



# SAUDI ARABIA REPORT

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# Introduction:

## Women's Rights in Saudi Arabia and the case of Loujain al-Hathloul

Loujain al-Hathloul is a Saudi Arabian women's rights activist who is most commonly known for her strong advocacy for women's right to drive a car in Saudi Arabia<sup>1</sup>. In 2014, a video surfaced of al-Hathloul attempting to drive her car across the border of the United Arab Emirates and into Saudi Arabia<sup>2</sup>. This video gained al-Hathloul a lot of recognition as an activist, and even after her 70 day detainment for driving the car, she continued to be a prominent advocate speaking out against the Saudi Regime<sup>3</sup>.

Just a month prior to Saudi Arabia granting women the right to drive, al-Hathloul was arrested in May 2018. Alongside other prominent women's rights activists, al-Hathloul was arrested on the charge of "attempting to destabilise the Kingdom".<sup>4</sup>

On November 25th, 2020, al-Hathloul's case was referred to Saudi Arabia's Specialized Criminal Court (SCC). The SCC was created in 2008 to try suspected terrorists. The court is infamous for silencing activists, giving out irrationally high sentences, and making unfair judgments.<sup>5</sup>

Amnesty International's Middle East Research Director Lynn Malouf claims that the referral of al-Hathloul's case to the SCC is yet another indicator of Saudi Arabia's unwillingness to deliver on the promise of human rights reforms<sup>6</sup>. Even though Saudi Arabia made numerous mentions of female empowerment during the G20-summit at the end of 2020, the abysmal state of women's rights in Saudi Arabia sends a different message.



Loujain al-Hathloul behind the wheel of a car in 2014.  
Copyright © Loujain al-Hathloul, via Associated Press.

1. "Saudi-Arabië: Vervolgung Loujain al-Hathloul toont hypocrisie zogenaamde hervormingen." Amnesty International, November 26, 2020, <https://www.amnesty.nl/actueel/saudi-arabie-vervolging-loujain-al-hathloul-toont-hypocrisie-zogenaamde-hervormingen>
2. Hubbard, Ben. "Saudi Arabia Releases Activist Who Fought for Women's Right to Drive." The New York Times, February 10, 2021, <https://www.nytimes.com/2021/02/10/world/middleeast/saudi-loujain-al-hathloul-freed.html>
3. Ibid.
4. Al-Hathloul, Lina. "Opinion: My Sister Sits in a Saudi Prison Cell as Riyadh Hosts a G-20 Women's Conference." The Washington Post, October 23, 2020, <https://www.washingtonpost.com/opinions/2020/10/23/loujain-alhathloul-sister-saudi-arabia-women/>
5. Amnesty International, "Saudi-Arabië: Vervolgung Loujain al-Hathloul".
6. Ibid.



After 1001 days in jail, al-Hathloul was released from prison on February 11, 2020<sup>7</sup>. According to human rights advocates, the release of al-Hathloul has come far too late.<sup>8</sup> The alleged torture and sexual abuse that al-Hathloul underwent during her time in prison will never be reversed. Moreover, al-Hathloul's sister wrote on Twitter that she could not be fully happy about Loujain's "freedom" without the release of other political prisoners<sup>9</sup>.

Arguably, Loujain al-Hathloul's arrest and subsequent release are indicative of larger issues in the Saudi-Arabian human rights environment. Her treatment and sentencing demonstrate the shortcomings of the Saudi legal system and emphasize the overall lack of a human rights culture in the country.

Amnesty International, "Saudi-Arabië: Vervolging Loujain al-Hathloul."

Ibid.

Hubbard, "Saudi Arabia Releases Activist."

# Human Rights in Saudi

As previously mentioned, al-Hathloul's case is an example of the current state of human rights in Saudi Arabia. Human rights issues in Saudi Arabia include, but are not limited to limitations on freedom of expression, the carrying out of executions and corporal punishments, unfair trialling, consistent discrimination against Shia Muslims, and a low level of women's rights.

## A. Women's Rights

Saudi Arabia ranks 92 out of 129 countries on the Gender Equality Index composed by Equal Measures 2030.<sup>10</sup> In 2016, Saudi women's rights activists launched an online campaign which became one of the most remarkable women's rights movements in Saudi Arabia and directly contributed to the ending of male guardianship laws also known as mahram<sup>11</sup>. According to male guardianship rules, women must have a male guardian who has authority to make critical decisions on their behalf.<sup>12</sup> Traditionally, a woman's father is her male guardian<sup>13</sup>. This changes when a woman marries, at which point her husband becomes her male guardian<sup>14</sup>. The male guardian has significant power over a woman's life, because his consent is required for decisions related to marriage, work, travel, and study<sup>15</sup>. A male guardian could for example decide whether or not a woman should receive medical treatment or attend school. Moreover, male guardians may file a case of disobedience against a woman, which could render her absence from the home a punishable offence.<sup>16</sup>

