. "A Survey of the Attitude of Saudi Men and Women Toward Saudi Female Participation in Saudi Arabian Development", (PhD Thesis, Ann Arbor, 1985).

Samergandi, Rogayah. "A Study of Factors that Contribute to the Discrepancy Between the High Number of Women Receiving College Education and the Low Number of Women Participating in the Labor Force in the Kingdom of Saudi Arabia" (University of Maryland, Baltimore: Unpublished PhD Thesis, 1992).

Simmons, Beth. "Why Commit? Explaining State Acceptance of International Human Rights Obligations". University of California, Berkeley, International Legal Studies, Working Paper Series 02-05 (2002), viewed on line at <<http://www.internationalorganizations.org/simmons.PDF>> accessed 22 November 2004.

6- Newspapers:

Al-Hayat <<http://www.daralhayat.com>> (Arabic, London).

Al-Jazirah <<http://www.al-jazirah.com.sa>> (Arabic, Saudi Arabia).

Al-Quds Al-Arabi <<http://www.alquds.co.uk>> (Arabic, London).

Al-Riyadh <<http://www.alriyadh.com>> (Arabic, Saudi Arabia).

Al-Sharq Al-Awsat <<http://www.asharqalawsat.com>> (Arabic, London).

Al-Watan <<http://www.alwatan.com.kw>> (Arabic, Kuwait).

Al-Watan <<http://www.alwatan.com.sa>> (Arabic, Saudi Arabia).

Al-Yaum <<http://www.alyaum.com>> (Arabic, Saudi Arabia).

Arab News <<http://www.arabnews.com>> (English, Saudi Arabia).

Australian Financial Review <<http://afr.com>> (English, Australia).

Christian Science Monitor <<http://www.csmonitor.com>> (English, United States).

Guardian <<http://www.guardian.co.uk>> (English, United Kingdom)

Los Angeles Times <<http://www.latimes.com>> (English, United States).

Okaz <<http://www.okaz.com.sa>> (Arabic, Saudi Arabia).

Saudi Gazette <<http://www.saudigazette.com.sa>> (English, Saudi Arabia).

The Asian Wall Street Journal <<https://www.wsj-asia.com>> (English, Hong Kong).

The Australian <<http://www.theaustralian.news.com.au>> (English, Australia).

The Canberra Times <<http://www.canberratimes.com.au>> (English, Australia).

The Herald Sun <<http://www.heraldsun.com>> (English, United Kingdom).

The New York Times <<http://www.nytimes.com>> (English, United States).
 The Sydney Morning Herald <<http://www.smh.com.au>> (English, Australia).
 The Washington Times <<http://washingtontimes.com>> (English, United States).
 USA Today <<http://usatoday.com>> (English, United States).
 Washington Post <<http://www.washingtonpost.com>> (English, United States).

7- Other sources (including reports, official documents and publications, media and news agencies, academic materials on the internet, etc):

ABC News <<http://abcnews.go.com>> (United States).
 Admon, Yifat. "A Saudi Public Debate on Women's Participation in Municipal Elections", The Middle East Media Research Institute, 11 February 2005, viewed on line at <<http://memri.org/bin/opener.cgi?page=archives&ID=IA20605>> accessed 25 May 2005.
 Ain-Al-Yaqeen.Com <<http://www.ain-al-yaqeen.com/>> (Saudi Arabia).
 Al-Ahmed, Ali. "Human Rights in Saudi Arabia: The Role of Women", Testimony of Ali Al-Ahmed Before the Congressional Human Rights Caucus, 4 June 2002, viewed on line at <<http://lantos.house.gov/HoR/CA12/Human+Rights+Caucus/Briefing+Testimonies/TESTIMONY+OF+ALI+AL-AHMED.htm>> accessed in 17 July 2005.
 Al-Jazeera.Net <<http://www.aljazeera.net/>> (Arabic, Qatar).
 Al-Jubeir, Nail. "Saudi Arabia Seeks to Change Image", *WishTV.com*, 19 October 2004, transcript was viewed on line at <<http://www.wishtv.com/global/story.asp?s=2450712&ClientType>> accessed 23 December 2004.
 Al-Rajhi Banking and Investment Corporation, "Government Budget 2004: Analysis and Comments", 15 February 2004, viewed on line at <<http://www.alrajhibank.com.sa/finPortal/jsp/reportFiles/Pics/EnReport42.pdf>> accessed 11 November 2004.
 Amnesty International. "Saudi Arabia Business Briefing". (London: Amnesty International UK Business Group, 2000), this publication was viewed on line at <<http://www.amnesty.org.uk/business/pubs/saudibusiness.pdf>> accessed 3 October 2004.
 Amnesty International. "Saudi Arabia: A Justice System Open to Abuse", 10 May 2000, viewed on line at <http://www.amnestyusa.org/countries/saudi_arabia/document.do?id=00A64D93651BE499802568D9006FE022> accessed 7 June 2002.
 Amnesty International. "Saudi Arabia: Gross Human Rights Abuses Against Women", an Amnesty International report released in September 2000.
 Amnesty International. The Annual Report: Saudi Arabia, (from 1992 to 2005), viewed on the website of Amnesty International <<http://web.amnesty.org>>.
 Annan, Kofi. "Interview with NewsHour", *Pbs.Org/NewsHour*, 18 October 1999, transcript was viewed on line at <www.pbs.org/newshour/bb/international/july-dec99/annan/_10-18.html> accessed 18 June 2003.
 ArabicNews.Com <<http://www.arabicnews.com/>>.
 Bahmanpour, Muhammad Saeed. "Religious and Secular Values", *Qantara.De* <http://www.qantara.de/webcom/show_article.php/_c-315/_nr-3/i.html> (20 February 2003) accessed 5 September 2003.
 Bankowitz, Aluma. "A Saudi National Dialogue on Women's Rights and Obligations", The Middle East Media Research Institute, 23 June 2004, viewed on line at <<http://memri.org/bin/opener.cgi?page=archives&ID=IA18304>> accessed 21 May 2005.
 BBC News <<http://news.bbc.co.uk>> (United Kingdom).
 Bin Talal, ElHassn. Address to the Asian Preparatory Meeting for the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Iran, (19-21 February 2001).
 Camdessus, Michel. "Toward a New Financial Architecture for a Globalized World", International Monetary Fund (1998), viewed on line at <<http://www.imf.org/external/np/speeches/1998/050898.HTM>> accessed 7 October 2004.
 CBS News <<http://www.cbsnews.com>> (United States).
 Centre for Contemporary Arab Studies. "Proceedings of a Conference Titled 'Saudi Arabia: One Hundred Years Later'" (Washington: Georgetown University, 1999).
 Cheney, Elizabeth. (US Principal Deputy Assistant Secretary of State for Near Eastern Affairs), Address at the Foreign Policy Association Annual Dinner, New York, 14 June 2005, transcript was viewed on line at <<http://www.usembassy.org.uk/forpo738.html>> accessed 7 November 2005.
 Cordesman, Anthony H. "Saudi Arabia Enters The 21st Century: Building True Wealth Versus Over-dependence on Petroleum and the State", Washington, Centre for Strategic and International Studies, (December 2002), viewed on line at <https://www.csis.org/burke/saudi21/s21_06.pdf> accessed 3 December 2004.

