



SAUDI ARABIA

by Eleanor Abdella Doumato

POPULATION: 28,687,000

GNI PER CAPITA: US\$15,339

COUNTRY RATINGS	2004	2009
NONDISCRIMINATION AND ACCESS TO JUSTICE:	1.2	1.4
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	1.1	1.3
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	1.4	1.7
POLITICAL RIGHTS AND CIVIC VOICE:	1.0	1.2
SOCIAL AND CULTURAL RIGHTS:	1.6	1.6

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

INTRODUCTION

The Basic Law of the Kingdom of Saudi Arabia does not guarantee gender equality. To the contrary, gender inequality is built into Saudi Arabia's governmental and social structures, and is integral to the country's state-supported interpretation of Islam, which is derived from a literal reading of the Koran and Sunna.¹ In issuing religious opinions, state-funded *ulema* (religious scholars) generally avoid consideration of judicial precedent and evolving social contexts, so that their official posture resists pressure for change, especially when it comes to controlling women's behavior.

A healthy majority of Saudi citizens agree with the social agenda of the *ulema*, and would not view the inequalities between men and women as discrimination, but as equivalence—a balance between the rights and duties of men and women as prescribed in Islam and necessary to uphold honor and family values.² A vigorous progressive movement, however, is pushing to improve women's bargaining power in Islamic family law courts and to create parity with men in terms of civil rights, including the right to vote, drive, work, and obtain better access to health care and educational opportunities. Progressive spokespersons are hampered by the kingdom's limits on political activism and by opposition to legal reforms by religious leaders, but King Abdullah ibn Abd al-Aziz al-Saud has shown

1

himself to be an ally in the liberal-feminist struggle, and positive changes are occurring.

For example, while women are still at a significant disadvantage when it comes to family law—men are allowed four wives, the right to divorce at will, and custody of children—yet-to-be-implemented court reforms call for specialized family courts staffed by judges educated in family welfare as well as in family law, and by women with law degrees who can act as advocates for women litigants. Due to an enforced separation between men and women in public, the opportunities for women's employment remain limited, with the vast majority of working women employed in the kingdom's single-sex education bureaucracy or in health care. At the same time, new opportunities have opened up in women-only manufacturing and shopping malls, the hospitality industry, and government commissions that cater to women's needs. Furthermore, some courses of study that were previously closed to women, such as engineering and law, are now available to them on the premise that work in these fields will become more widely available to women in the future. Higher education, in fact, is one area in which women have significantly out-performed men in terms of PhD degrees earned.

Women's lack of mobility remains a salient point of contention in the kingdom, as they still are not allowed to drive a car. They are not allowed to travel abroad by airplane without the express permission of a male guardian, and their right to travel internally without a guardian's permission is subject to the arbitrary approval of airport personnel. When it comes to civil rights, women were not permitted to vote in Saudi Arabia's first elections for municipal councils, yet a number of women put their names forward as candidates and expectations are high for women's inclusion in future elections. In addition, while a 2007 reform in Saudi citizenship laws allows non-national women who have been divorced by Saudi husbands to apply for Saudi citizenship, Saudi women nationals married to non-Saudi husbands remain unable to pass their citizenship on to their children or spouses. However, their sons, but not their daughters, may apply for citizenship at the age of 18.³

NONDISCRIMINATION AND ACCESS TO JUSTICE

The manner in which Islam is incorporated into the Saudi judicial system and governance has a profound impact on gender relations and access to

justice for both men and women, with particularly discriminatory effects on women. In recent years, however, there have been improvements, or the promise of improvements, in women's access to courts and their rights as citizens.

Article 8 of the Basic Law requires that the government be premised on justice, consultation, and equality in accordance with Shari'a, or Islamic law. However, Shari'a in Saudi Arabia does not offer equality to women, particularly regarding family law. Instead, women are considered legal minors under the control of their *mahram* (closest male relative) and are subject to legal restrictions on their personal behavior that do not apply to men. The religious police, known as the Committee for the Promotion of Virtue and Prevention of Vice (*al-hayat al-amr bil ma'ruf wa al-nahia 'an al-munkar*), are concerned with overseeing public moral behavior, including proper dress and the interaction between men and women.⁴

Saudi Arabia's laws and policies do not generally protect women from gender-based discrimination. Numerous enforcement authorities, including the regular, religious, and *mubahith* (secret police), have the power to accuse and detain suspects, and each may apply the laws of the country arbitrarily. Saudi Arabia has a hierarchical society that provides privileges to men over women and the elite over the common people. These biases are reflected in the kingdom's laws, in the latitude afforded to well-connected Saudi citizens by the judicial system, and in the differential treatment of workers based upon their country of origin.

In 2004 a royal decree affirmed the principle of equality between men and women in all matters relating to Saudi nationality,⁵ but women remain unable to pass their Saudi citizenship automatically to their noncitizen spouses and children. However, amendments to the law in October 2005 allow non-Saudis, including foreign-born husbands of Saudi women, to apply for citizenship if they have lived in the kingdom for at least 10 years and have professional qualifications deemed desirable by the interior ministry. A new amendment in 2007 allows the sons of citizen mothers and noncitizen fathers to apply for Saudi citizenship once they reach age 18. Similarly situated daughters, however, may obtain citizenship only through marriage to a Saudi male citizen.

Additionally, Article 16 of the citizenship law was amended in 2007 to grant Saudi citizenship to noncitizen women married to or widowed by Saudi men on the condition that they relinquish any other citizenship.⁶ An additional amendment grants the government the discretion to revoke

a foreign-born woman's Saudi citizenship upon divorce if she has retained her original citizenship. These two amendments benefit women by letting them remain in the country to be near their children after being divorced or widowed, but they also limit their future options for residence in their home countries by requiring renunciation of their original citizenship.⁷

In 2002, women were allowed to apply for their own individual civil status (ID) card rather than, as in the past, having a legal identity only as a dependent on their guardian's identity card. The Executive Regulation for the Travel Documents Law states that at 15 years of age all persons must obtain a civil status card, with the approval of their guardian. In 2008, according to the Saudi National Society for Human Rights, women for the first time were allowed to receive their civil status cards without their guardian's permission.⁸

In practice, women in Saudi Arabia lack equal access to courts because they must rely on a male relative or lawyer to represent them. Many judges arbitrarily require that before a woman may represent herself in court, a guardian must be present to verify her identity and grant her permission to do so. Identification by a guardian is necessary because women's faces must be covered and judges do not accept the ID card as proof of a woman's identity. This is particularly detrimental in divorce and child custody cases in which the guardian is also likely to be the husband, who is also the woman's legal adversary. Women are at a further disadvantage in the courts in that the testimony of one man is taken to be equal to that of two women, and for the purpose of compensation for accidental death or injury, a woman's worth is calculated at half that of a man.

Access to justice for women, however, may soon improve. In 2004, a National Dialogue Conference on Women, initiated by then-Crown Prince Abdullah, recommended that women be allowed to sit as judges in family court and that family law be standardized so that decisions are not left to the arbitrary opinions of individual male judges.⁹ That conference has sparked change in the judicial system, and as of 2007, three Saudi Arabian educational institutions now permit women to study law. While women are currently not allowed to be judges or act as lawyers on behalf of clients in court, the Ministry of Justice announced in 2007 that it will allow women to act as legal consultants to other women.¹⁰ The justice minister, Dr. Abdullah bin Muhammad al-Ash-Shaikh, declared in March 2008 that courts would soon have reception centers for women staffed by female law graduates.¹¹

Saudi Arabia lacks a written penal code. Men and women are subject to arbitrary arrest and detention, and convicted persons are punished in accordance with Shari'a as interpreted by individual judges. In the absence of a written penal code, judges may determine punishments arbitrarily for crimes both real and imaginary, a practice to which non-Saudis and marginal persons are particularly vulnerable. For example, in 2007 an Egyptian man named Mustafa Ibrahim was executed for sorcery in Riyadh, and in April 2006 a Jordanian woman named Fawza Falih was sentenced to death for witchcraft.¹² Sorcery, witchcraft, magic tricks, and wearing amulets are forbidden practices that are discussed in Saudi public school textbooks, and are punishable crimes under Islamic law as interpreted by Saudi ulema.