The nation-wide campaign against male guardianship launched in 2016 had its effect. In 2017, King Salaman issued a royal decree to revise male guardianship laws and allowed women to receive services without the permission of a male guardian<sup>17</sup>. Another campaign that led to a royal decree was the #Women2Drive-campaign, which contributed to women gaining the right to drive.<sup>18</sup>

10. "2019 EM2030 SDG Gender Index", Equal Measures 2030, n.d., <https://data.em2030.org/2019-sdg-gender-index/explore-the-2019-index-data/>

11. Thorsen, Einar, and Sreedharan, Chindu. 2019. "#EndMaleGuardianship: Women's Rights, Social Media and the Arab Public Sphere." *New Media and Society* 21 (5): 1121-40. <https://doi-org.proxy.library.uu.nl/10.1177/1461444818821376>.

12. "Ending Male Guardianship in Saudi Arabia," Equality Now, n.d., [https://www.equalitynow.org/ending\\_male\\_guardianship\\_in\\_saudi\\_arabia](https://www.equalitynow.org/ending_male_guardianship_in_saudi_arabia)

13. Ibid.

14. Ibid.

15. Thorsen and Sreedharan, "#EndMaleGuardianship," 1122.

16. Equality Now, "Ending Male Guardianship".

17. Thorsen and Sreedharan, "#EndMaleGuardianship," 1123.

18. Ibid.

As such, it seems that Saudi Arabia is making significant steps with regards to women's empowerment. However, it must be noted that attempts to reform women's status in the country have been made before with underwhelming results. In 2001, Saudi Arabia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>19</sup>. As a result of the ratification of this convention, Saudi Arabia is expected to incorporate the principle of equality into its legal system, to establish institutions concerned with the protection of women against discrimination, and to ensure the elimination of acts of discrimination against women<sup>20</sup>. The Convention furthermore defines discriminatory acts as "any distinction, exclusion, or restriction made on the basis of sex which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women ... of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."<sup>21</sup>

When the convention was ratified, however, the Saudi Arabian government implemented two general reservations. Incorporating these reservations into the convention allowed the Kingdom to implement it according to its own wishes.<sup>22</sup> The reservations were stated as follows:

- In case of contradiction between any term of the convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.
- The Kingdom does not consider itself bound by paragraph 2 of article 9 of the Convention and paragraph 1 of article 29 of the Convention.<sup>23</sup>

Paragraph 2 of article 9 states that "States Parties shall grant women equal rights with men with respect to the nationality of their children".<sup>24</sup> Paragraph 1 of article 29 states that "any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration".<sup>25</sup>

19. Equality Now, "Ending Male Guardianship".

20. UN General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women" (CEDAW), 18 December, 1997, United Nations, Treaty Series, vol. 1249, p.13, available at <https://www.refworld.org/docid/3ae6b3970.html>

21. Ibid.

22. Equality Now, "Ending Male Guardianship".

23. "Saudi Arabia's Obligations Under International Law," Human Rights Watch, 2008, <https://www.hrw.org/reports/2008/saudi-arabia0408>

24. United Nations, "CEDAW".

25. Ibid.

Despite legal changes to the male guardianship system, women still need the approval of a male guardian to get married, leave prison, or to have access to certain healthcare.<sup>26</sup> Moreover, men can still file a case against women under their guardianship for “acts of disobedience”.<sup>27</sup>

The reservations imposed by the Saudi Arabian government and its general hesitation surrounding CEDAW casts doubt on the Kingdom's commitment to advancing women's rights.<sup>28</sup> In their 2008 report, Human Rights Watch commented that “reservations that are incompatible with the object and purpose of a treaty violate international law and are unacceptable precisely because they would render a basic international obligation meaningless.”<sup>29</sup>

Furthermore, it should be noted that even though CEDAW - the stipulations of which are contradictory to the practice of male guardianship - was ratified back in 2001, the practice of male guardianship was only abolished in 2017. Seeing as King Salaman's decision to revise male guardianship laws was influenced by an online campaign, it seems that outward appearance is more important to the regime than upholding ratified international treaties.