- Cordesman, Anthony H. "Saudi Security and the War on Terrorism: Internal Security Operations, Law Enforcements, Internal Threats, and the Need for Change", Washington, Centre for Strategic and International Studies, (April 2002), viewed on line at <<https://www.csis.org/burke/saudi21/SaudiWaronTerr.pdf>> accessed 3 December 2004.
- Dominicans Justice for Peace at the United Nations, Seminar 3: "The Right to Development: Challenges and Opportunities", Geneva, Palais des Nations, 18-19 January 2001, details of the seminar were viewed on line at <<http://un.op.org/reports/rtd01/index.php>> accessed 12 December 2002.
- Elaph.Com News <<http://www.elaph.com>> (Saudi Arabia).
- Fatany, Samar. "The Status of Women in Saudi Arabia", *Arabview.com* <<http://www.arabview.com/articles.asp?article=477>> accessed 26 May 2005.
- Feminist Majority Foundation. "US Companies Promote Gender Apartheid in Saudi Arabia", *Feminist.Org*, <<http://www.feminist.org/news/newsbyte/printnews.asp?id=6074>> (15 January 2002) accessed 28 December 2004.
- Freeman, Chas W. Jr. "Saudi Arabia's Foreign and Domestic Dilemmas". *Middle East Policy Council* (September 2002), viewed on line at <http://www.mepc.org/public_esp/whats/sacomments.asp> accessed 6 November 2004.
- Georgi, Lydia. "Saudi's Human Rights Watchdog Getting Ready to Go", *Middle-East Online* <<http://www.middle-east-online.com/english/saudi/?id=9143=9143&format=0>> (5 March 2004) accessed 5 November 2004.
- Ghabra, Shafeeq. "Saudi Time Bomb", an interview in FRONTLINE, a TV program originally aired on 15 November 2001, the transcript was viewed on line at <<http://www.pbs.org/wgbh/pages/frontline/shows/Saudi/etc/script.html>> accessed on 9 April 2002.
- Hallak, Jacques. "Globalization, Human Rights and Education". (Paris: UNESCO, International Institute for Educational Planning, 1999).
- Heard, Andrew. "Human Rights: Chimeras in Sheep Clothing?", Simon Fraser University, Vancouver, (2001), viewed on line at <<http://www.sfu.ca/~aheard/intro.html>> accessed 5 August 2003.
- Hoffe, Otfried. "Cultural Imperialism or Intercultural Discourse", *Qantara.De* <http://www.quantara.de/webcom/show_article.php/_c-285/_nr-5/i.html> (18 February 2003) accessed 5 September 2003.
- Hofmann, Murad. "Human Rights in Islam", *Qantara.De* <http://www.quantara.de/webcom/show_article.php/_c-285/_nr-4/i.html> (11 February 2003) accessed 5 September 2003.
- Human Rights Watch. "Human Rights in Saudi Arabia: A Deafening Silence", a HRW report released in December 2001.
- Human Rights Watch. "Saudi Arabia: Allies Must End Human Rights Silence", a press release, 19 December 2001, viewed on line at <<http://www.hrw.org/press/2001/12/saudiallies1218.htm>> accessed 21 July 2004.
- Human Rights Watch. "Saudi Arabia: Allies Must End Human Rights Silence", 19 December 2001, viewed on line at <<http://hrw.org/english/docs/2001/12/19/saudia3434.htm>> accessed 21 July 2003.
- Human Rights Watch. "UN: Kofi Annan Reappointment welcomed", 27 June 2001, viewed on line at <www.hrw.org/press/2001/06/kofi0627.htm> accessed 18 June 2003.
- Human Rights Watch. *Empty Reforms: Saudi Arabia's New Basic Law* (New York: Human Rights Watch, 1992).
- Human Rights Watch. World Report: Saudi Arabia, (from 1999 to 2006), viewed on the website of Human Rights Watch <www.hrw.org>.
- International Commission on Intervention and State Sovereignty. "The Responsibility to Protect". (Ottawa: International Development Research Centre, 2001), viewed on line at <<http://www.iciss.ca/pdf/Commission-Report.pdf>> accessed 15 May 2003.
- International Crisis Group. "Can Saudi Arabia Reform Itself", 14 July 2004, viewed on line at <http://www.crisisgroup.org/library/documents/middle_east_north_africa/iraq_iran_gulf/28_can_saudi_arabia_reform_itself_web.pdf> accessed 25 July 2004.
- International Labour Organization, "Boost for Workers' Rights in Saudi Arabia", 18 April 2002, Press Release, viewed on line at <www.ilo.org/public/english/bureau/inf/pr/2002/17.htm> accessed 15 April 2003.
- International Labour Organization. "Saudi Arabia", August 2001, viewed on line at <www.ilo.org/public/english/region/asro/bangkok/arm/sau.htm> accessed 15 April 2003.
- International Labour Organization. Ratification of Convention No 100, viewed on line at <<http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C100>> accessed 11 July 2005.
- International Labour Organization. Ratification of Convention No 105, viewed on line at <<http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C105>> accessed 11 July 2005.
- International Labour Organization. Ratification of Convention No 111, viewed on line at <<http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C111>> accessed 11 July 2005.
- International Labour Organization. Ratification of Convention No 29, viewed on line at <<http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?C029>> accessed 11 July 2005.

- Jones-Pauly, Christina. "Tensions Between Islamic Law and Human Rights from the Perspective of Comparative Law", *Information Platform HumanRights.ch*, (May 2006), viewed on line at <http://www.humanrights.ch/cms/upload/pdf/0000990827_cjp_text.pdf> accessed 12 June 2006.
- Kovach, Bill. "The Impact of Public Opinion Polls: Do They Shape or Measure Opinion?". (The Nieman Foundation for Journalism at Harvard University), *Nieman Report* (double issue) 53:4 (1999) and 54:1 (2000), viewed on line at <http://www.nieman.harvard.edu/reports/99-4_00-1NR/Kovach_Impact.html> accessed 15 April 2006.
- Larson, Alan. (Under Secretary for Economic, Business and Agricultural Affairs), statement before the Senate Foreign Relations Committee, Washington, DC, 2 June 2004. The statement was viewed on line at <<http://www.state.gov/e/rls/rm/2004/33060pf.htm>> accessed 30 August 2004.
- Liven, Leah. *Human Rights: Questions and Answers* (Paris: UNESCO Publications, 1996).
- Middle East Media Research Institute (MEMRI). "Saudi Women Angered By Oprah Winfrey Show: 'We Were Portrayed as a Backward Society That is Violent Towards Women'", *Memri.Org*, No 937, 20 July 2005, viewed on line at <<http://memri.org/bin/opener.cgi?Page=archives&ID=SP93705>> accessed 14 November 2005.
- Movement of Islamic Reform in Arabia (MIRA) <<http://www.islahi.co.uk/>> (London).
- Movement of Islamic Reform in Arabia (MIRA). "The Rise and Evolution of the Modern Islamic Reform Movement in Saudi Arabia", viewed on line at <<http://www.islah.info:1111/chap1.html>>, accessed 12 February 2002.
- Mundy, Karen and Lynn Murphy. "Transnational Advocacy, Global Civil Society? Emerging Evidence From the Field of Education". *Swaraj.Org*, (December 2000), viewed on line at <http://www.swaraj.org/shikshantar/activities/_transnational.html> accessed 20 December 2004.
- Muslim World League. *Islamic Ummah and Globalization* (Makkah: Muslim World League, 2002).
- Nazir, Sameena. "Challenging Inequality: Obstacles and Opportunities Towards Women's Rights in the Middle East and North Africa". *FreedomHouse.Org*, (May 2005), viewed on line at <<http://www.freedomhouse.org/research/menasurvey/essaysn.pdf>> accessed 3 September 2005.
- Ong, Michael. "The Middle East, Islam and Human Rights". (Australian Parliament, Parliamentary Research Service, 1992).
- Organization of the Islamic Conference (OIC). "The Cairo Declaration on Human Rights in Islam", (1990).
- Ouattara, Alassane D. "The Political Dimensions of Economic Reforms—Conditions for Successful Adjustment", International Monetary Fund (1999), viewed on line at <<http://www.imf.org/external/np/speeches/1999/061099.HTM>> accessed 10 October 2004.
- Ramcharan, Bertrand. "Human Rights: The Way Forward", Address before the UN University, Human Rights Day Panel, New York, (10 December 2003), viewed on line at <<http://www.ony.unu.edu/seminars/globofhumanrights-10dec2003/ramcharansspeech.pdf>> accessed 25 February 2004.
- Reuters. <<http://today/reuters.com/news>> (United Kingdom).
- Robinson, Mary. "Bridging the Gap Between Human Rights and Development: From Normative Principles to Operational Relevance". A Lecture Delivered at The World Bank, New York, (3 December 2001), viewed on line at <<http://www.unhcr.ch/hurricane/hurricane.nsf/view01/2DA59CD3FFC033DCC1256B1A0033F7C3?opendocument>> accessed 8 October 2004.
- Robinson, Mary. "Ethics, Human Rights and Globalization", A Lecture Delivered at The Global Ethic Foundation, Germany, (21 January 2002), viewed on line at <www.weltethos.org/pdf_dat/rob_eng.pdf> accessed 25 February 2004.
- Saudi Arabia Information Resource <<http://www.saudinfo.com>> (Saudi Arabia).
- Saudi Press Agency (official body) <<http://www.spa.gov.sa/>> (Saudi Arabia).
- Toulmin, Stephen. "The Role of Transnational NGOs in Global Affairs", Peace Research Institute, International Christian University, Tokyo, (November 1994), viewed on line at <<http://www.globalpolicy.org/ngos/role/globalact/state/2000/1122.htm>> accessed 20 December 2004.
- UN Centre for Human Rights. "Human Rights: A Compilation of International Instruments" (Belgium: UN Publication, 1994).
- UN document. "Membership of the Committee on the Rights of the Child", viewed on line at <<http://www.ohchr.org/english/bodies/crc/docs/MembersCVs/PastMEMBERSHIP.pdf>> accessed 15 July 2005.
- UN document. "Ratification and Reservation", Office of the UN High Commissioner for Human Rights (OHCHR), viewed on line at <<http://www.ohchr.org/english/countries/ratification/3.htm>> accessed 15 March 2004.
- UN document. "Ratification and Reservation", Office of the UN High Commissioner for Human Rights (OHCHR), viewed on line at <<http://www.ohchr.org/english/countries/ratification/2.htm>> accessed 15 March 2002.