One crime for which women are especially targeted is *khulwa* (the illegal mixing of unrelated men and women), which can occur whether men and women are dining together in a restaurant, riding in a taxi, or meeting for business. In February 2008, a 37-year-old American businesswoman and mother of three was arrested by the Riyadh religious police for sitting at a table in public with a male colleague, who was also arrested. The police took her to Malaz prison, where she was strip-searched and forced to remove her clothes, which were wiped over the floor of a wet, filthy bathroom. She was then told to put her clothes back on and taken before a judge, who berated her for her behavior, telling her that filthy clothes were appropriate for the filthy person that she was. After signing a confession, she was released to the custody of her husband.¹³ Additionally, in March 2009 a 75-year-old Syrian woman was convicted of *khulwa* and sentenced to 40 lashings, four months in jail, and deportation after the religious police found her alone with two young men—reportedly her nephew and his friend bringing her loaves of bread.¹⁴

The religious police are notorious for their abuses. When two people died in their custody in 2007, instead of punishing the individuals responsible, the Committee on Vice and Virtue created a Department of Rules and Regulations for future guidance of religious policemen. Meanwhile, in response to these deaths, the Ministry of the Interior issued a decree requiring that the committee surrender detained persons promptly to the regular police and to have no involvement with them from that point forward.¹⁵ This decree has not been enforced, however, and detainees continue to be abused at the hands of the religious police. The extent to which the religious police are insulated from governmental oversight is illustrated by an event that occurred in 2002, when members of the religious police refused

to allow fleeing schoolgirls out of a burning building without their *abayas* (the cloak worn over clothing), and 15 girls subsequently died. Despite local and international protests, no one from the religious police force was punished.

Saudi Arabia ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2000, with reservations stating that the kingdom is under no obligation to observe terms of the treaty that contradict Islamic law. One such contradiction, noted by the CEDAW Committee that reviewed Saudi Arabia's compliance with the treaty, involves the provision for equal citizenship rights between men and women, which goes against the presumed Shari'a requirement permitting citizenship to be passed to children exclusively through fathers.¹⁶ The committee's 2008 report was critical of Saudi Arabia's compliance with the convention and called for Saudi Arabia "to enact a gender equality law." Dr. Musfir al-Qahtani, deputy chairman of the Saudi National Society for Human Rights, responded by saying that laws related to marriage, inheritance, and women's testimony—examples cited by the committee as discriminatory—are fixed by religious law, and are, by implication, non-negotiable.¹⁷

Recommendations

- ❖ The government should review all laws and policies and amend the Basic Law to ensure gender equality and to explicitly prohibit discrimination.
- ❖ The government should implement the court reforms that were approved by King Abdullah in 2004 by creating separate family courts, codifying family law, and allowing women to act as lawyers and judges in family courts.
- ❖ The private sector should partner with universities to create legal internship programs in order to encourage more women to enter the profession and to provide them with practical training.
- ❖ Women should be allowed to represent themselves in court without a male guardian and as citizens with full rights.
- ❖ Women should be awarded equal citizenship rights as men and be able to pass citizenship to their spouses and children.
- ❖ The Interior Ministry should enforce its decree preventing the Committee for the Promotion of Virtue and Prevention of Vice from detaining apprehended individuals, including women.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

Autonomy, security, and freedom of the person are areas much in need of improvement for all Saudi residents, especially for women, and most especially for foreign women who come to the kingdom as domestic workers. Whether the issue is religious freedom, freedom to choose one's marriage partner, lack of access to public accommodations, lack of freedom of movement, or gender-based violence, a rising public awareness has yet to produce legal protections.

Freedom of religion is highly restricted in Saudi Arabia for both men and women. Saudi public schools, religious spokespersons, and media present Islam as one monolithic faith to which all citizens must adhere. All variant Muslim schools of thought, ritual practices, and sectarian differences are ignored or openly disparaged and considered illicit, while in the textbooks of public schools Shiite and Sufi practices are singled out as signals of apostasy. The public practice or preaching of religions other than Islam is forbidden and subject to punishment, and Saudi citizens who disagree with the official version of Islam lack a safe way to express their dissent or advocate for alternative interpretations. Despite the pivotal role of women historically in the foundations of Islam, women are excluded from leadership positions within the country's religious institutions and are encouraged to pray at home even though prayer, as described in Saudi school books and standard prayer manuals, is considered best when performed in congregation in the mosque.

Freedom of movement for women in Saudi Arabia is limited by overlapping legal constraints and social controls, and as a result women may not drive cars, travel on airplanes, work, or be outside their own home without a guardian's permission.¹⁸ In 2007 and 2008, renewed pressure mounted to allow women to drive, and an ad hoc Committee for Women's Right to Drive organized a petition addressed to the king.¹⁹ In January 2008, days after Saudi Arabia faced criticism by the CEDAW committee for restricting "virtually every aspect of a woman's life,"²⁰ the government announced that a royal decree allowing women to drive would be issued "at the end of the year."²¹ In March, the Consultative Council recommended that women be allowed to drive during the daylight hours of weekdays if they get permission from their guardians, undergo drivers' education, wear modest dress, and carry a cell phone. To allay concerns about women's

safety, the council added the imposition of a sentence and a fine on any male in another car talking to or sexually harassing a female driver.²²

As of October 2009 these goals had not been implemented, but government approval for the idea of women's driving is a milestone for the kingdom. Only three years earlier, Consultative Council members threatened to expel another member for merely suggesting that the council discuss the same issue. A regulatory change that offers promise for future driving rights for women occurred in the fall of 2009, with the opening of the new King Abdullah University for Science and Technology, an institution designed to be coeducational where women are to be allowed to drive within the campus grounds.

At the end of 2007, the long-standing bans on women checking into hotels alone and renting apartments for themselves were lifted by royal decree, and a women-only hotel opened in 2008 in Riyadh.²³ Despite these improvements, limitations continue on women's freedom of movement. Women are prohibited from most ministry buildings and discouraged from walking along public streets or attending mosques except at pilgrimage. Where separate accommodations are available to both men and women, such as hospital waiting areas, dining areas in restaurants, government office buildings, and prayer rooms in public facilities, the men's accommodations are always of a quality superior to those of women. The public spaces in Saudi Arabia that are intended for the enjoyment of the general public, such as parks, zoos, libraries, museums, and the national Jinnah Festival of Folklore and Culture, are also segregated by hours of access, with men allocated the greater number and most convenient time slots.

Foreign women, especially those from developing countries, are particularly affected by restrictions to their freedom of movement. Saudi employers routinely take their employees' passports on arrival, thereby preventing foreign female workers from traveling outside their town of residence or leaving the country of their own volition. Some employers use the requirement of a guardian to justify locking women employees in at night. Prohibited from driving themselves, unable to afford private taxis or cars, and faced with a lack of accessible public transportation, working women are often forced to walk on the streets, where they may be apprehended by the religious police on accusations of soliciting sex.

The personal status laws of Saudi Arabia are determined by the Shari'a and favor men in matters of marriage, divorce, child custody, and inheritance. A marriage contract is executed by the prospective husband and the

guardian of the intended bride. Today, it is a simple form that asks for the amount of the *mahr* (dowry) and permits stipulations to be made by the contracting parties, such as the prospective husband's pledge to grant his wife a divorce if he should take a second wife. The contract requires the intended bride to specify whether she is a virgin, widow, or divorcee but does not require the same information of the man. The formal contract excludes the bride as a signatory and is merely the legal confirmation of decisions taken jointly by two families or, increasingly, by the prospective husband and wife.

The degree to which a woman participates in decisions regarding her own marriage depends on her family's predilections and her own professional or social situation and age. In May 2009, an eight-year-old girl made headlines by securing a divorce from her 50-year-old husband, a marriage brokered by her father to settle old debts.²⁴ The incident sparked a public debate regarding whether to establish a minimum age for marriage.²⁵

Technology, however, has opened new avenues for single Saudis searching for suitable marriage partners. Two satellite television channels that broadcast in Arabic are devoted entirely to marriage advertisements. There are no photographs, but Saudi men and women describe their physical characteristics, what they are looking for in a spouse, their ages, their professions, and their finances. These singles appear to be searching for partners who are outside the circle of family alliances within which marriages are traditionally arranged.²⁶

Saudi women are marrying foreign men on a rapidly increasing basis, with approximately 20,000 such marriages carried out in the past five years. Both men and women must obtain permission from the Interior Ministry to marry a non-national under Article 6 of the Saudi intermarriage bylaw. The ministry requires proof that the intended spouse is Muslim and has an "acceptable character, nationality, and religion."²⁷ Men's applications on behalf of foreign-born wives are routinely accepted without undue delay, while the intended spouses of Saudi women must provide the ministry with medical records, a passport, a formal petition for marriage, and other supporting documents. Even then, a positive response is not guaranteed and is often based on the woman applicant's age and her perceived ability or inability to find a Saudi husband.²⁸

A Saudi woman may initiate and obtain a divorce if her husband had granted her the right to divorce at the time of signing the marriage contract, although there is a likelihood that stipulations in marriage contracts

deemed contrary to Shari'a will be invalidated by judges when presented for enforcement before the courts. Otherwise, a woman may petition for divorce in a court if she can show that her husband has deserted her, is impotent, or has a loathsome disease, which is humiliating and a logistically difficult claim to present before a court of male judges. Alternatively, she may also buy her way out of her marriage by forgoing her maintenance rights and mahr, a practice known as *khula*. By contrast, a Saudi husband is entitled to a divorce without explanation simply by registering his intent to divorce with a court and repeating his intent three times. A man is obligated to provide maintenance for his wife for a period after divorce, but a gap exists between legal obligation and its enforcement.