#### **a. Rule of Law and the International Community**

Another human rights issue brought to the forefront by Loujain al-Hathloul's sentencing pertains to the Saudi Arabian legal system. As mentioned before, al-Hathloul's case was referred to the SCC. In an extensive report, Amnesty International has called out the SCC as a tool for silencing dissent: “Among those the court has punished severely are journalists, human rights defenders, political activists, writers, religious clerics and women's rights activists.”<sup>30</sup>

In the report, Amnesty International sheds light on the fact that the Saudi Arabian government abuses the SCC to create a false image of legality whilst misusing counter-terrorism laws to silence dissidents.<sup>31</sup> This issue is more broadly linked to the limited level of freedom of speech in the country.<sup>32</sup> Those who speak out against the regime risk prosecution. This environment has ushered many critics, activists, journalists and academics to flee the country, hollowing out the already weak network of human rights advocates. Yet

26. “Saudi Arabia: Events of 2019,” Human Rights Watch, 2020, <https://www.hrw.org/world-report/2020/country-chapters/saudi-arabia>

27. Human Rights Watch, “Saudi Arabia 2019”.

28. Human Rights Watch, “Saudi Arabia's Obligations”.

29. *Ibid.*

30. “Muzzling Critical Voices: Politicized Trials Before Saudi Arabia's Specialized Court,” Amnesty International, 2019, <https://www.amnesty.org/en/documents/mde23/1633/2020/en/>

31. *Ibid.*

32. Human Rights Watch, “Saudi Arabia 2019”.

fleeing the country does not guarantee safety, as the case of Jamal Khashoggi demonstrates for example.

Not only the Court's proceedings have been called into question, but also the severity of the sentences it has issued. In general, the Saudi Arabian legal system is based on Sharia (Islamic law)<sup>33</sup>. The anti-terror laws pertaining to the SCC are vaguely formulated and can be stretched as judges see fit. Because there is no formal penal code, judges and prosecutors have the ability to convict people based on broad, vague charges such as: "attempting to destabilise the Kingdom", "breaking allegiance with the ruler", "trying to distort the reputation of the Kingdom"<sup>34</sup>. Such charges are often used to curb freedom of speech and to convict dissidents.

With 184 executions in 2019, Saudi Arabia is amongst the top three countries that executed the most death penalties.<sup>35</sup> Minors and adults alike are often subjected to inhumane treatment. Even though the death penalty was abolished for minors in 2020, this rule does not apply for the SCC, meaning that minors could still be sentenced to death before this court.<sup>36</sup> In the case of Loujain al-Hathloul, it was also reported that she and other detainees were subjected to torture and sexual harassment.<sup>37</sup> In February 2021, the Saudi Arabian appeals court rejected al-Hathloul's torture claims for lack of evidence.<sup>38</sup>

### 3. Crown Prince Mohammed bin Salman

Crown Prince Mohammed bin Salman Abdulaziz Al Saud is currently serving as Saudi Arabia's deputy prime minister (the King himself takes on the role of prime minister). Bin Salman was appointed Crown Prince on June 21st, 2017. With his appointment, bin Salman became the heir presumptive to the throne.

The government's rhetoric about reforms increased after the appointment of bin Salman. However, critics maintain that this rhetoric stands in stark contrast with the country's reality.<sup>39</sup> Positive reforms that took place under bin Salman include for example:

- June, 2018: Women were granted the right to drive;<sup>40</sup>
- January, 2019: The Kingdom announces the Women in the Workplace initiative, which requires equal pay for equal work;<sup>41</sup>

33. Human Rights Watch, "Saudi Arabia 2019".

34. Ibid.

35. "Executions Around the World: 2019," Death Penalty Information Center, 2019, <https://deathpenaltyinfo.org/policy-issues/international/executions-around-the-world>

36. Equality Now, "Ending Male Guardianship".

37. Hubbard, "Saudi Arabia releases activist".

38. Ibid.

39. Amnesty International, "Muzzling critical voices", 7.

40. Hubbard, "Saudi Arabia releases activist".

41. Habibi, Nader and Begag, Lydia. "Women's Rights Reforms in Saudi Arabia under Mohammed bin Salman," International Policy Digest, October 20, 2019, <https://intpolicydigest.org/women-s-rights-reforms-in-saudi-arabia-under-mohammed-bin-salman/>

- August, 2019: Women are allowed to apply for a passport and can travel without the permission of a male guardian, i.e., women are no longer considered legal minors under civil law;<sup>42</sup>
- 27 September, 2019: New regulations with regards to the Kingdom's mandatory dress form for tourists.<sup>43</sup> Though the relaxation of these norms pertains to tourists, it is also an important step for Saudi women because it implies different societal norms;<sup>44</sup>

These reforms seem to indicate significant progress. Progress which bin Salman himself professes to value greatly. In an interview with the Economist in 2016, bin Salman said:

“We have our values: it is important to us, the participation in decision making; it is important to us to have our freedom of expression; it is important to us to have human rights.”<sup>45</sup>

These proclamations - made even before his appointment - paint a picture of a leader dedicated to improving the human rights culture in the country. A leader who envisioned Saudi Arabian women to be uplifted under his rule. However, critical voices accuse the Crown Prince of being disingenuous. “If [the Crown Prince] was genuine about women's rights, he would immediately and unconditionally release all those still detained for their peaceful human rights work”, said Amnesty International's Middle East Research Director Lynn Maalouf.<sup>46</sup>

Maalouf voices a concern shared by journalists and academics. Is bin Salman's dedication to reform a mere mask he presents to the international community? The harsh sentencing of human rights advocates under his rule seems to suggest so.<sup>47</sup> Whereas 2018 was marked by significant changes related to women's status, it was also marked by an unprecedented crackdown against women's rights advocates. Dozens were detained on vague charges, effectively silencing dissent in the Kingdom. Many remain imprisoned today.