- UN document. "Saudi Arabia: Decentralization and Urban Management", UN Development Program, Programme on Governance in the Arab Region (December 2002), viewed on line at <<http://www.pogar.org/countries/saudi/decentralization.html>> accessed 19 June 2004.
- UN document. "States Examined under the 1503 Procedure by the UNCHR", Office of the UN High Commission for Human Rights, viewed on line at <<http://www.ohchr.org/english/bodies/chr/stat1.htm>> accessed 27 May 2005.
- UN document. "States Parties to the Slavery Convention", viewed on line at <<http://untreaty.un.org/English/sample/EnglishInternetBible/partI/chapterXVIII/treaty2.htm>> accessed 11 July 2005.
- UN document. A/52/477 of 16 October 1997, Interim Report on the Elimination of all Forms of Religious Intolerance prepared by the Special Rapporteur of the UNCHR in accordance with UNGA resolution 51/93.
- UN document. A/CONF.157/23 of 12 July 1993, the World Conference on Human Rights, Vienna Declaration and programme of Action.
- UN document. A/CONF.157/23 of 12 July 1993, Vienna Declaration and Programme of Action.
- UN document. CAT/C/42/Add.2 of 20 Sept 2001, Committee Against Torture, Initial Reports of States Parties: Saudi Arabia.
- UN document. CAT/C/42/Add.2 of 20 Sept 2001, Initial Reports of States Parties: Saudi Arabia, containing the initial report of the Kingdom of Saudi Arabia on the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment.
- UN document. CAT/C/CR/28/5 of 12 June 2002, Committee Against Torture, Conclusions and Recommendation of the Committee against Torture: Saudi Arabia.
- UN Document. CAT/C/CR/28/5 of 12 June 2002, Conclusions and Recommendation of the Committee against Torture: Saudi Arabia.
- UN document. CAT/C/SR.519 of 17 May 2002, Committee Against Torture, Summery Record of the First Part of the 519th Meeting: Saudi Arabia.
- UN document. CAT/C/SR.525 of 23 May 2002, Summery Record of the First Part of the 525th meeting: Saudi Arabia.
- UN document. CERD/C/370/Add.1 of 20 September 2001, Committee on the Elimination of Racial Discrimination, Sixteenth periodic reports of States parties due in 2000: Saudi Arabia.
- UN document. CERD/C/62/CO/8 of 21 March 2003, concluding observations of the Committee on the Elimination of Racial Discrimination: Saudi Arabia.
- UN document. Country Reports on CEDAW, viewed on line at <<http://www.un.org/womenwatch/daw/cedaw/reports.htm#s>> accessed 25 May 2005.
- UN document. CRC/C/15/Add.148 of 22 February 2001, concluding observations of the Committee on the Rights of the Child: Saudi Arabia.
- UN document. CRC/C/61/Add.2 of 29 March 2000, Committee on the Rights of the Child, Initial report of Saudi Arabia.
- UN document. CRC/C/SR.687 of 1 February 2002, Committee on the Rights of the Child, Summary Record of the 687th Meeting: Saudi Arabia.
- UN document. Declarations, Reservations, and Objections to CEDAW, viewed on line at <<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>> accessed 25 May 2005.
- UN document. E/2003/INF/2/Add.2 of 29 April 2003, Decisions 2003/201B on Elections Nominations, and Confirmations and Appointments to Subsidiary and related Bodies of the ECOSOC.
- UN document. E/CN.4/1993/62 of 6 January 1993, report submitted by Mr. Angelo Vidal d'Almeida Riberiro to the Commission on Human Rights, 49th session (1993).
- UN document. E/CN.4/2003/65/Add.3 of 14 January 2003, Report by the UNCHR Special Rapporteur on the Independence of Judges and Lawyers on his Mission to the Kingdom of Saudi Arabia.
- UN document. E/CN.4/2003/SR.17 of 2 April 2003, UNCHR 59th Session (2003), Summery Record of the 17th Meeting, The Right to Development.
- UN document. E/CN.4/2004/SR.14 of 30 March 2004, UNCHR 60th Session, Summary Record of the 16th Meeting: Racism, Racial Discrimination, Xenophobia and all Forms of Discrimination.
- UN document. E/CN.4/2004/SR.16 of 30 March 2004, UNCHR 60th Session (2004), Summery Record of the 16th Meeting, The Right to Development.
- UN document. E/CN.4/2004/SR.21 of 1 April 2004, UNCHR 60th Session (2004): "Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World".
- UN document. E/CN.4/1997/4/Add.1 of 29 October 1996, Decisions Adopted by the Working Group on Arbitrary Detention, UNCHR 53rd Session (1997).
- UN document. GA/54/1/1999 of 31 August 1999, Report of the Secretary-General (Kofi Annan) on the Work of the Organization.
- UN document. GA/55/1/2000 of 3 April 2000, a statement by the Secretary-General presenting the Millennium Report to the UN General Assembly, viewed on line at <<http://www.un.org/millennium/sg/report/state.htm>> accessed 2 May 2003.

- UN document. [GA/L/3055/1997](#) of 5 November 1997, A Press Release, “Assembly’s Legal Committee is Told Law Commission Should Set Up System to Judge Reservations to Multilateral Treaties”.
- UN document. [GA/SHC/3388](#) of 13 November 1996, A Press Release, “Reservations to Human Rights Treaties Called into Question by European Union in Third Committee”.
- UN document. The Universal Declaration of Human rights (1948).
- UN document. The Vienna Convention on the Law of Treaties, (1969).
- UN document. UN Charter (1945).
- UN document. [UN/ST/HR/1968](#) of 13 May 1968, Proclamation of Tehran, proclaimed by the International Conference on Human Rights at Tehran.
- UN document. UNGA Plenary Meeting, (1951).
- UN document. UNGA Plenary Meeting, (1966).
- UN document. UNGA Third Committee (1979).
- UN document. UNGA Third Committee, (1948).
- UN document. UNGA Third Committee, (1950).
- UN document. UNGA Third Committee, (1954).
- UN document. Yearbook of the UN (1965).
- UN document. Yearbook of the UN (1966).
- UN document. Yearbook of the UN (1979).
- UN document. Yearbook of the UN (1984).
- UN document. Yearbook of the UN (1989).
- UN publication. “Arab Human Development Report”, UN Development Program (UNDP), (2003).
- UN publication. “Beijing Declaration and Platform for Action with the Beijing+5 Political Declaration and Outcome Document”. (New York: UN Department of Public Information, 2001).
- UN publication. “Report of the Round Table Workshop: CEDAW and Islam and the Human Rights of Women”, UN Development Fund for Women, October 1999, viewed on line at http://www.arabwomenconnect.org/docs/ASRO_HR_round_report.doc accessed 7 August 2005.
- United Kingdom. “Annual Report on Human Rights” (1999), Foreign and Commonwealth Office and Department of International Development, viewed on line at <http://www.publications.parliament.uk/pa/cm200001/cmselect/cmfaif/78/7822.htm> accessed 2 July 2005.
- United States. The Annual Country Report on Human Rights Practice: Saudi Arabia, (from to 1995 to 2005), viewed on the website of the US State Department <http://www.state.gov/>.
- United States. The International Religious Freedom Annual Report: Saudi Arabia, (from to 1999 to 2005), viewed on the website of the US State Department <http://www.state.gov/>.
- United States. Library of Congress. “Country Studies: Saudi Arabia”, December 1992, viewed on line at [http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+sa0048\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+sa0048)) accessed 5 September 2003.
- World Bank. “Development and Human Rights: The Role of the World Bank”, (1998), viewed on line at <http://www.worldbank.org/html/extdr/rights/hrtext.pdf>, accessed 6 October 2004.
- Zogby, James. “Arab Opinion on American Politics, Values and People”, Testimony before the US House Committee on Foreign Affairs (Subcommittee on International Organizations, Human Rights, and Oversight, and Subcommittee on Middle East and Asia), 3 May 2007, viewed on line at <http://foreignaffairs.house.gov/110/zog050307.pdf> accessed 25 May 2007.

Appendix I

Survey on Human Rights in Saudi Arabia and The Influence of The UN Human Rights System: The Case Of Women's Rights

Design¹ and Methodology

The basic purpose of the survey is to explore how Saudis perceive human rights as observed in their country and, in particular, their attitudes towards changes related to women's rights. The survey has focused, therefore, on seeking to evaluate attitudes about influences affecting women's rights in Saudi Arabia. Based on the theoretical approach of the thesis in which changes in human rights norms can be understood in the context of socialization and learning processes, this survey sought to contribute to answering the central question.

The sampling units for this survey were Saudi adult individuals. One of the main concerns for designing the samples were the method by which a representative sample can be achieved. Among the three major designs of non-probability samples that have been used by social scientists,² this research project is based on convenience samples in which particular numbers of sampling units were selected whenever they are conveniently available. For the sake of achieving representative samples where possible, various regional, ideological and sex differences were taken into consideration during the process of distributing copies of the survey.

In a society like Saudi Arabia, recruiting participants and gaining their cooperation to reply to a survey is mostly dependant on personal contacts. Using common methodologies of sample designs, like randomly sending surveys by post or making phone calls, in the Saudi social environment would almost certainly produce a low response, if any at all. Therefore, this research project has employed an established methodology used for convenience samples in such circumstances, known as the 'snowball sampling technique'.³ Multiple copies of the survey along with an

¹ The survey was fully designed and analysed by the researcher with professional assistance and advice from Nyree Kueter, a survey designer and analyst at the ANU Centre of Educational Development and Academic Methods (CEDAM). Designing the survey, drafting the questions and analysing the results were based on literature available in the area of research methods in the social sciences. See, for instance, Chava Frankfort-Nackmias and David Nachmias, *Research Methods in the Social Sciences* (New York: St. Martin's Press, 1992) and Michael Smithson, *Statistics With Confidence* (London: Sage Publications, 2000).

² The three major designs of non-probability samples are convenience samples, purposive samples and quota samples. For more details, see Frankfort-Nackmias and Nachmias, *Research Methods in the Social Sciences*, 174-177.

³ Michael Smithson, *Statistics With Confidence* (London: Sage Publications, 2000) 98.

information sheet were distributed to people known to the researcher (colleagues, relatives, friends and etc). Those associates were asked to hand over or to forward to their associates copies of the survey with an invitation to complete it. While the methodology of recruitment used in the research project may appear to be uncommon, it is a sampling design that has been academically and scientifically established.⁴

Methodology used in this survey to select the sampling units requires more samples than other forms of collecting information through commonly used surveys.⁵ Although the suggested number for obtaining an acceptable result was at least 200 samples, 235 cases were collected, while approximately double that number were distributed in the form of both hard and soft copies via emails. The research project was conducted in early 2006. It took nearly eight weeks to distribute and collect copies of the survey.

The survey consists of fourteen closed-ended questions and is divided into two sections. The first section contains four factual questions, which aid in explaining differences in attitudes among Saudis in relation to some classifications such as sex, age and education. The other section includes ten questions mostly about Saudis' perceptions towards statements on human rights in general and women's rights in particular. Eight out of the ten questions are drafted in the form of statements with multiple-choice answers. For these questions, there were six provided answers, ranging from an absolute agreement with the statement to an absolute disagreement, beside the 'I do not know' answer.