In some sectors of Saudi society, the family group retains a legal interest in individual marriages, even consummated marriages of long standing, and a legal guardian may initiate divorce proceedings on behalf of a woman without her approval. In 2005, a 34-year-old woman named Fatima Azzaz was legally divorced from her husband, Mansour al-Timani, after her half-brothers claimed that al-Timani had misrepresented his tribal affiliation when he asked his wife's now-deceased father for her hand. The brothers successfully argued that al-Timani's lineage was beneath that of their own family and the marriage was detrimental to their family's reputation. Azzaz refused to return to the home of her half-brothers, where she had previously experienced physical violence, but could not remain with her husband because of the divorce. In desire of a safe place to live, she and her children were held in a detention center administered by the Ministry of Social Affairs. In 2007 the divorce decision was upheld by a Riyadh Court of Appeals.²⁹

Women rarely receive custody of their children upon divorce, although the age at which a child is surrendered to his father in Saudi Arabia is seven if a boy, but not until puberty if a girl. For some Saudi women, family connections may be sufficient to influence court negotiations or the husband's decision regarding his claim for custody, and some judges may grant custody to the mother if a father is found unfit. In the absence of codified law, however, decisions regarding custody are left to judges who lack training in social and family welfare. Cases exist in which patently unfit fathers have been awarded custody or judges recognize paternal grandparents' claim to the child over the mother's.

A royal decree in 2007 announced a comprehensive overhaul of the judicial system. The system is currently comprised mainly of religious courts

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headed by judges with wide discretion to issue rulings according to their own interpretation of Shari'a. Proposed changes establish a supreme court that will, among other tasks, take over the functions of the high judicial council, which currently is composed of ulema, to review capital sentences and oversee the implementation of Shari'a and royal decrees. Under the new system, disputes related to divorce and other personal status issues are to be adjudicated in specialized personal status courts,³⁰ one of the recommendations from the 2004 National Dialogue Conference on Women.³¹ Another positive initiative, which is receiving some government support, is a web-based grassroots movement (www.saudidivorce.org) whose purpose is to effect change in divorce laws.

Slavery in Saudi Arabia was outlawed in 1962, but, like all the other countries in the Gulf Cooperation Council, the kingdom continues to be a known destination for persons trafficked for the purpose of involuntary servitude. The U.S. State Department's 2008 *Trafficking in Persons Report* indicates that Saudi Arabia has not taken corrective measures to end the practice. Some people who are voluntarily recruited as domestic workers continue to be routinely forced by their employers to remain in the country as unpaid workers.³² In its report on compliance with specific articles of CEDAW, Saudi Arabia denied that such practices exist to any significant degree.³³ Yet particularly vulnerable to this form of abuse are women from developing countries. Although there are approximately 1.5 million domestic workers in Saudi Arabia, they are specifically excluded from the protections afforded to foreign workers in the current Saudi labor law.³⁴ In July 2009, a bill was passed by the Consultative Council that would, if accepted by the cabinet and the king, require employers to provide domestic workers with adequate rest and accommodations and would limit their workday to nine hours.³⁵

Domestic workers rarely complain to police about sexual exploitation or other abuses at the hands of their employers for fear they may face criminal charges for making false allegations. For instance, Nour Miyati, an Indonesian domestic worker, claimed that she was forced to work long hours without rest or pay and was beaten daily by her employers, resulting in a lost tooth and damaged eye. When she tried to escape, she was locked up and denied adequate food. At the time of her first hospitalization in 2005, she was suffering from malnutrition and gangrene that required the amputation of her toes and fingers. Despite the severity of her injuries, Miyati was convicted of making false accusations against her employers and

sentenced to 79 lashes, although the ruling was overturned in April 2006.³⁶ Meanwhile her employers were exonerated from any wrongdoing after a Riyadh appeals court reversed the guilty verdict of a lower court in 2008.

A new level of awareness may be emerging in Saudi Arabia regarding the mistreatment of domestic workers. In May 2008, an employer was forced to pay seven months' back wages and a return flight to an Indian female domestic worker who had been physically abused. In this instance, the Indian Embassy and the local Indian community supported the domestic worker after she came forward with accusations, and the police took her to the hospital so that her injuries could be treated.³⁷

There are no reports of female Saudi citizens living in involuntary servitude. Within the framework of marriage and family, however, women can be trapped in similar conditions due to poverty, illiteracy, physical isolation, or dependence upon their guardian. The potential for entrapment is exacerbated by the idea that a woman must always be obedient to her husband, an Islamic legal principle taken literally by the Saudis and culturally reinforced for girls in the national religious curriculum.³⁸

Domestic violence became the subject of public discussion in 2004 when a well-known television personality broke a Saudi taboo by allowing photos of her battered face to be published after she had been savagely beaten by her husband. Open and honest public discussions regarding domestic violence are made difficult by Saudi political culture, which promotes the Muslim family as "the fundamental building block of society" that allocates rights and duties to each family member according to age and sex.

The privacy of women, which involves their anonymity and chastity, is fused with ideals of family "honor," so society cannot talk about the reality of domestic violence without challenging public myths about themselves. Women in particular cannot talk about their personal situation without damaging their family's honor and their own reputation. Guardianship laws make it very difficult for battered wives to find a safe haven, there are few government support services and shelters for victims of domestic violence, and women die because police are not willing to intervene in domestic situations. In one case, when one of five daughters being sexually molested by their father sought police protection, she was turned away and told to bring her father in to file the complaint.³⁹

Women have no legal protections against gender-based violence outside the home. Women who report sexual abuse or rape are unlikely to find sympathetic judicial authorities, and instead of receiving protection,

they are often accused of having had illicit sex. In rape cases, the burden of proof lies with the victim, and the offense may only be proven through the perpetrator's confession or the testimony of four witnesses.

The presumption on the part of police, judicial authorities, and society in general is that if something untoward happens to a woman, it happened because she asked for it. In October 2006, a young woman from Qatif was sentenced to 90 lashes for khulwa after being kidnapped and gang-raped. Allegedly, the woman had met in a car with a former male acquaintance to retrieve a photo that she had given him before she was married, at which point they were both abducted and raped by a group of seven men. The rapists as well as the victims were all found guilty and punished. Only after the woman received her sentence of 90 lashes did she learn that she had been indicted, and she was never directly presented with charges.

When she appealed the case, the conviction was upheld and the sentence increased to six months in prison and 200 lashes. In November 2007, the Ministry of Justice issued a statement explaining that the woman was being punished because she was a married woman who admitted to having an illegal affair and to meeting with the other victim alone, both of which are religiously prohibited crimes.⁴⁰ The following month King Abdullah pardoned the woman so that the punishment would not be carried out but did not nullify the verdict.⁴¹

Recommendations

- ❖ The government should continue to eliminate guardianship requirements and clarify rules regarding when a guardian's permission is required so that there will be consistency and uniformity in their application.
- ❖ The government should institute the minimum age requirement for marriage to prevent young girls from being married before they are emotionally and physically ready.
- ❖ The government should enforce existing criminal and civil laws—such as those against rape, physical abuse, forced confinement, and those mandating payment of wages—that are directed toward employers who abuse foreign workers.
- ❖ The government should enact both antitrafficking laws and laws that protect trafficking victims.
- ❖ The government should implement the criminal procedure code that was adopted in 2002, which prohibits torture or other harmful treatment of detainees (Article 2) and forced confessions (Article 102),

ensures the right to counsel, and requires a public trial and public announcement of the verdict (Article 182).

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

In Saudi Arabia, obstacles to women's economic independence and work opportunities have not been adequately addressed, especially as women continue to graduate with university degrees in greater numbers than their male counterparts and seek professional employment. Government efforts to support women's legal right to work are in reality ambiguous, giving comfort to those who believe that women should stay at home as well as to those who demand the right to pursue economic independence.