42. Ibid.

43. Habibi and Begag, “Women's Rights Reforms”.

44. Ibid.

45. “Transcript: Interview with Crown Prince Bin Salaman,” The Economist, January 6, 2016, <https://www.economist.com/middle-east-and-africa/2016/01/06/transcript-interview-with-muhammad-bin-salman>

46. “Saudi Arabia: Launch of Women's Football League Should not Distract from Abysmal Human Rights Situation,” Amnesty International, February 26, 2020, <https://www.amnesty.org/en/latest/news/2020/02/saudi-arabia-launch-of-womens-football-league-should-not-distract-from-abysmal-human-rights-situation/>

47. “Saudi Arabia Sentencing of Women Rights Defenders Loujain al-Hathloul and Mayaa al-Zahrani,” OMCT, January 5, 2021, <https://www.omct.org/en/resources/urgent-interventions/saudi-arabia-sentencing-of-women-human-rights-defenders-loujain-al-hathloul-and-mayaa-al-zahrani>

48. Ibid.

49. Ibid.



Crown Prince Mohammed bin Salman  
© Getty Images.

The question then arises why the Crown Prince makes such a point of women's rights reforms, when his dedication to these reforms seems insincere. The answer to this question could lie with the international community. Before their sentencing, women's rights activists were able to draw significant attention to human rights issues in Saudi Arabia through online campaigning. The online character of their campaigning-efforts captivated the attention of activists worldwide. With an international community forced to regard the ongoing women's rights issues in Saudi Arabia, bin Salman decided to change the narrative.

His reform efforts can thus be seen as an attempt to project an outward appearance of progress. In turn, this appearance allows the international community and foreign investors to turn a blind eye to the human rights offences occurring on a regular basis in Saudi Arabia. Though NGOs around the world continue to shed light on the Saudi Arabian reality, Saudi Arabia's allies seem to value their economic interest over defending human rights. By failing to publicly criticize the regime, these allies are enabling the Saudi Arabian modus operandi.

#### **4. The Biden Administration**

Important to note in relation to the case of Loujain al-Hathloul is the involvement of the Biden administration in her release. The release of al-Hathloul, who won acclaim in the

United States for her fervent activism during the Obama era, seems to have been a top priority for president Biden.<sup>50</sup>

President Biden's foreign policy approach starkly contrasts with the Trump administration's. In his first foreign policy speech, president Biden stated that he would be ending US support for the Saudi-led war in Yemen. In relation to the release of al-Hathloul, the president said the following: "She was a powerful advocate for women's rights and releasing her was the right thing to do."<sup>51</sup> Some Saudi Officials regard the release of al-Hathloul as an avenue to appease the new US president.<sup>52</sup>

## 5. Conclusion

The case of Loujain al-Hathloul is emblematic of women's human rights issues in Saudi Arabia. It demonstrates that the Saudi regime puts an immense pressure on human rights activists in the country and has created an environment in which freedom of speech has become compromised. Moreover, the case of Loujain al-Hathloul highlights the paradoxical nature of Saudi Arabia's attempts to improve women's rights in the country.

The functioning of the SCC deepens human rights issues by creating a false sense of legality around gross miscarriages of justice, such as sentencing human rights activists on the basis of vague, catch-all charges. The sentencing of human rights activists before the SCC furthermore hollows out the already small network of activists in the country.

Finally, it seems that Crown Prince bin Salaman is intent on projecting an outward appearance of progress. The aim of this appearance is to improve ties with the international community. The international community, in turn, does little to denounce human rights offences in Saudi Arabia. Saudi Arabia's allies largely fail to publicly criticize the regime's misconduct. The Biden administration, however, is making human rights a central stance towards Riyadh which incites some optimism for the future.

50. Chulov, Martin. "Saudi Arabia's release of Loujain al-Hathloul an overture to Biden", the Guardian, 11 February, 2021, <https://www.theguardian.com/world/2021/feb/11/saudi-arabias-release-of-loujain-al-hathloul-an-overture-to-biden>

51. Chulov, "An overture to Biden."

52. Ibid.

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