Unlike those questions on attitudes, there are two questions in which the knowledge of respondents were tested regarding two related issues. Question five addresses the issue of compatibility of human rights standards as observed and applied in the Kingdom with three sources: *shari'ah* laws, domestic traditions and international law. In addition to the answer 'I do not know', three choices of answer were provided: '*shari'ah* laws only', '*shari'ah* laws and domestic traditions' and '*shari'ah* laws, domestic traditions and international law'. Similarly, question ten was meant to

⁴ There are various PhD academic theses about Saudi Arabia in which a similar sampling design was used. See, for instance, Sa'id Al-Orabi Al-Harhi, "The Mass Media in Saudi Arabia: Present Concept, Functions, Barriers and Selected Strategy for Effective use in Nation-Building and Social Awareness", (PhD Thesis, The Ohio State University, 1983), Abdullah Al-Rashoud, "Satellite Broadcasting & National Development: Relevance to Saudi Arabia", (PhD Thesis, Australian National University, 2001) and Salem Ali Al-Salem, "The Impact of the Internet on Saudi Arabian EFL Female's Self-Image and Social Attitudes" (PhD Thesis, Indiana University of Pennsylvania, 2005). For more details on research methods, see for instance, Frankfort-Nackmias and Nachmias, *Research Methods in the Social Sciences*.

⁵ Ms. Nyree Kueter, a survey designer and analyst at the ANU Centre of Educational Development and Academic Methods (CEDAM), personal conversation, 18 June 2005.

identify the knowledge of respondents on whether Saudi Arabia is a party to 'all', 'some' or 'none' of the international human rights instruments.

Based on a five-point scale for measuring perceptions, the range between agreement and disagreement with the statements has been divided into five choices. To simplify identifying the nearest answer to a respondent's attitude, each choice was followed by a percentage in parentheses, which indicates the extent of agreement or disagreement with the statement, ranging from 100 percent for absolutely agree, 75 percent for agree, 50 percent for agreeable, 25 percent for disagree and 0 percent for absolutely disagree. The answer 'agreeable' has been analytically treated as an intermediate position in which participants chose an edging point between agreement and disagreement. Furthermore, the two answers expressing agreement have been considered, at the analytical level, as conveying positive attitudes towards the statement and vice versa. Accordingly, the answers 'absolutely agree' and 'agree' were thus dealt with as representing a general agreement with the statements. The same consideration was applied to 'absolutely disagree' and 'disagree', as both being considered levels of disagreement.

The inclusion of question four, regarding whether the participants have studied abroad, is related to the earlier argument that individuals educated at Western universities have the greater potential to shape public opinion and to influence the process of policy-making. Moreover, Western educated individuals usually have been exposed to alternative perceptions about human rights.

One of the features of the survey design is the drafting of two or more closely relevant questions. As in the case of questions six and seven, eight and nine, and eleven A, B and C, each of the two or three questions were intended to measure opinions on one issue and to make observations on changes of perceptions regarding that issue. Tackling one issue through asking two or three strongly related questions ought to provide additional explanations on the matter itself. Moreover, examination of data across these connected questions could contribute to establishing a better understanding of peoples' attitudes toward that particular issue under investigation.

Questions included in the survey vary in their degree of relevance to the central question of the thesis. Nevertheless, a survey on a subject like human rights in Saudi Arabia is regarded as an invaluable opportunity to explore more than one angle within the range of the thesis topic. Being closely relevant to the case study and to the thesis's central question, the eleventh question, which consists of three parts, was designed to elicit indications on what Saudis saw as factors stimulating changes in the

field of women's rights and their role in society. At the domestic level, participants were asked in question eleven (A) about the role played by internal factors relevant to media and education. Because of their importance in influencing people's perceptions, media and education were included in the question as closely relevant examples of domestic factors.

In order to assess international influences, respondents were asked in question eleven (B) to evaluate international factors that have affected the recent trends on women's rights. The general wording of international pressures and influences used in the question represents various forms of international factors, including the UN human rights system. Moreover, participants were asked in question eleven (C) specifically about the role played by CEDAW and whether the recent trends on human rights were related to Saudi Arabia's accession to CEDAW.

Significantly, the UN human rights system has been mentioned indirectly in three questions. The information sheet has served as a preface to the survey, referring to human rights in Saudi Arabia, the influence of the UN human rights system, and Saudi women's rights as the case study of the thesis. Question ten was designed to examine the knowledge of participants about whether Saudi Arabia is a party to the six international human rights instruments, which are the most important achievements of the UN for establishing sets of standards for human rights. Furthermore, unlike UN declarations or its broad activities on human rights, which if reported in the Saudi media might go unnoticed by the public, Saudi Arabia's accession to international human rights instruments was a governmental decision reported in all types of local media. Question eleven (C) has combined the three sides of the thesis topic, the UN human rights system, human rights in Saudi Arabia, and women's rights in Saudi Arabia, by asking participants how to assess the influence of CEDAW on women's rights in Saudi Arabia. Finally, question twelve was designed to explore views about the influence of international human rights instruments on states parties to those conventions.

The preparatory statement in question twelve was designed to achieve two related objectives; primarily investigating perspectives on the influence of international human rights instruments and partially exploring perceptions about the positiveness of that influence. Following the collection of the samples, it was evident the word 'positive' in the statement did not serve the second purpose, as it was ambiguous and understood differently by the respondents. Yet, responses to the word

'positive' did not affect findings related to the main objective, as explained later in Appendix II.

The term 'missing values' defines specified data as user-missing, because some respondents either decline to answer the question or the question does not apply to them and therefore they choose the answer 'I do not know'. Data values specified as user-missing are flagged for special treatment and are excluded from most calculations.⁶ Within the main level of data analysis applied here, no distinction has been made between the two types of missing values. However, the size of the missing values has been taken into consideration at the findings and assessment level.

⁶ More detail on the definition and the calculations of the missing values are available within the tutorial section at Statistical Program for the Social Sciences (SPSS).

Appendix II

Survey on Human Rights in Saudi Arabia and The Influence of The UN Human Rights System: The Case Of Women's Rights

Data Description and Analysis

The first four questions were meant to provide information on the characteristics of respondents and are dealt with only briefly here. The age was divided into three groups: less than twenty years old, between 20 and 40 years and above 40 years old. Out of the total of 235 responses, 148 (63 percent) were between 20-40 years, 61 (26 percent) were above 40 years and 26 (11 percent) were less than 20 years old. The age distribution with most respondents between 20 and 40 years old was no doubt influenced by the methodology used in distributing copies of the survey, which is based on social relations among different associates usually of similar age. Unlike the sex variable, balancing the samples among the three age categories was not of concern to this thesis and may not affect the general result, partially because the age group 'between 20-40 years' represents the current generation in Saudi Arabia.

The second factual question reveals the sex of respondents. A balanced result was achieved, with 119 (50.6 percent) sampling units being male and 115 (48.9 percent) female. The level of education of the respondents, the third question, was divided into three levels: high school or below, university level and postgraduate level. Similar to the result of the first question, 140 (59.6 percent) respondents have ticked university level, whereas 52 (22.1 percent) respondents have postgraduate degrees and 43 (18.3 percent) have selected the answer 'high school or below'. The fourth factual question was intended to reveal whether or not the respondents have studied abroad. 186 (79.1 percent) respondents have not studied abroad against 47 (20 percent) who ticked 'yes', with 2 (0.9 percent) unanswered cases.

The following substantive questions are spelled out in more detail.

Question five:

Human rights norms observed and applied currently in the Kingdom stem from and are compatible with:

- Shari'ah* laws only.
- Shari'ah* laws and domestic traditions.
- Shari'ah* laws, domestic traditions and international law.
- I do not know.

The result of this question is important, given the conservative general view in Saudi Arabia that the *shari'ah* rules should be unchanged, and resistance to

reinterpretation would be stronger with clear prescription on an issue existing in the Islamic texts. As Saudis (the state and perhaps most of the people) are generally cautious in opposing the *shari'ah*, the result of this question supported the argument that changes in human rights norms are more achievable when the opposition to change is unrelated to sacred texts. The result would also suggest that public opinion is susceptible to governmental policies, illustrated for example in the earlier discussion of the shift about women's right to drive changing from being a religious question to a social issue.

Table 5

		Frequency	Percent	Valid Percent(*)	Cumulative Percent
Valid	<i>shari'ah</i> laws only	34	14.5	17.3	17.3
	<i>shari'ah</i> laws and domestic traditions	97	41.3	49.2	66.5
	<i>shari'ah</i> laws, domestic traditions and international law	66	28.1	33.5	100.0
	Total	197	83.8	100.0	
Missing	I do not know	37	15.7		
	System	1	.4		
	Total	38	16.2		
Total		235	100.0		

(*) Respondents who did not know the answer or not answer the question were excluded in this calculation.

The general result (see table 5) demonstrated that only 17.3 valid percent of participants singled out '*shari'ah* laws only', while total of 82.7 percent combined the *shari'ah* laws with other elements. A cross examination of data shows that participants from the 'between 20-40 years' age group have registered 12.2 percent in choosing '*shari'ah* laws only', compared to 40.9 percent from the age group 'less than 20 years'. The two age groups 'between 20-40 years' and the 'above 40 years' have registered similar results in selecting the second answer (51.2 and 50.0 percent) and the third answer as well (36.6 and 30.8 percent). As the age group 'less than 20 years' registered the highest in selecting the first answer and the lowest in choosing the second and the third answers, age is evidently a factor affecting respondents' perceptions about the sources of human rights in Saudi Arabia.