Islamic law provides women with the right to own and manage their property and other assets, including real estate, the mahr, inheritance, investments, and earned income. The distribution of inheritance is fixed according to Shari'a, and women are generally entitled to half the amount allocated to a male relative who is equally distant in relationship to the deceased. In practice, women's ability to manage their own assets and to earn an income are restricted by a combination of social customs and religious values that have been incorporated into the kingdom's commercial regulations, codes of public conduct, and the minds of the bureaucrats who administer them. Gender segregation in the workplace, government ministries and offices, retail establishments, hotels, restaurants, recreational facilities, and banks greatly affects women's ability to manage and make use of their own assets. Until 2005 a woman could not legally obtain a commercial license for a business without proving first that she had hired a male manager, and she needed permission from her guardian to go into business or take out a bank loan.⁴²

The female employment rate in Saudi Arabia is among the lowest in the world and, specifically, the Middle East. Statistics on women's economic activity vary somewhat depending on the source. According to the Ministry of Economy and Planning, women constituted only 5.4 percent of the total Saudi workforce in 2005, a figure that was expected to rise to 14.2 percent by the end of the 2005–09 five-year development plan.⁴³ Government-sponsored projects aimed to increase women's economic opportunities have repeatedly failed to reach targets in the past. The five-year development plan anticipates tripling the rate of women's employment within the

plan period by increasing occupational training for women and “eliminating obstacles” to their participation.⁴⁴

Two such obstacles include the prohibition of mixing the sexes in the workplace and the requirement that a woman’s guardian give permission for her to work. A new labor law enacted in 2005 does not include either requirement and appears to support women’s right to work; as Article 3 states, “work is the right of every citizen” and “all citizens are equal in the right to work.” Article 4 of the new law, however, requires that all workers and employers adhere to the provisions of Shari’a when implementing this law, implying that gender segregation remains in force. Article 149 says that women shall work in all fields “suitable to their nature,” excluding jobs “deemed detrimental to health” and “likely to expose women to specific risks.”⁴⁵ In effect, this new law offers an ambiguity that can be used by those arguing either for or against women’s increased participation in the workforce. Those in favor can cite the equality and right to work clauses and can also argue that Shari’a law and the terms “women’s nature” and “risk” are subject to interpretation. However, those against women in the work force except in jobs stereotypically suitable for women’s nature can use Articles 4 and 149 to legally deny employment to women in most fields.⁴⁶

Softening legal restrictions on women’s employment does not mean the public will embrace these changes, as evidenced by the outcome of the government’s attempt to permit women to work as sales clerks in stores that cater to women’s needs. In response to women’s complaints of feeling embarrassed to have to buy intimate items from men, the government ordered all shops selling women’s undergarments to hire all-female sales staff by July 2006; the policy was extended to stores selling dresses and abayas by 2007 as well.⁴⁷ The labor ministry organized training courses to prepare women for these jobs and also produced a list of conditions under which saleswomen would be allowed to work.⁴⁸ However, an outcry against this policy emanated from conservative ulema, including the Grand Mufti, who did not think women should be working in retail under any conditions and personally criticized Dr. Ghazi al-Ghosaibi, the minister of labor who originally promoted the policy. Some women shoppers did not like the policy either, complaining of the potential discomfort and humiliation that would arise from buying underwear in a place where windows had to be papered over and doors kept locked just because everyone inside was a woman.⁴⁹ The issue was put on hold for a year, and in 2008,

women were being employed as sales clerks, but only in segregated areas of shopping malls.

The Council of Ministers, the appointed body that controls most aspects of government, promulgated a directive that requires all ministries to open positions for women. In 2007, the Ministry of Foreign Affairs provided positions for women in several departments, including those that address political rights, economic rights, and women's rights. The Ministry of Education has placed women in some senior positions, including five deanships. The Ministry of Labor is seeking to provide 200,000 jobs for women in different sectors of the economy and has initiated technical training programs to help women become cashiers and receptionists.⁵⁰ The question remains, however, how these jobs will be created and in what sectors of the economy, as well as what kind of logistic accommodations will be devised so that sex-segregation on the job can be maintained.

A Saudi woman's freedom to choose her profession is limited more by social than by legal norms. The vast majority of working women are employed in the public sector, and of these 84.1 percent work in education. Additionally, 40 percent of the kingdom's doctors with Saudi citizenship are women.⁵¹ In spite of the social forces militating against women in the private sector, Saudi businesswomen own nearly 20,000 companies, and women's investments amount to about 21 percent of the total volume of private sector investment in the kingdom.⁵² In 2006, the National Commercial Bank reported that Saudi women owned 40 percent of the kingdom's real estate assets, 20 percent of stocks, and over 18 percent of then-current bank accounts. In Jeddah, women have taken out more than 3,000 commercial licenses in their own names, and even more are reported in Riyadh.⁵³ Enterprising women have set up a number of women-only light manufacturing plants, and in Jizan, an underdeveloped region on the western coast of Saudi Arabia, women's response to the prospect of employment at a planned women-only shrimp-processing factory was overwhelming positive.

With 121,000 female students graduating from secondary schools and 44,000 from universities every year, the government must do much more to facilitate job creation.⁵⁴ Lack of transportation options for women further limits their participation in the work force by creating a potential burden for employers. Most women who are assigned jobs as teachers in remote towns have to carpool long distances over rough roads, and fatal

accidents happen. During the 2007–2008 school year, 21 female teachers were reported killed and 38 others injured while commuting to their teaching jobs.⁵⁵

The 2005 labor law provides women with substantial maternity and childcare benefits. Unfortunately, these benefits discourage private employers from hiring women because they are so costly. Women are guaranteed maternity leave four weeks prior to and six weeks after delivery at full pay if employed for at least three years and at half pay otherwise.⁵⁶ The employer is responsible for the woman's medical care during pregnancy and delivery and must provide paid rest-periods for nursing once the woman returns to work. In addition, a woman's employment cannot be terminated while on maternity leave. A business that hires at least 50 women must provide babysitters and a suitable place for childcare, while those hiring 100 women or more may be required to set up a daycare facility or contract with an existing professional daycare facility in the vicinity.⁵⁷

There are no legal protections for women against sexual harassment, but as of June 2008, sexual harassment policies for women in education and in the workplace are under consideration in the Consultative Council.

Public education in Saudi Arabia is free at all levels, and in 2004 primary education became compulsory for both boys and girls aged 6 through 15.⁵⁸ The enrollment rate for girls equaled that for boys around 2000, and since 2004 the Ministry of Education has aimed to expand school availability so that secondary education can also be made compulsory for everyone. Girls' secondary education is now within the domain of the Ministry of Education, which until 2002 oversaw only boys' education.⁵⁹ The kingdom's current 10-year plan for the development of public education makes no distinction between boys and girls in goals, funding allocation, or curriculum except to expand girls' course options to include information technology and vocational training.⁶⁰ In practice, girls continue to be denied access to sports programs in schools, although a 2004 ministerial decree called for the creation of sports and cultural centers exclusively for women.⁶¹ Reports of all-female basketball games in Jeddah surfaced by May 2008, and in July 2009 several high-level religious scholars opined that Shari'a does not prohibit women from participating in sports.⁶²

Secondary education is currently undergoing an extensive reform effort which is experiencing both successes and set-backs. The greatest beneficiaries of these reforms are private schools, which now are able to run

International Baccalaureate and American Diploma programs. Dropping the National Secondary Exam also was a boon to private schools which can now focus their teaching on more rigorous, creative, and gender-inclusive materials, but is less helpful to public schools which do not have personnel trained to take advantage of reform opportunities.

In 2004, 79 percent of all PhD degrees awarded in the kingdom went to women, and if the 102 all-women's colleges for teachers are included, about 75 percent of all students are women.⁶³ However, according to the Minister of Education, women constituted only one-third of students at public universities.⁶⁴ Not all universities have women's sections, and where they do, women's facilities are often inadequate and inconveniently located, libraries are open to women's use only at limited times, and fewer courses are offered to women.⁶⁵ Some professors simply refuse to admit females to their programs regardless of the policies of the university or Ministry of Education. At the King Fahd Teaching Hospital in Al-Khobar, for example, women have not been admitted to programs in general surgery, orthopedic surgery, or pediatrics due to faculty resistance.⁶⁶

Course options in higher education are to some extent keyed to the job market. Since women are not expected to be employed in mechanical or civil engineering, for instance, these programs were not available to women in public education in the past. However, these courses, as well as interior design and law, have recently opened for women, prompting expectations that more women will be able to obtain jobs in those fields in the future. Furthermore, study abroad offers a wider range of educational options for women.⁶⁷ Women are entitled to apply for government scholarships that will pay tuition, living stipend, medical insurance, and school fees for any accompanying children, as well as financial accommodations for a spouse.⁶⁸ To qualify for a scholarship to study abroad, a woman should be accompanied by her legal guardian the whole time she is abroad, but in practice this requirement is not enforced.