Education has demonstrated to be a significant factor in changing participants' views in relation to the sources of human rights, as those in the 'high school or below' category registered 42.9 percent in choosing the first answer, compared to 2.2 percent from the 'postgraduate' category. Similarly, only 7.7 percent of participants who studied abroad have chosen '*shari'ah* laws only', compared to 19.9 percent of

participants who have never studied overseas, which indicates that exposure to other cultures influences opinions about human rights. Given that women in Saudi society usually have limited opportunities for interaction with men and less chance of exposure to new tendencies, 21.8 percent of females picked '*shari'ah* laws', compared to 12.6 percent of males. This result may reflect more conservative tendencies among women compared to men.

Question six:

In general, human rights standards, as observed presently in Saudi Arabia, are at satisfactory level.

- | | |
|--|---|
| <input type="checkbox"/> Absolutely agree. | <input type="checkbox"/> Disagree. |
| <input type="checkbox"/> Agree. | <input type="checkbox"/> Absolutely disagree. |
| <input type="checkbox"/> Agreeable. | <input type="checkbox"/> I do not know. |

Exploring the degree of satisfaction of human rights standards is an objective for this question and the following question, but the latter is specific and within the context of neighbouring countries. Opposing the statement implies support for change in the current human rights standards in Saudi Arabia, as dissatisfaction represents a primary and necessary stage for change. The result (see table 6) shows that the number of respondents who agreed with the above statement almost equals those who disagreed, as the overall calculation of the valid percentage has indicated that 37.9 percent agreed, strongly or weakly, with the statement, while 37.5 percent disagreed.

Table 6

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Absolutely agree	25	10.6	12.3	12.3
	Agree	52	22.1	25.6	37.9
	Agreeable	50	21.3	24.6	62.6
	Disagree	37	15.7	18.2	80.8
	Absolutely disagree	39	16.6	19.2	100.0
	Total	203	86.4	100.0	
Missing	I do not know	26	11.1		
	System	6	2.6		
	Total	32	13.6		
Total		235	100.0		

In the cross analysis with explanatory variables, 19.1 percent of respondents from the age group 'less than 20 years' disagreed, strongly or weakly, with the statement, compared to 40 percent from the 'between 20-40 years' age group and 36.3 percent from the 'above 40 years'. As the age group 'between 20-40 years' represents the current generation in the Kingdom and are likely to be influenced by the surrounding environment, this group scored the highest in opposing the

statement. There was a difference in attitudes between males and females in responding to the statement, with males scoring a higher percentage (40.2 percent) in their disagreement with the statement compared to 34.0 percent of females. This difference, though statistically insignificant, might be explained on various grounds including that women in the Saudi culture are more likely to be imbued with conservative ideas, as their exposure to outside influences and their interest in public affairs are less than those of men.

For the education variable, more than half (53.1 percent) in the 'postgraduate' category disagreed with the statement, compared to 32.8 percent from the 'university' category and 31.3 percent from the category of 'high school or below'. Furthermore, respondents who have studied abroad are more likely to be discontented with human rights standards observed in the Kingdom, as 62.8 percent of them articulated their disagreement with the statement (39.5 percent absolutely disagreed and 23.3 disagreed), whereas 29.8 percent of participants, who have never studied abroad, disagreed.

Question seven:

In comparison with neighbouring countries, human rights standards observed presently in the Kingdom are at satisfactory level.

- | | |
|--|---|
| <input type="checkbox"/> Absolutely agree. | <input type="checkbox"/> Disagree. |
| <input type="checkbox"/> Agree. | <input type="checkbox"/> Absolutely disagree. |
| <input type="checkbox"/> Agreeable. | <input type="checkbox"/> I do not know. |

With the argument of cultural relativism in mind, this statement, unlike the previous one, placed human rights standards into a regional, cultural context. The general result (see table 7) indicates an increase in agreement and a decrease in disagreement with the statement in comparison to the previous statement in question six. 51.5 percent of participants generally agreed with statement, compared to 37.9 percent of agreement for question six. Conversely, 26.5 percent of respondents opposed the statement, compared to 37.5 percent for question six's statement.

With the exception of this change in attitude towards the statement, analyzing the result of question seven using the four factual explanatory variables has unveiled similar conclusions to those of question six. However, the significance of question seven's result is that people's perspectives about human rights standards have a propensity to vary when those standards are examined in the context of specific cultural or regional dimensions.

Table 7

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Absolutely agree	39	16.6	19.1	19.1
	Agree	66	28.1	32.4	51.5
	Agreeable	45	19.1	22.1	73.5
	Disagree	39	16.6	19.1	92.6
	Absolutely disagree	15	6.4	7.4	100.0
	Total	204	86.8	100.0	
Missing	I do not know	21	8.9		
	System	10	4.3		
	Total	31	13.2		
Total		235	100.0		

Question eight:

In the last few years, human rights in the Kingdom have received increasing attention from the government.

- | | |
|--|---|
| <input type="checkbox"/> Absolutely agree. | <input type="checkbox"/> Disagree. |
| <input type="checkbox"/> Agree. | <input type="checkbox"/> Absolutely disagree. |
| <input type="checkbox"/> Agreeable. | <input type="checkbox"/> I do not know. |

Questions eight and nine were designed to contribute to establishing a better understanding of the roles played by both the Saudi government and the society and in assessing the attention paid by both of them towards human rights. Regarding the role of the Saudi government, responses to this question show that 46.6 percent of participants agreed, totally or moderately, with the statement, whereas 32.0 percent disagreed, with 21.4 percent choosing 'agreeable' (see table 8). This result demonstrates that a large percentage of respondents believe that the government has increased its attention towards protecting and promoting human rights, as seen in the recent developments of establishing institutions and introducing measures on human rights, which were discussed earlier in this thesis.

The cross-examination of data discloses that the age group 'between 20-40 years' scored the lowest (43.9 percent) in agreeing with the statement, compared to 59.1 percent for the 'less than 20 years' age group and 48.1 percent for the 'above 40 years' age group. The middle age group has also registered the highest (24.6 percent) in choosing the answer 'agreeable', inclining to uncertainty about the correctness of the statement. This middle age group are more suspicious about the role of the government and its attention towards human rights. For the male versus female, there were more females (53.0 percent) supportive, strongly or weakly, of the statement than males (40.2 percent). Accordingly, females are more likely to

endorse the view that the Saudi government has been giving, in the last few years, increasing attention towards human rights.

Table 8

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Absolutely agree	36	15.3	17.5	17.5
	Agree	60	25.5	29.1	46.6
	Agreeable	44	18.7	21.4	68.0
	Disagree	47	20.0	22.8	90.8
	Absolutely disagree	19	8.1	9.2	100.0
	Total	206	87.7	100.0	
Missing	I do not know	22	9.4		
	System	7	3.0		
	Total	29	12.3		
Total		235	100.0		

Respondents from the 'postgraduate' category scored the lowest (24.5 percent) in agreement and the highest (46.9 percent) in disagreement with the statement. Similarly, only 15.9 percent of the participants who have studied abroad expressed their agreement with the statement, compared to 74.5 percent of participants who have never studied abroad. Such results indicate that respondents who have studied abroad and/or engaged in postgraduate studies are likely to be suspicious about the government's role in protecting and promoting human rights. Education, thus, was influential in affecting perceptions on the extent to which new developments of human rights were caused by increasing attention from the government.

Question nine:

In the last few years, human rights in the Kingdom have received increasing attention from the public.

- | | |
|--|---|
| <input type="checkbox"/> Absolutely agree. | <input type="checkbox"/> Disagree. |
| <input type="checkbox"/> Agree. | <input type="checkbox"/> Absolutely disagree. |
| <input type="checkbox"/> Agreeable. | <input type="checkbox"/> I do not know. |

With a sizable percentage agreeing with the statement (40.3 percent), the result (see table 9) reflects increasing public attention towards human rights in Saudi Arabia. However, it is interesting to compare the result of this question to the previous one in order to find out how respondents have evaluated the government's attention to human rights compared to that of the public.

Table 9

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Absolutely agree	21	8.9	10.0	10.0
	Agree	64	27.2	30.3	40.3
	Agreeable	67	28.5	31.8	72.0
	Disagree	47	20.0	22.3	94.3
	Absolutely disagree	12	5.1	5.7	100.0
	Total	211	89.8	100.0	
Missing	I do not know	19	8.1		
	System	5	2.1		
	Total	24	10.2		
Total		235	100.0		

The cross-examination of data reveals that 32.7 percent from the 'above 40 years' age group, 29.4 percent from the 'between 20-40 years' and 8.7 percent from the 'less than 20 years' age group have expressed their disagreement with the statement. This means that the older the participants the more likely they will disagree with the statement. For the middle age group, 37.5 percent of them agreed and 29.4 percent disagreed, with 33.1 percent selecting 'agreeable'. Despite the small difference between those who agreed and disagreed and with the large percentage selecting 'agreeable', the statement has received wide no-objection status, implying that public interest in human rights is on the rise.

Females scored higher (48.5 percent) than males (32.1 percent) in agreeing with the statement and vice versa, reflecting women's status in society, as noted earlier. For the education variable, participants from the postgraduate category have showed more opposition to the statement than other educational categories. Furthermore, participants who studied abroad registered a slightly higher percentage in disagreeing with the statement. Such results convey an expression of suspicion about the extent to which the Saudi public are interested in issues of human rights.

Question ten:

The international community as exemplified in the United Nations has issued six major human rights treaties. Is Saudi Arabia party to some or all of these treaties?