Two new institutions with Western curricula have opened recently, both of which are designed to accommodate a coeducational environment. King Abdullah University of Science and Technology, located near a Red Sea fishing village 50 miles from Jeddah, opened in September 2009 and offers courses for both men and women. Although only 15 percent of the student body is comprised of Saudi nationals, the university met with harsh criticism from at least one prominent hard line cleric who was

later removed from his post within the Council of Senior Islamic Clerics.⁶⁹ Another institution, Al-Faisal University in Riyadh, welcomed its inaugural class in the fall of 2008. The university's classroom buildings are designed for men and women to attend classes together, although they would be segregated in transit by separate corridors and entrances, and in the classroom by different floor levels and glass partitions. Due to opposition to and logistics associated with coeducation, however, women have not yet been admitted, and no date has been set to admit them.

In the past decade, a number of private colleges for women have been founded. Dar Al-Hekma College and Effat College, both in Jeddah, offer an American curriculum in English that includes engineering and nursing, as well as work/study internships and exchange programs with American universities. The Prince Sultan University College for Women in Riyadh also teaches in English and offers among other subjects a bachelor's degree in law.⁷⁰

Women's access to education is affected by guardianship laws even though the government has moved to void some of them. Some universities require that women have their guardian's approval before they are permitted to register for classes and then have permission for each individual class they choose to take.⁷¹ In January 2008, the College of Education at the University of Riyadh permitted women students to register using only their civil status cards instead of by their guardian's consent. In this instance, it was the students rather than the administration who complained that the state was breaking the rules of religion by not asking for a guardian's permission. Others accused the Ministry of Education of voyeurism because male employees in the ministry would be able to view the photographs on women's civil status cards.⁷²

Recommendations

- ❖ The government should reform the religion curriculum in public schools, especially in areas that teach women to be obedient to men and equate their invisibility with religious piety.
- ❖ Women should be permitted to drive or, at a minimum, should be provided with safe public transportation that would adequately meet their employment needs.
- ❖ Women's sections of chambers of commerce must be empowered and given opportunity to shape policies that better serve the needs of the female business community.

- ❖ Educational opportunities for women in public educational institutions should not be decided by the goodwill of faculty members but by clearly stated and implemented educational policies.
- ❖ The government should introduce athletic programs for girls at every level of education.

POLITICAL RIGHTS AND CIVIC VOICE

Saudi Arabia remains a country without the basic freedoms necessary for civil society to take root. Political parties are prohibited, there are no constitutionally guaranteed rights to free speech, press, religion, or assembly in the Basic Law of the Kingdom, and forming trade unions, striking, and engaging in collective bargaining are forbidden. Article 39 of the Basic Law prohibits unspecified “acts leading to disorder and division,” rendering anyone who engages in political activity, including human rights advocacy, vulnerable to prosecution. While Article 36 of the Basic Law prohibits arbitrary arrest and detention, Saudi laws are applied to individual cases arbitrarily by judges trained in religion in a manner that fails to guarantee due process.

The Kingdom of Saudi Arabia is a monarchy ruled by the al-Saud family. When King Abdullah took the throne in 2005, he established the Bay‘ah Commission the following year. This entity may accept or reject the king’s chosen nominee for succession and declare the reigning monarch unfit to rule.⁷³ There are no elected legislative institutions, but the king appoints the Council of Ministers, responsible for all aspects of government administration, and the 150-seat Consultative Council, which offers advice to the king and, as of 2004, initiates legislation and amends existing laws.

The sole public means of direct access to the government is through the weekly majlis held by the king and by each governor in the provinces which citizens may attend and petition for redress of grievances or personal favors. Although the majlis is “open to all citizens and to anyone who has a complaint or a plea against an injustice,” women are not admitted and instead must send a written petition to be delivered by a male relative.⁷⁴

Women were prohibited from voting or running as candidates for municipal councils during Saudi Arabia’s first elections for public office in February 2005.⁷⁵ The question of whether women have the right to vote in Saudi Arabia, however, remains unresolved. When the Consultative Council announced in October 2003 that municipal council elections would be held, no criteria for voters or candidates were mentioned, and

a few women put themselves forward as candidates. The justice ministry supported full voting rights for women,⁷⁶ but objections came primarily from conservative ulema.⁷⁷ Eventually, Interior Minister Prince Naif bin Abd al-Aziz announced that women would not be voting because polling places and the municipal meetings themselves would have to be sex-segregated for women to take part. By citing logistic rather than religious reasons against women's participation, he left the door open for women to take part in future elections.⁷⁸ Although municipal elections were slated to be held in late 2009, officials announced in May that elections would be postponed for an additional two years to consider, among other things, whether women should be permitted to vote.⁷⁹

Women have not been appointed to the Consultative Council, but the king selected three women to serve as advisers to the council on women's issues. These appointments are either a first step toward council membership or a dead end, as the appointees' duties were unspecified and they have not been invited to sit in on council deliberations. In July 2006, six more women were appointed advisers to the council with portfolios as nebulous as that of the first group.⁸⁰

However, women are now more able to participate in civic life than ever before as high-profile women have recently been appointed to elite ministry posts, university deanships, and directorships in quasi-governmental civic organizations. Female physicians were appointed for the first time as Deputy Director of Health Affairs for the Mecca region and head of the General Directorate of Nursing in the Ministry of Health.⁸¹ A member of the royal family, Princess al-Jawhara Fahad bin Mohammed bin Abdel Rahman al-Saud, was appointed as undersecretary of the Ministry of Education. And in a step that garnered international attention, Nora bint Abdullah al-Fayez was named the deputy minister of education in charge of girls' education in February 2009, marking the highest appointed post achieved by a woman in Saudi Arabia's history.⁸²

The opening of a women's department in the law faculty at King Saud University in Riyadh raises the possibility of appointments to judgeships for women in the future, however distant. Additionally, a National Organization for Human Rights was established in Saudi Arabia in 2004, and 10 of the 41 members appointed were women with a mandate to monitor women's rights.⁸³ Women have also run for election in the Jeddah and Riyadh Chambers of Commerce and Industry, organizations normally dominated by men.⁸⁴ Finally, in 2005 Nadia Bakhurji was elected to

the board of the Saudi Engineers Council, an organization with only 20 women among its 5,000 members.⁸⁵ As women emerge into spaces that were previously considered the exclusive domain of men, systemic changes in society may take place. On the other hand, the electoral successes and high-profile appointments of women may turn out to be empty gestures, with elected and appointed women finding themselves in powerless and nonparticipatory positions.

Advocating for political reforms outside of the framework of government-approved organizations presents activists with risks. In recent years, numerous prominent political activists have been fired from their jobs or detained without a clear statement of charges or fair trial.⁸⁶ Lawyers who have advocated for feminist causes have been detained, admonished, and threatened with loss of their license to practice.⁸⁷ The lawyer who appealed on behalf of the Qatif girl sentenced to 90 lashes after being kidnapped and raped (see "Autonomy, Security, and Freedom of the Person") had his law license suspended by the Qatif court for having undermined Saudi Arabia's reputation by bringing the case to the attention of the international media. Wajeha al-Huwaider, a human rights campaigner, was taken from her home in 2006, interrogated, and forced to sign an agreement to stop engaging in women's rights protests.

The Internet has played a major role in political activism in Saudi Arabia by helping to bring human rights abuses to international attention. One example of such influence occurred in 2006 when a Mecca government committee proposed that women be prohibited from praying in view of television cameras near the Kaaba and instead be removed to a reserved area off to one side of the mosque. A well-reasoned letter of protest written by King Saud University professor and historian Hatun al-Fasi was widely circulated on the webpage of Muslim, women's, and human rights groups. This letter provoked enough international attention and letters of support that the order to remove women from Islam's holiest site was rescinded. However, in practice women continue to be intimidated by religious police and forced to remove themselves to an area distant from the Kaaba.

Recommendations

- ❖ The government should allow women to vote and run for office in the 2012 municipal elections and allow the candidates to use public media in their campaigns.

- ❖ Women should be appointed to the consultative council as members with full rights, and not only in advisory capacities for select issues.
- ❖ The government should appoint a greater number of qualified women to high-profile positions so that the public will become accustomed to the idea of women in leadership roles.
- ❖ The government should amend Article 39 of the Basic Law to allow for lawful civil dissent so that those who sign petitions or engage in peaceful protest demonstrations on behalf of women's rights need not fear arrest and punishment.