- | | |
|-------------------------------|--|
| <input type="checkbox"/> Some | <input type="checkbox"/> None |
| <input type="checkbox"/> All | <input type="checkbox"/> I do not know |

The result indicates that a low level of knowledge about this issue (see table 10) existed among respondents, as only 92 (39.1 percent) of them chose the correct answer, with 109 (46.4 percent) selecting 'I do not know'. As this question was

intended to test the respondents' knowledge, it is interesting to look at the characteristics of those who registered the correct answer. A cross analysis shows that the older the age, the more likely to select the correct answer, as getting older is usually associated with acquiring additional knowledge. The difference between men and women in selecting the correct answer is slight, as males have registered 77.6 percent and females 75.8 percent. Education is also a factor in choosing the right answer, as postgraduates scored 90.6 percent correct. Also, respondents who have studied abroad attained a higher percentage (84.6 percent) than those who had never studied overseas.

Table 10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	None	7	3.0	5.8	5.8
	Some	92	39.1	76.7	82.5
	All	21	8.9	17.5	100.0
	Total	120	51.1	100.0	
Missing	I do not know	109	46.4		
	System	6	2.6		
	Total	115	48.9		
Total		235	100.0		

Question eleven (A):

To what extent do you agree that the recent trends to give the Saudi women more rights have been caused by (A) domestic factors relevant to media and education?

- | | |
|--|---|
| <input type="checkbox"/> Absolutely agree. | <input type="checkbox"/> Disagree. |
| <input type="checkbox"/> Agree. | <input type="checkbox"/> Absolutely disagree. |
| <input type="checkbox"/> Agreeable. | <input type="checkbox"/> I do not know. |

Question eleven, comprising three parts, was designed to explore perceptions on factors that have stimulated the recent trends to give Saudi women more rights and to enhance their role in the society. Those three questions (11 A, B and C) constitute a backbone of the survey, as they are connected with the three sides of the thesis topic. The general result (see table 11-A) shows that 47.3 percent of respondents agreed, strongly or weakly, with the statement, whereas 24.1 percent opposed it, with 28.6 percent taking an intermediate stand by selecting the answer 'agreeable'. Such results demonstrate that domestic factors, related to education and development, have some influence on the status of women in Saudi Arabia, according to the respondents' viewpoint. However, comparing this result to that of

the next question about international influence is essential to assess how participants have evaluated domestic factors.¹

Table 11-A

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Absolutely agree	32	13.6	14.5	14.5
	Agree	72	30.6	32.7	47.3
	Agreeable	63	26.8	28.6	75.9
	Disagree	29	12.3	13.2	89.1
	Absolutely disagree	24	10.2	10.9	100.0
	Total	220	93.6	100.0	
Missing	I do not know	10	4.3		
	System	5	2.1		
	Total	15	6.4		
Total		235	100.0		

A cross examination of data discloses that there were similarities among the three age groups in their positions towards the statement, although the age group 'above 40 years' scored the highest percentage (52.7 percent) in agreeing with the statement, followed by the age group 'less than 20 years' with 46.2 percent and finally the 'between 20-40 years' age group with 45.3 percent. Overall, similarities of results of the three age groups have prevented establishing a distinctive linkage between one group and a particular orientation about the statement. Nevertheless, as 32.4 percent of participants from the age group 'between 20-40 years' have chosen 'agreeable' and 22.3 percent (the lowest) of them have disagreed, it is possible to conclude that this group has a more positive stand towards the statement than other groups.

Female respondents expressed a more positive attitude towards the statement than male. 51.9 percent of women agreed with the statement, compared to 43.5 percent of men. The overall cross analysis showed that there were fewer males

¹ In looking at the outcomes of questions eleven (A), (B) and (C) and analyzing jointly the variance, it is interesting to note that there was a significant difference between their overall results [F(2,272)=17.645, P<0.001]. For the paired samples T-test, there was also significant difference between the means for the three questions [T(206)=6.088, P<0.001]. Moreover, unlike the other explanatory variables, there was an interaction between the three questions and whether or not respondents had studied overseas [F(2,272)=4.026, P<0.025]. For the T-test, all are significant except for pair 3 for those who had studied abroad [T(38)=1.178, P>0.05]. The significance value has to be less than 0.0167 to be significant for this test because of the three comparisons per group.

willing to subscribe to the statement, as they were reluctant to endorse domestic factors as being influential on the current trends to give Saudi women more rights.

For the education variable, statistics indicated that respondents with higher educational degrees were less likely to agree with the statement. Only 35.3 percent of respondents from the 'postgraduate' category agreed with the statement, compared to 46.9 percent from the 'university' category and 64.1 percent from the 'highly school or below' category. The 'postgraduate' category attained the highest percentage (31.3 percent) in rejecting the statement.

Accordingly, respondents with higher education were less likely to accept that recent trends concerning women in Saudi Arabia are caused by domestic factors, whereas nearly half of the 'university' category and two third of the 'high school or below' category accept the factor of domestic variables in affecting women's rights in Saudi Arabia. Similarly, participants who have undertaken overseas education were less likely to agree with the statement; 32.6 percent of them disagreed with the statement, compared to 21.9 percent of participants who have never studied abroad.

Question eleven (B):

To what extent do you agree that the recent trends to give the Saudi women more rights have been caused by **(B)** International influences and pressures?

- | | |
|--|---|
| <input type="checkbox"/> Absolutely agree. | <input type="checkbox"/> Disagree. |
| <input type="checkbox"/> Agree. | <input type="checkbox"/> Absolutely disagree. |
| <input type="checkbox"/> Agreeable. | <input type="checkbox"/> I do not know. |

Calculating the valid percentage of responses indicates that 72.5 percents of participants generally agreed with the statement and 14.2 percent disagreed, while 13.3 percent considered the statement as 'agreeable' (see table 11-B). This result has strongly linked recent trends in women's rights with international influences. It is worth noting that no statement in the survey has been as positively viewed as this statement, scoring a record in both 'absolutely agree' (34.1 percent) and 'agree' (38.4 percent). When comparing the result of this question to that of the previous question on domestic factors, it is evident that participants have stronger attitudes about the role played by international, rather than domestic, influences.

In the cross analysis, respondents from the age group 'above 40 years' achieved the highest percentage, as 80.8 percent of them generally approved the statement, while 40.4 percent absolutely agreed. The other two age groups

registered similar percentages, as 69.4 percent of the age group 'between 20-40 years' and 72.8 percent of the 'less than 20 years' age group generally agreed with the statement. Accordingly, the majority of the three age groups accepted that international influences affected women's rights in Saudi Arabia. 80.2 percent of males generally agreed with the statement, compared to 64.6 percent of females. Nearly half of the males (46.8 percent) ticked 'absolutely agree', compared to 20.2 percent of females.

Table 11-B

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Absolutely agree	72	30.6	34.1	34.1
	Agree	81	34.5	38.4	72.5
	Agreeable	28	11.9	13.3	85.8
	Disagree	23	9.8	10.9	96.7
	Absolutely disagree	7	3.0	3.3	100.0
	Total	211	89.8	100.0	
Missing	I do not know	12	5.1		
	System	12	5.1		
	Total	24	10.2		
Total		235	100.0		

Men are evidently more convinced that international pressures have been playing an influential role in instigating and guiding the recent trends to give Saudi women more rights and to increase their role in society. It is worth recalling the result of the previous question in which 51.9 percent of females agreed with the statement about the role of domestic factors, compared to 43.5 percent of males. Based on the results of the two questions (eleven A and B), males are more likely to believe that recent trends in women's rights are caused by international, rather than domestic, influences, whereas females give more credence to internal factors.

The differences between men and women in assessing the causes of recent trends in women's rights demonstrate varying opinions between the two groups. Regardless of the accuracy of their assessment of the influence of international pressures, it is understandable for Saudi men to associate the recent changes in the status of women to international influences, as the separation between sexes tends to give men better access to information and wider knowledge of public issues and their international dimensions. Accordingly, a less positive attitude in regard to the

statement in question eleven (B) by females could be associated with their lack of knowledge about public issues and the impact of international influences upon them.

Participants with postgraduate degrees expressed the most positive attitudes, as 83.7 percent of them have generally agreed with the statement, whereas respondents from the 'university' category scored 68.2 percent and the 'high school or below' category scored 72.7 percent. Postgraduates have achieved the lowest score in sustaining the statement in the previous question, but they attained the highest percentage in supporting the statement of this question. Such results lead to the conclusion that participants with higher education degrees hold more positive attitudes towards the effectiveness of international influences and pressures in changing women's rights and status in Saudi Arabia compared to domestic circumstances.

Data pertaining to whether participants have studied abroad revealed that 88.7 percent of overseas-educated respondents generally agreed with the statement, compared to 68.7 percent among those who had not studied abroad. By contrast, results of the previous question indicated that overseas-educated participants agreed less with the statement in question eleven (A), reinforcing their judgement about the role of international factors in influencing women's rights in the Kingdom.

Question eleven (C):

To what extent do you agree that the recent trends to give the Saudi women more rights have been caused by (C) Saudi Arabia's accession, in 2000, to CEDAW?

- | | |
|--|---|
| <input type="checkbox"/> Absolutely agree. | <input type="checkbox"/> Disagree. |
| <input type="checkbox"/> Agree. | <input type="checkbox"/> Absolutely disagree. |
| <input type="checkbox"/> Agreeable. | <input type="checkbox"/> I do not know. |

Given the great status of CEDAW as a normative reference for women's rights standards, this question would provide a better understanding of the relationship between the recent trends on women rights and Saudi Arabia's accession to CEDAW. The general result (see table 11-C) illustrates that 31.8 percent of respondents agreed, strongly or weakly, with the statement, whereas 39.6 percent disagreed, with 28.6 percent choosing the intermediate answer 'agreeable'. Given the limited difference between agreements and disagreements (less than 10 percent), an evident correlation is difficult to establish between Saudi Arabia's accession to CEDAW and perceptions of causes of the changes that are taking place in the Kingdom regarding the rights and status of women.