SOCIAL AND CULTURAL RIGHTS

The social and cultural rights of women are circumscribed by the same sex-segregation values that limit the expression of all other forms of women's activities. Tolerance for women in public life, however, is changing, as women's presence in public life has expanded, with women appointed to high-profile positions, elected to office in mixed-sex business organizations, and filling indispensable roles on the staff of public hospitals. The determination of women's rights activists not to tolerate discrimination and violence against women has also grown, which in turn gives impetus to the movement for increased social, cultural, and other rights for women. The Ministry of Social Affairs is engaged in implementing a social awareness campaign on domestic violence, working with professional counselors, physicians, judges, and police officers who are trained in recognizing and dealing with cases of domestic violence.⁸⁸

Women's access to health care and freedom to make independent decisions regarding their health and reproductive rights are curtailed by hospitals that require their guardians' permission before they may be treated. Although no law requires this, hospitals in Saudi Arabia consistently exercise the discretion to refuse treatment without guardian consent, thereby creating life-threatening challenges to women and ill children with absentee fathers.⁸⁹ Hospitals are not consistent in this practice, however, and some do permit women to consent to their own treatment. Urban centers offer free, state-of-the-art, government-funded medical care for Saudi citizens, and Saudi Arabia ranks high in the UNDP's human development index for its commitment to health care. Remarkable improvements have been made to health care over the last quarter century, and indicators for

women's health do not show an imbalance in allocation of health care resources between men and women. All clinics and hospitals offer reproductive health services, and methods of contraception are readily available at public and private pharmacies.⁹⁰

Life expectancy increased by more than 17 years between 1975 and 2000, and women are living about four years longer than men according to the 2008 Human Development Report.⁹¹ Among married women aged 15 to 49, 32 percent use contraception, a low figure that is reflected in Saudi Arabia's high birth rate of 3.89 births per woman.⁹² The vast majority of births (91 percent) take place attended by skilled health personnel,⁹³ but the maternal mortality rate is 18 per 100,000 live births (compared with 11 in the United States, 7 in Canada, 4 in Israel, and 130 in Syria).⁹⁴ The infant mortality rate also needs to improve, as there are 21 deaths per 1,000 live births (compared to 6 in the United States).⁹⁵ The mortality rate for children under age five is 26 per 1,000 live births, which is very high compared to almost all other countries in the "High Human Development" category but marks a huge improvement since 1970, when children in Saudi Arabia under five died at the rate of 185 out of 1,000. While there is no evidence that women receive less medical care than men do, the rates of death for infants and children raise questions about the quality of childcare, prenatal care, and parents' access to doctors and hospitals.

Female genital mutilation (FGM) is not a common practice in Saudi Arabia, although anecdotal evidence suggests that the custom exists in some Shiite communities in the Eastern Province. FMG was also documented earlier in the 20th century among some Bedouin communities. No Saudi religious scholars endorse FMG, however, and interviews with nurses at the Saudi Arabian National Guard hospital in 2002 produced evidence of only one case.⁹⁶

The extent to which women are free to participate in and influence community life, policies, and social development depends on their family's support for such activities, their family connections, their education, and their personal abilities. Family networks are the easiest route to communicating with the broader community for Saudi men and women alike. Saudi women influence policies and social development in their roles as teachers, doctors, social workers, journalists, university professors, investors, and religious scholars engaging in public debates on the role of women. If they have the connections they can also communicate their objectives directly to members of the royal elite.

While women do participate in and influence media content, their impact is limited by self-censorship. Women are employed as journalists, television presenters, producers, bloggers, and newspaper columnists, and they are members of research and advocacy groups that disseminate information to the media. The content of their messages and how they appear on television, however, are tempered by the political realities of the moment, which are constantly shifting.

Women in Saudi Arabia are disproportionately affected by poverty due to their gender because they have limited options for employment, access to justice, access to transportation, and ability to act as independent entrepreneurs as compared to men. They are under the legal control of their closest male relative and often lack choices regarding fundamental life decisions such as marriage, childbearing, and whether to work outside the home. Additionally, if a woman enters into a marriage as the second or third wife, she may lack a sense of proprietorship in her own home and a stake in its economic value. Together, these factors greatly affect the economic well-being of women and prevent those women facing economic hardship from taking care of themselves.

Women's rights activists who advocate for change outside government-sponsored channels, particularly in the area of human rights and political reform, face sanctions regularly. However, several women's organizations do operate, including the women's welfare associations supported by the royal family that exist in all major cities. Additionally, the Khadija bint Khuwailed Center for Businesswomen in Jeddah, a research institute operating under the auspices of the Jeddah Chamber of Commerce, advocates for increased participation by women in education, business, and employment.

Recommendations

- ❖ The government should require medical staff to treat all adult patients at their own request and allow women to approve medical care for themselves and their children.
- ❖ The government should provide adequate public transportation and an ambulance system so that mothers and other female caregivers can have access to emergency medical assistance for themselves, their children, and others in their care.
- ❖ The government should permit human rights and democracy advocates, including women's rights groups, to operate without threat of arrest and detention.

- ❖ Media restrictions should be relaxed so that images of women in all walks of life may appear, with the goal of raising public consciousness of women as citizens, as individuals, and as people with contributions to make to society.
- ❖ Saudi universities should initiate research and data collection projects that examine issues related to women, including the prevalence of domestic violence, treatment of women under the law, and economic activities, among others.

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Eleanor Abdella Doumato writes on gender, Islamic education, and the Gulf region. Her most recent book, *Teaching Islam: Religion and Textbooks in the Middle East* (edited with Gregory Starrett), is the product of a collaborative research project designed to determine what kind of Islam is being taught in state schools in the Middle East, including Iran, Turkey, Palestine, and Israel. Dr. Doumato is currently a Visiting Fellow at the Watson Institute for International Studies at Brown University and a past president of the Association for Middle East Women's Studies. She serves on the boards of *Hawwa* and the *Journal of Middle East Women's Studies*, and is a frequent consultant for government agencies.

NOTES

- ¹ The Koran is the holy book of Muslims, and Sunna is the tradition of the Prophet Muhammad.
- ² The concept of gender equivalence is commonly held in Muslim-majority countries. According to this view, the roles of men and women complement each other but are not equal, and this complementarity is thought to work in women's favor. For example, while men are required to provide for their families, women are expected to manage the household and care for children and elderly parents; daughters inherit half of what sons inherit, but women retain ownership of their property after marriage and have no obligation to spend their wealth on household expenses as married men must.
- ³ Hassna'a Mokhtar, "Saudi Women Demand Equal Citizenship Rights," *Arab News* (Jeddah), March 7, 2007, www.arabnews.com/?page=1§ion=0&article=93232&cd=7&m=3&y=2007. Daughters of Saudi women married to foreigners have not always been so disadvantaged when it comes to obtaining Saudi nationality: the 1954 Law of the Saudi Arabian Nationality, issued by Royal Decree 8/20/5604 (Umm Al-Qura, No. 1539, 16/3/1374H) makes no distinction between sons and daughters in their right to Saudi citizenship. A non-Saudi widow of a Saudi could also apply for citizenship

- according to the 1954 law. The issue of women nationals' inability to pass citizenship to their children is common region-wide. More information on this subject is available through The Women's Learning Partnership, a women's rights organization based in Washington, D.C., which has been leading a campaign on behalf of women's citizenship rights in Muslim countries. See the organization's web publication, "Claiming Equal Citizenship: The Campaign for Arab Women's Right to Nationality," www.learningpartnership.org/citizenship/category/countries/.
- ⁴ Members of the religious/moral police force are known as *mutawwa'in* (literally "obedience causers").
 - ⁵ Royal Decree no. M/54 (29 Shawwal 1425 AH). "Consideration of Reports Submitted by States Parties Under Article 18 of the Convention, Combined Initial and Second Periodic Reports of States Parties: Saudi Arabia" (United Nations, Committee on the Elimination of Discrimination against Women, CEDAW/C/SAU/2, 07-29667 [E] 120507 230507, March 29, 2007), 16, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>.
 - ⁶ Maha Akeel, "New Law May Help Non-Saudi Wife," *Arab News*, June 25, 2007.
 - ⁷ Sarah Abdullah, "Foreign-Born Women Married to Saudis Concerned Over New Citizenship Rule," *Arab News*, June 18, 2007.
 - ⁸ Awad al-Maliki, "Saudi Women Can Obtain ID Cards Without Guardian's Permission," *Al-Madinah*, March 4, 2008, in Arabic.
 - ⁹ Abd al-Raheem Ali, "Saudi Family Courts, Female Judges Recommended," [islamonline.net](http://www.islamonline.net) (Doha, Qatar), June 14, 2004, www.islamonline.net/English/News/2004-06/14/article03.shtml.
 - ¹⁰ Hamid al-Shahri, "Saudi Justice Minister Says Female Lawyers Permitted Only to Provide Legal Advice," *Al-Watan*, GMP20070201614006, February 1, 2007, in Arabic.
 - ¹¹ "Women to Work in Saudi Courts," *Arab News*, March 31, 2008. Dr. Al Ash-Shaikh noted that in his view women have the right to practice the legal profession. Mariam al-Hakeem, "Saudi Women 'Have Right to Practise Law,'" *Gulf News*, October 25, 2007.
 - ¹² "Saudi Arabia: Halt Woman's Execution for 'Witchcraft': Fawza Falih's Case Reveals Deep Flaws in Saudi Justice System" (New York: Human Rights Watch [HRW], February 14, 2008).
 - ¹³ "Religious Police in Saudi Arabia Arrest Mother for Sitting with a Man," [TimesOnline](http://www.timesonline.co.uk), February 7, 2008, www.timesonline.co.uk/tol/news/world/middle_east/article3321637.ece.
 - ¹⁴ "75-Year-Old Widow to Be Flogged," *The Independent*, March 10, 2009, <http://www.independent.co.uk/news/world/middle-east/75yearold-widow-to-be-flogged-1641548.html>.
 - ¹⁵ "Saudi Arabia: Morality Police Under Pressure," in "News and Views," *Arab Reform Bulletin* (Carnegie Endowment) 5, no. 5 (June 2007).
 - ¹⁶ For the text of the hearing on the report, see "Summary Record of the 815th Meeting Held January 17, 2008, Consideration of Reports Submitted by States Parties Under Article 18 of the Convention" (United Nations, Convention on the Elimination of Discrimination against Women, Committee on the Elimination of Discrimination against Women, Fortieth session, CEDAW/C/SR.815, February 18, 2008), www2