Table 11-C

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Absolutely agree	18	7.7	11.7	11.7
	Agree	31	13.2	20.1	31.8
	Agreeable	44	18.7	28.6	60.4
	Disagree	36	15.3	23.4	83.8
	Absolutely disagree	25	10.6	16.2	100.0
	Total	154	65.5	100.0	
Missing	I do not know	74	31.5		
	System	7	3.0		
	Total	81	34.5		
Total		235	100.0		

The age group 'above 40 years' attained the highest (42.5 percent) in agreement with the statement, compared to approximately 28.0 percent from each of the other two age groups. It should be noted that nearly 30.0 percent from each age group selected the answer 'agreeable', which embodies a hesitant attitude towards the role of CEDAW on women's rights in Saudi Arabia. For the sex variable, it is worth noting that males and females scored similar percentages in the five categories of answer. The result for men and women is approximately divided into a third each among agreement, disagreement, and 'agreeable'. Yet, the overall cross analysis of the sex variable indicated that females have shown slightly more agreement with the statement than males, but this difference is statistically insignificant.

Respondents from the 'postgraduate' category scored the highest percentage in agreeing with the statement (34.2 percent) and the lowest in disagreement (36.6 percent). As disagreement with the statement surpassed disagreement with only a small percentage in the three educational categories, differences among the categories are insignificant. Similarities of the three categories' results prevent making specific judgement about the attitudes of each category. Being taught overseas has influenced participants' perception about the role of CEDAW. Respondents who have studied abroad indicated their agreement with the statement (43.6 percent) compared to 30.8 percent who disagreed; 28.1 percent of respondents who had not studied abroad agreed and 42.1 percent disagreed with the statement.

Question twelve:

International human rights instruments have positive effects on countries that are parties to those instruments.

- | | |
|--|---|
| <input type="checkbox"/> Absolutely agree. | <input type="checkbox"/> Disagree. |
| <input type="checkbox"/> Agree. | <input type="checkbox"/> Absolutely disagree. |
| <input type="checkbox"/> Agreeable. | <input type="checkbox"/> I do not know. |

Question twelve was designed to assist in revealing how respondents evaluate the influence of international human rights instruments on countries that are parties to those instruments. Data (see table 12) shows that 36.6 percent of respondents generally agreed with the statement, whilst 40.6 percent disagreed. 22.9 percent of respondents selected the answer 'agreeable'. As indicated earlier, the word 'positive' was interpreted differently according to respondents' backgrounds, as some of them may agree that international human rights instruments could have an impact on states parties, but they may oppose describing that impact as positive. Accordingly, the overall result indicates that most respondents generally agreed that international human rights treaties could impose an impact, whether positive or negative, on joining states.

Table 12

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Absolutely agree	15	6.4	8.6	8.6
	Agree	49	20.9	28.0	36.6
	Agreeable	40	17.0	22.9	59.4
	Disagree	36	15.3	20.6	80.0
	Absolutely disagree	35	14.9	20.0	100.0
	Total	175	74.5	100.0	
Missing	I do not know	55	23.4		
	System	5	2.1		
	Total	60	25.5		
Total		235	100.0		

Participants from the age group 'above 40 years' scored the lowest percentage in both agreement (34.7 percent) and disagreement (36.7 percent) with the statement, but they registered the highest percentage in selecting the answer 'agreeable'. The age group 'between 20-40 years' obtained a similar result, with slightly higher in disagreement (41.3 percent), whereas the age group 'less than 20 years' showed a clearer disagreement with the statement (47.0 percent). Respondents embracing conservative views are likely to consider the impact of international human rights instruments as negative, which may explain the large percentage of disagreement among the 'less than 20 years' group. This group are still under the influence of conservative views, as noted earlier in chapter four.

Women recorded a higher percentage in their agreement with the statement (42.3 percent) compared to 32.7 percent of men, suggesting that women have more positive attitudes towards the statement. The educational level also has an influence on participants' judgments, as the percentage of agreement varies between the

'postgraduate' category (31.2 percent) and the 'high school or below' category (45.1 percent). Participants from the 'postgraduate' category scored the highest percentage in choosing the answer 'agreeable' (31.3 percent). Although with a small variation, disagreement with the statement has exceeded agreement in all educational categories, which reflects the negative attitudes towards the statement. As indicated earlier, this negative attitude is partly caused by the ambiguous word 'positive' in the statement. Overseas-educated respondents registered higher percentage in agreement and lower in disagreement with the statement than those who had not studied abroad. Furthermore, 34.9 percent of overseas-educated respondents chose the answer 'agreeable', compared to 18.3 percent of locally educated respondents. What should be noted here is that despite those who consider the impact of international human rights treaties as negative, and the likelihood of their opposing the statement, the agreement with the statement by both categories is similar; 37.2 percent of the overseas-educated and 36.6 percent of the locally educated participants.

Appendix III

EVENTS AND DEVELOPMENTS ON WOMEN'S RIGHTS (1999- 2006)

Date	Event
April 1999	The Crown prince made a strong statement supportive of women, saying that "a Saudi woman is a first class citizen... when we talk about the comprehensive developments in our country...we can not ignore the role of Saudi woman... and her participation in the responsibility of this development."
June 2000	Saudi Arabia participated in the Special Session of the UN General Assembly "Women 2000: Gender Equality, Development and Peace for the 21 st Century" and announced in its statement its intention to accede the International Convention on the Elimination of all forms of Discrimination Against Women
September 2000	The Crown Prince attended the UN Millennium Summit and signed the International Convention on the Elimination of all forms of Discrimination Against Women
2001	
January 2001	The UN Secretary General appointed Dr. Thoraya Obaid as the executive director of the UN Population Fund (UNFPA). She is the first Saudi national to head a UN agency. Saudi Arabia responded to her appointment as an achievement by all Saudi women.
April 2001	In a visit to the Kingdom, Dr. Thoraya Obaid was received by top officials, including the King, and delivered a lecture on women's issues at Al-Moltaga Society (a women's NGO in Jeddah).
April 2001	The Kingdom's first all-female advertisement agency launched in Riyadh, a field of business was traditionally limited to male.
May 2001	A woman (princess) was appointed assistant under secretary at the Ministry of Education- the Highest position ever to be held by a Saudi woman in charge of girl's education.
September 2001	Three important laws related to the administration of justice introduced (to come into force within 180 days), namely the Code of Judicial Procedure, the Code of Criminal Procedure, and the Code of Practice for Lawyers, but discrimination against women has NOT been stipulated in those laws.
November 2001	A decision was taken to issue ID cards to women. Previously women names were included in "family cards" under their fathers or husbands without their photographs.
2002	
January 2002	The first official involvement of women in the <i>Majlis Al-Shura</i> , when a group of leading female academics took part in a discussion with members of the Council.
March 2002	A decision was taken to dissolve the Presidency of Girls' Education and to incorporate female education into the Ministry of Education, abolishing segregation in education at the administrative level.
July 2002	Two Saudi women, chosen by the US Consulate in Jeddah, participated in an international visitors program and met with US officials. Both of them are defenders of women's rights
October 2002	The first ever visit by UN rapporteur to the Kingdom (UN special rapporteur on the independence of judges and lawyers). In his report to UNCHR, he expressed concerns about the absence of women from the Saudi judicial system (as judges and lawyers).
2003	
January 2003	Petition for national reform titled "The Vision" mailed to Crown Prince Abdullah signed by 104 intellectuals, academics, and reform activists. This petition, inter alia, called for greater role for women.
January 2003	The first ever visits by an international human rights NGO took place, during which various issues of human rights, including women's rights, were discussed with officials.
May 2003	A Women Investment Centre was established as part of the Saudi Arabian Investment Authority, which was created in April 2000.
August 2003	A group of 70 Saudi businesswomen and female experts held a workshop in preparation for working papers, which were presented at the Riyadh Economic Forums (October 2003)
September 2003	A petition signed by more than 350 intellectuals, including 51 women, calling for urgent reform notably recognition of women's rights.

September 2003	Prince Sa'ud Al-Faisal, the Foreign Minister, announced that the Ministry of Foreign Affairs will recruit Saudi women as diplomats.
September 2003	The Minister of Education introduced, for the new school year, unified curriculums for boys and girls in which both were addressed jointly (in one language) for the first time.
October 2003	Few Saudi women participated as consultants, for the second time, in a session at <i>Majlis Al-Shura</i> .
October 2003	A Saudi woman (princess) presented a paper to the first international human rights conference held in Saudi Arabia under the titled of "Human Rights in Times of Peace and War"
October 2003	Few Saudi women took part in a demonstration in Riyadh calling for reform, and one woman reportedly arrested.
December 2003	The second session of the national dialogue held in Makkah under the title of "Extremism and Modernization: a Comprehensive View". Ten women participated this session, out of 60.
December 2003	More than 300 Saudi women demanded in a petition called for greater role to, and easing restrictions on, women.
December 2003	<i>Majlis Al-Shura</i> issued a recommendation to the Ministry of Education to include a sport class in public girls' schools as a part of the weekly schedule, similar to those in boys' schools.
2004	
January 2004	For the First time, Saudi businesswomen participated in Jeddah Economic Forum in the same room with men, and a Saudi businesswoman, for the first time, addressed of men directly rather than by a closed-circuit television.
February 2004	'Saudi Women Information Centre' was the first information centre specialised in women's affairs. Operating as NGO, its objectives are to provide knowledge and information and to help Saudi women to participate in the process of development and in public life as whole.
April 2004	The case of a Saudi female TV presenter, who was severely beaten by her husband, was widely reported in the Saudi media and has open a public debate about violence against women.
March 2004	The National Human Rights Association (NHRA), an NGO, was formed. 10 Saudi women were among the organization's 40 founding members
May 2004	Saudi women delegation participated in a conference titled "the woman and the law" held in Jordan.
June 2004	A decree (No. 120 of 12-4-1425H) instructed government and private institutions, particularly chambers of commerce, to establish sections for women. The decree also stressed on facilitating women's involvement in the workforce through various measures and called upon the public and private sectors to train women and create further jobs for them.
June 2004	The newly formed Saudi Journalists Association (SJA) held elections to select its members. Two women were elected among the SJA's nine members.
June 2004	The third session of the national dialogue held in Al-Madina under the title of "Rights and Duties of Women", with half of the 70 participants were women.
June 2004	Crown Prince Abdullah Ibn Abdulaziz met with a delegation of women who had participated in the national dialogue's session.
August 2004	The employment of the first Saudi female officers, wearing the official uniform (but without rank), at the General Directorate of Passports in large cities such as Jeddah and Riyadh.
October 2004	Contrary to earlier indications, the government announced that women would not be allowed to vote or stand for election to municipal councils
October 2004	Saudi media revealed that King Abdulaziz National Centre is drafting a charter for women's rights.
November 2004	The First Saudi female accredited pilot was employed by the Kingdom Holding Company, to become the first Saudi woman to fly planes. This event received wide publicity in the Saudi media.
December 2004	Wajeha Al-Huwaider, Saudi female journalist and women's rights activist, was awarded the 2004 PEN/NOVIB Free Expression Award at the Hague for her work for freedom of expression and advancement of women's rights.

2005	
January 2005	200 women attended a lecture about human rights in Saudi Arabia organized by the women's committee at the international Islamic Relief Organization
January 2005	For the first time, the Ministry of Higher Education sponsored the participation of five women delegates from Saudi Arabia in an international forum on the role of Arab women in science and technology.
February 2005	In encouraging comments during a visit to Saudi Arabia, the chairman of the Inter-Parliamentary Union expressed his support and desire to see Saudi women joining <i>Majlis Al-Shura</i> .
March 2005	A poll, publicized in Saudi media, revealed that 87% of Saudis support the participation of women in elections.
March 2005	Saudi Media was allowed to widely publicize a case of an Indonesian maid who was abused by her Saudi sponsor, which was seen as an improvement to protect the rights of non-Saudi women.
April 2005	The General Organization for Technical Education and Vocational Training announced its intention to open 24 technical colleges and 18 vocational institutes for girls.
April 2005	A royal verdict issued approving the revision and restructure of institutions and laws governing the judicial system including the personal status courts, which deals, among other things, with issues related to women including divorce.
April 2005	The first Saudi woman produced a documentary film titled "women without shadow" concerning the relationship between men and women in the Saudi society, which created discussions in the Saudi media.
April 2005	A <i>fatwa</i> by senior <i>ulama</i> declared coercing women into marriage as un-Islamic and subject to punishment.
April 2005	Crown Prince Abdullah told a French newspaper 'Le Monde' "Democracy is part of our Islamic faith" and "developments on the role of women will take only few years".
April 2005	About 300 Saudi women attended the first open dialogue on the identity of Saudi women.
May 2005	Contrary to local traditions, three Saudi women were employed as waitresses in five stars hotel in Jeddah; an event was extensively reported in Saudi media.
May 2005	The Ministry of Justice announced that a study is being executed to allow women to practicing lawyers, as the Code of Practice for Lawyers does not prevent women from being lawyers.
May 2005	A member in <i>Majlis Al-Shura</i> submitted a proposal to the <i>Majlis</i> to discuss lifting the 1991 ban on women driving. The proposal generated public discussion and official statements on this issue.
May 2005	The Minister of Interior in a press conference referred to women driving as "social matter to be decided by the society."
May 2005	Lubna Al-Oliyan was selected by Forbs magazine among 100 powerful businesswomen, and as the most powerful businesswoman in the Middle East.
June 2005	The Ministry of Labour declared that salesmen in women wears' shops have to be replaced with saleswomen within a year.
June 2005	A female member in the NHRA announced that third of complaints received during the year was about cases of domestic violence against women.
July 2005	The Ministry of Interior announced that women are longer required to provide consent from their guardians for obtaining national ID cards, declaring that women and men enjoy equal right of nationality, including the right to obtain national card.
July 2005	More than 500 Saudi 'conservative' educated women sent a petition to the Crown Prince, calling for reform but within the Islamic <i>shari'ah</i> framework.
July 2005	The Minister of Labour announced the establishment of directorate in charge of protecting foreign maids (mostly women) from abuse and of punishing abusers.
August 2005	A law was passed (decree No. 1-793 of 22-5-1426H) for issuing licenses to employ women in the private sectors, containing measurers for their employment.
September 2005	The Human Rights Commission, a governmental institution, was established, but women were not included in its 18 members governing council.
September 2005	More than 40 Saudi prominent women met with King Abdullah and presented their views on promoting the role of women in the Saudi society.
September 2005	A new labour law was passed, which contained, inter alia, several rights related to women's work including their right to work in every field that suits their nature.

September 2005	For the first time, Saudi women will be able to participate, both as candidates and voters, in Jeddah Chamber of Commerce and Industry elections in November.
October 2005	Saudi newspapers revealed that the Ministry of Justice is preparing new laws banning marrying girls under the age of 14 years old.
October 2005	In an interview with US-ABC TV, King Abdullah unequivocally expressed his advocacy to the rights of women, including their right to drive.
October 2005	A young Saudi female authored a fiction novel titled (The Girls of Riyadh), reflecting the lives of four Saudi 'liberal' women. The Novel generated unprecedented public discussions at various levels.
November 2005	After an absence of about 20 years, cinema has returned to Saudi Arabia with a screening of cartoons for women and children.
November 2005	A symposium about Human Rights in Educational Curriculums was held, in which male and female participated in the discussion.
November 2005	Elizabeth Cheney, US Principal Deputy Assistant Secretary of State for Near Eastern Affairs, met with Saudi female students at Effat College in Jeddah and praised the role played by Saudi women.
November 2005	A Saudi woman was named, for the first time, as Goodwill Ambassador for the UN, and the UN Secretary General met with her in Jeddah.
November 2005	Cultural Committee of <i>Majlis Al-Shura</i> recommended allocation of sport activities suitable for women.
November 2005	For the first time, two women won two seats out of twelve in Jeddah Chamber of Commerce and Industry elections.
December 2005	A businesswomen delegation led by Princess Luluwah Al-Faisal participated in the Annual International Forum for Businesswomen, held in London. The activities of the Saudi businesswomen were covered in the Saudi media.
December 2005	A Saudi female engineer (Nadia Bakhurji) run in an election for the Saudi Engineers' Syndicate and won a seat among the 10-member board.
December 2005	Hundreds of Saudi women attended a lecture in Riyadh entitled 'Women's Rights Between the <i>Shari'ah</i> and the Society'; an event that received media coverage and public debate.
December 2005	A Saudi female jockey made history when she participated in an international tournament, as the first ever Saudi female to represent Saudi Arabia in international sport activity
December 2005	Prince Naif Arab University for Security Sciences organised, during the year, three courses for women working in security fields.
2006	
January 2006	As a part the business delegation, a few Saudi women participated in an official visit led by King Abdullah to three Asian countries.
January 2006	<i>Majlis Al-Shura</i> approved a recommendation for establishing Supreme Council for Family, which mainly formulates public policies on the protection of women and children. As announced, women will play a significant role in this Council.
February 2006	In her address to the annual Jeddah Economic Forum, Cherie Blair, the British PM's wife, acknowledged strong progress in status of women and told the Saudi women to be patient.
March 2006	The topic of Friday's sermon of the Grand Mosque in Makkah was unusually about women's rights within the context of the Islamic <i>shari'ah</i> .
March 2006	The chairman of the Human Rights Commission announced the establishment of a section in the Commission that deals with protecting and promoting women's rights, declaring that the issue of women occupies significant place in the works of the commission.
March 2006	The Saudi media reported that a Saudi female lawyer joined the legal team to defend Saddam Hussein, although Saudi women are still unable to enter the local legal profession.
April 2006	Saudi Newspapers revealed that five Saudi females had transsexual surgery overseas, and Saudi embassies were allowed to issue new travel documentations for them as males.
April 2006	In a publicized step to promote a culture of human and women's rights, the Saudi Postal Authority inaugurated memorial postage stamp about human rights.
May 2006	For the first time, two Saudi women were included in the <i>Majlis Al-Shura</i> delegation to the annual meetings of the Inter-Parliamentary Union (IPU), and the <i>Majlis Al-Shura</i> 's chairman denied any pressure from the IPU on this step.

July 2006	Several Saudi Newspapers reported that an office for the Arab Women Forum will be opened in Jeddah and a Saudi prominent woman was nominated as Executive Director for the branch.
July 2006	In a survey sponsored by an official, religiously oriented body, 88 percent of all-female respondents objected lifting the ban on women driving.
September 2006	With absent of female in the current four-year formation of the Human Rights Commission's council, the Commission's chairman announced that women work in the commission in consultancy and administrative jobs and may be included in the next formation of the commission's council.
October 2006	A lawsuit filed against the Saudi author of the novel (The Girls of Riyadh) for tarnishing the image of the Saudi girls and against the Ministry of Information for giving the author permission to distribute the novel, was dropped by the Board of Grievances.
November 2006	In a publicized event organized by the Saudi Women Information Centre, in which modernization values among Saudi girls were analyzed, a female Saudi activist urged Saudi women to bypass their childish stage of thought.
December 2006	A symposium was held in Jeddah under the title "Working Women: between Rights and Obligations", organized by Khadijah bint Khowaild Centre for Businesswomen.