- .ohchr.org/english/bodies/cedaw/docs/CEDAWSR815.pdf. For discussion of the Saudi reaction to the committee report, see Muwaffaq al-Nuwaysir, "Saudi Official Explains Reservation on 2 Clauses in Agreement on Women," *Al-Sharq al-Awsat* (London), August 23, 2000, 4.
- ¹⁷ Mustafa al-Ansari, "Riyadh Jurists Consider UN Report on Saudi Women as Contrary to Reality," *Al-Hayat* (Beirut), February 2, 2008.
- ¹⁸ The mahram's permission is legally required for women to travel internationally, and in practice, it is also required for them to travel domestically despite there being no such official requirement. According to Human Rights Watch, women who do not present proof of their mahram's permission may be prevented from boarding domestic flights as well. See "Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia" (HRW, April 2008), section II, www.hrw.org/reports/2008/saudiarabia0408/.
- ¹⁹ "Saudi Arabia: Succession Law; Judicial Reforms; Women Driving Campaign," *Arab Reform Bulletin* 5, no. 8 (October 2007).
- ²⁰ Reuters, "Saudi Restrictions on Women Questioned," *Los Angeles Times*, January 18, 2008.
- ²¹ Damien McElroy, "Saudi Arabia to Lift Ban on Women Drivers," *The Telegraph* (London), January 21, 2008.
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- ²⁴ "8-Year-Old Saudi Girl Divorces 50-Year-Old Husband," *Khaleej Times*, May 1, 2008, http://www.khaleejtimes.com/DisplayArticleNew.asp?section=middleeast&xfile=data/middleeast/2009/may/middleeast_may2.xml.
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- ²⁶ Louay Bahry, "Marriage Advertisements in Saudi Arabia," Middle East Institute *Encounter* no. 7 (March 2008).
- ²⁷ Interior Ministry, Law of Marriage of Saudi Citizen with a Non-Saudi, Number 874, 12/20/1422 H, in Arabic.
- ²⁸ Najah Alosaimi, "Saudi Women Marrying Foreigners on Rise," *Arab News*, September 14, 2007.
- ²⁹ "Perpetual Minors" (HRW, April 2008), 30–31, www.hrw.org/reports/2008/saudiarabia0408/.
- ³⁰ "Saudi Arabia: Succession Law; Judicial Reforms; Women Driving Campaign," *Arab Reform Bulletin* (October 2007), www.carnegieendowment.org/arb/?fa=show&article=20823.
- ³¹ "Saudi to Get Supreme Court, Other Tribunals," IslamOnline.net, June 14, 2004.
- ³² "Trafficking in Persons Report 2008" (Washington, DC: U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, June 4, 2008), www.state.gov/g/tip/rls/tiprpt/2008/105386.htm.

- ³³ “Consideration of Reports Submitted by States Parties Under Article 18 of the Convention, Combined Initial and Second Periodic Reports of States Parties: Saudi Arabia” (United Nations, Committee on the Elimination of Discrimination against Women, CEDAW/C/SAU/2, 07-29667 [E] 120507 230507, March 29, 2007), 22 (hereafter cited as CEDAW/C/SAU/2), <http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>. Article 6 of the convention requires that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” In addressing this issue, the Saudis indicate there is no such problem in the kingdom: “In view of the fact that the Kingdom applies the Islamic Shariah, which exhorts to virtue and forbids vice, fornication and immorality, as well as the fact that these conflict with tradition and custom, traffic in women and exploitation of prostitution of women are practices unknown to Saudi society. . . . The Kingdom has been able to take practical measures to close all the loopholes through which unlawful sexual practices might establish a presence in the country. . . . These efforts have achieved notable success, reflecting the State’s sincere desire to combat such unlawful practices. It should be stated that these practices are limited and almost negligible, and are contained by the authorities. . . .”
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- ³⁶ “Saudi Arabia: Nour Miyati Denied Justice for Torture, Judge Ignores Evidence in Case of Extreme Abuse Against Indonesian Domestic Worker” (HRW, May 21, 2008).
- ³⁷ Shabna Aziz, “Dammam Police Helps Maid Get Her Rights,” *Saudi Gazette*, May 25, 2008, <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentID=200805257407>.
- ³⁸ *Hadith for the 12th Grade* (Riyadh: General Presidency for Girls’ Education, 2000), in Arabic.
- ³⁹ “Perpetual Minors” (HRW), 22. Sexual abuse within families is historically a problem in the sex-segregated societies of the Gulf. American physicians running hospitals in Kuwait and Bahrain from about 1912 documented cases of “honor killings” that were meant to hide incest. For more on this topic, see Eleanor Doumato, *Getting God’s Ear* (New York: Columbia University Press, 2000).
- ⁴⁰ “New Explanatory Statement by the Ministry of Justice on Qatif Girl,” Saudi Press Agency (Riyadh), November 24, 2007, www.spa.gov.sa/English/details.php?id=502890.
- ⁴¹ Ebtihal Mubarak, “Pardoned Rape Victim Subjected to ‘Brutal Crime’—Saudi King,” BBC Monitoring, Arab News website, December 20, 2007. For more analysis of the legal reasoning behind the judicial decisions and the king’s pardon in the “Qatif girl” case, see “Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia” (HRW, March 24, 2008), <http://hrw.org/reports/2008/saudijustice0308/>.
- ⁴² Resolution no. 120 (12 Rabi II 1425 AH) says that “government bodies which issue licenses to practice economic activities receive applications from women for such licenses,

- which are granted and issued accordingly,” <http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>. Cabinet Decree no. 187 (17 Rajab 1426 AH) allows “private enterprises to open sections employing women without a licence being required.”
- ⁴³ Khalid al-Gosaibi, Minister of Economy and Planning, “Plan Aims to Triple the Number of Saudi Women in the Workforce by 2009” (Washington, DC: Royal Embassy of Saudi Arabia, November 4, 2007), <http://www.saudiembassy.net/archive/2007/news/page531.aspx>.
- ⁴⁴ Khalid al-Gosaibi, *op cit*.
- ⁴⁵ Kingdom of Saudi Arabia, Labor Law, Royal Decree Number M/51, 23 Shaaban 1426, September 27, 2005, 1st ed., 2006.
- ⁴⁶ A summary discussion of the obstacles to women’s employment in the private sector was prepared by Noura Alturki, “Gender Analysis of the Eighth National Development Plan, 2005–09” (Jeddah: Khadijah bint Khuwailid Businesswomen Center, unpublished manuscript, August 27, 2007). These obstacles are more fully detailed in a report issued by the Khadijah bint Khuwailid Center for Businesswomen, located in Jeddah, available on the Jeddah Chamber of Commerce website, www.jcci.org.sa/JCCI/AR/Specialized+Centers/Khadijah+Bint+Khuwailid+Center/, in Arabic.
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- ⁴⁸ “Hiring of Foreign Women in Lingerie Shops Ruled Out,” *Gulf News*, April 11, 2006.
- ⁴⁹ Anton La Guardia, “Muslim Clerics’ Anger Delays Saudi Plan to Let Women Sell Lingerie,” *The Telegraph*, May 16, 2006.
- ⁵⁰ “Foreign Ministry to Appoint Women in Various Departments” (Washington, DC: Royal Embassy of Saudi Arabia, February 27, 2005), <http://208.246.28.149/2005News/News/RigDetail.asp?cIndex=5088>.
- ⁵¹ “Saudi UN Representative Hails ‘Growing Role’ of Women,” Saudi News Agency, SPA, March 8, 2007.
- ⁵² “Saudi UN Representative Hails ‘Growing Role’ of Women,” Saudi News Agency.
- ⁵³ “Women Said to Own 40 % of Saudi Real Estate Assets,” *Arab News* website, April 27, 2006.
- ⁵⁴ In the 1990s, 80 percent of all working Saudis were employed in the public sector. “Public Sector Employment as a Share of Total Employment in MENA Countries,” in *The Road Not Traveled: Education Reform in the Middle East and North Africa* (World Bank, 2008), Fig. 2.2, 53.
- ⁵⁵ Donna Abu-Nasr, “Female Teachers Dying on the Roads in Saudi Arabia,” Associated Press, April 29, 2008.
- ⁵⁶ Kingdom of Saudi Arabia, Labor Law, Articles 151–152.
- ⁵⁷ Kingdom of Saudi Arabia, Labor Law, Articles 153–159.
- ⁵⁸ Royal Decree no. 22646/R (22 June 2004), CEDAW/C/SAU/2, 16.
- ⁵⁹ Girls’ education was consigned to the ulema-controlled General Presidency for Girls Education, a measure put in place to mitigate conservative opposition to opening

- schools for girls. It was for this reason that the education policy for the kingdom incorporated language limiting the purpose of girls' education to helping them become good wives and mothers, and to work only in fields that are considered to suit their nature, such as childcare and teaching.
- ⁶⁰ "Executive Summary of the Ministry of Education Ten-Year Development Plan (2004–2014)," 2nd ed. (Riyadh: Kingdom of Saudi Arabia, Ministry of Education, General Directorate for Planning, 2005).
- ⁶¹ Deputy Prime Ministerial Order no. 8110 (11 Safar 1425 AH, 2004 CE).
- ⁶² Donna Abu-Nassr, "Underground Sports: Saudi Women Shed Veils to Play Basketball," *USA Today*, May 8, 2008, http://www.usatoday.com/news/world/2008-05-08-saudi-sports_N.htm; "No Bar on Women's Sports Activity in Shariah, says Saudi Scholar," *Khaleej Times*, July 27, 2009, http://www.khaleejtimes.com/DisplayArticleNew.asp?section=middleeast&xfile=data/middleeast/2009/july/middleeast_july358.xml.
- ⁶³ "Saudi Education Minister on Universities and Curricula," *Al Hayat*, April 23, 2004.
- ⁶⁴ "Saudi Education Minister on Universities and Curricula," *Al Hayat*, April 23, 2004.
- ⁶⁵ "Perpetual Minors" (HRW), 16. For instance, at King Saud University in Riyadh 14 languages are offered for male students but only two for females.
- ⁶⁶ "Perpetual Minors" (HRW), 16.
- ⁶⁷ Royal Order no. 651/M (8 Jumada II 1422 AH) requires that scholarship grants for overseas study be made available for "medical and health-related specializations and other fields in which women work and where the demands of work require qualification through overseas study, in response to a pressing need which cannot be fulfilled by the programs of study available at Saudi universities."
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- ⁶⁹ "Saudi King Dismisses Cleric After Criticism," CBS News, October 5, 2009, <http://www.cbsnews.com/stories/2009/10/05/ap/middleeast/main5363169.shtml>.
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- ⁷¹ "Perpetual Minors" (HRW), 16–17.
- ⁷² Haya al-Manie, "Paranoia in Society," *Al Riyadh*, reprinted in *Arab News*, January 9, 2008.
- ⁷³ Text of the Allegiance Institution Law of October 20, 2006, <http://www.saudi-us-relations.org/fact-book/documents/2006/061106-allegiance-law.html>; Hugh Miles, "Saudi King Loses Power to Choose His Successor," *The Daily Telegraph*, February 10, 2007; Text of Law of the Provinces, http://www.saudiembassy.net/about/country-information/laws/The_Law_of_The_Provinces.aspx.
- ⁷⁴ Basic Law, Article 43.
- ⁷⁵ The prohibition on government employees' political activism is broad. In September 2004, the Council of Ministers announced that public employees are forbidden to challenge government policies by "participating, directly or indirectly, in the preparation of

- any document, speech or petition, engaging in dialogue with local and foreign media, or participating in any meetings intended to oppose the state's policies," *Arab Reform Bulletin 2*, no. 9 (October 2004).
- ⁷⁶ As reported in a Saudi newspaper, a ministry spokesman said that "there is no reason to stop them from participating in the elections. Trends coming from the West which are beneficial and do not contradict our laws and religion should not be banned." *Okaz*, December 4, 2004, www.aljazeera.com.
- ⁷⁷ Nawaf Obaid, "Clerical Hurdles to Saudi Reform," *Washington Post*, March 9, 2004.
- ⁷⁸ "Women Shut Out of Upcoming Saudi Vote," Associated Press, October 12, 2004.
- ⁷⁹ Abdul-Ramad Shaheen, "Saudi Analysts Hail Postponement of Elections," *Gulf News*, May 20, 2009, <http://gulfnews.com/newsgulf/saudi-arabia/saudi-analysts-hail-postponement-of-elections-1.2032>; Michael Slackman, "Saudi's Local Elections Delayed Two Years," *New York Times*, May 19, 2009, http://www.nytimes.com/2009/05/20/world/middleeast/20saudi.html?_r=2&partner=rss&emc=rss.
- ⁸⁰ Maha Akeel, "More Women Consultants Join Shura," *Arab News*, June 29, 2006. Hatoon al-Fassi, an associate professor at King Sa'ud University and one of the women appointed, commented that "if the committee is to be as described, there is no need for it and I object to being included. This is not a first step; it is very much the same as what we have now. Women are asked as consultants with no right to make decisions, no authority and their opinions are not taken."
- ⁸¹ Maha Akeel, "Woman Appointed to Top Health Post in Jeddah," *Arab News*, July 12, 2004.
- ⁸² Julia Berger, "Saudi Arabia Appoints First Female Minister," *Guardian*, February 16, 2009, <http://www.guardian.co.uk/world/2009/feb/16/saudi-cabinet-woman-minister>.
- ⁸³ Khalid al-Dakhil, "2003: Saudi Arabia's Year of Reform," *Arab Reform Bulletin 2*, no. 3 (March 2004); Abdul Ghafour, "First Independent Human Rights Organization Established," *Arab News*, March 3, 2004.
- ⁸⁴ Maha Akeel, "Women in JCCI Poll Fray," *Arab News*, October 3, 2005.
- ⁸⁵ Somaya Jabarti, "Engineers Council Poll: One More Step for Saudi Women," *Arab News*, December 28, 2005.
- ⁸⁶ See, for example, "Saudi Arabia: Free Detained Advocates of Reform," "Secret Police Arrest 7 Prominent Reformers in Replay of Events in 2004" (HRW, February 8, 2007).
- ⁸⁷ See, for example, "Teachers Silenced on Blasphemy Charges" (HRW, November 16, 2005), <http://hrw.org/english/docs/2005/11/16/saudia12049.htm>; "Saudi Arabia: Lift Travel Ban on Government Critics" (HRW, February 13, 2007), <http://hrw.org/english/docs/2007/02/14/saudia15335.htm>.
- ⁸⁸ Royal Order no. A/14 (April 2, 2005) established the program on domestic violence.
- ⁸⁹ "Perpetual Minors" (HRW), 20. The HRW report contains a copy of a surgical procedure consent form for King Fahd hospital in al-Khobar, which asks for the agreement to accept the risk of surgery of both the patient and her guardian. The form is dated 1985.
- ⁹⁰ Saudi Arabia CEDAW report, op cit., 40, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>.
- ⁹¹ *Human Development Report 2007–2008* (New York: UNDP, 2008), Table 10, Survival: Progress and Setbacks, http://hdr.undp.org/en/media/HDR_20072008_EN_Complete

- .pdf; “Mortality Country Fact Sheet 2006” (World Health Organization), indicates that in 2004, women on average lived six years longer than men.
- ⁹² *Human Development Report 2007–2008*, UNDP.
- ⁹³ *Human Development Report 2007–2008*, UNDP, Table 6, Commitment to Health: Resources, Access and Services, 248. For comparison, 75 percent of women in Canada use contraception, and 98 percent are attended by skilled health personnel.
- ⁹⁴ *Human Development Report 2007–2008*, UNDP, Table 10, Survival: Progress and Setbacks, 263–264. “Mortality Country Fact Sheet 2006” gives the maternal mortality rate in 2000 at 23 per 1,000 live births.
- ⁹⁵ *The CIA World Factbook* for 2008 gives a much lower figure for infant mortality, at 12.01 deaths per 1,000, double that of the United States. www.cia.gov/library/publications/the-world-factbook/geos/sa.html#People.
- ⁹⁶ Interviews conducted by author in Riyadh at the National Guard Hospital, Riyadh, January 2002.