

Human Rights and Women : a study on the progress of Women Rights In Saudi Arabia

Vishnu Aravind

Guest Faculty in Political Science , Sanatana Dharma College, Alappuzha, Kerala.

MA in Politics and International Relations, School of International Relations and Politics,
Mahatma Gandhi University, Kotayam , Kerala.

NET in Political Science

PH : 7034499409

Email : vishnuaravind1995@gmail.com

Abstract

Empowerment of women to be one of the most significant aspects of a nation's journey towards progress. As a nation, Saudi Arabia has embarked on a number of reforms that equate men and women in society. The purpose of this article is to provide a general study on the condition of women living in Saudi society. The study also aims to explore the reforms and changes at the administrative level and women's rights in Saudi Arabia since 90s and the role of international effort and women rights movement in bringing these changes into reality in a deeply conservative society, dominated by the male guardianship system. While Mentioning basic rights of women, It also examines the treaties, laws and other initiatives adopted internationally for the protection and empowerment of women.

Key Words : Saudi Arabia , Human rights , CEDAW, Women Rights, Male guardianship System, Reforms.

INTRODUCTION

Even though women make up half of the world's population, their Social, economic and political rights are when compared to men, is low. They have been for a long time excluded from the society and also from power and the decision-making process. During World War II also, Women suffrage was granted only in a few democratic countries. Gradually the sense of protecting women's rights have been increased at global level, resulted in the establishment of many laws, treaties as well as institutional mechanism aimed at upholding the dignity and status of women as equal with men. Although various countries and international organizations have gone to great lengths to defend women's rights and promote

their status in society, but country like Saudi has responded very reluctantly towards such efforts. The rights of women in Saudi Arabia unreasonably affected by the strict religious rules of wahhabism, which is often considered as the most restrictive interpretation of Islam that oppose empowerment of women as equal with men. But, since 1990, Large scale reforms are in progress in Saudi Arabia, which has now under tremendous progress under the leadership of new Crown Prince Mohammed bin Salman. He strives for a holistic change in the social - economic sphere of the country by giving people the basic rights they need. The most important of these reforms are the steps taken to protect the basic rights of women which more or less have been denied for decades. The major reforms are being brought into the social - economic sphere is not new, but a continuation of a long process initiated as a result of immense pressure from international organizations and community. Moreover, Feminist movements working across the globe and inside Saudi have a significant role in bringing these reforms into reality. By examining the reforms initiated by Saudi the article intended to explore how and what steps taken by Saudi Arabia, since 90s, to change its long established social customs that limiting women rights Unilaterally.

HUMAN RIGHTS, WOMEN & INTERNATIONAL LAW

Human Rights are those rights, inherent to all individual by virtue of being as human being. They constitute the basic rights that a person needs to lead a dignified life in society. In addition, they are natural rights, intrinsic to all human being which cannot be assessed in terms of an act of legislature, statute or treaty. Therefore, Human Rights are inalienable and indivisible part of human being entitled to enjoy his or her rights irrespective of gender, race, colour, language, Religion, Nationality, birth or other status.

The rights have to be preserved mainly in the lives, dignity and status of women, includes the Rights to adequate standard of living, upholding their public and political rights, protection in respect of domestic violence, sexual and reproductive health rights, secure migration of women, protection during conflicts and crisis, right to education and family etc. Besides this, other rights entitled to have been granted to women includes their participation in civil society, public boards, Local council, professional and industrial associations, trade unions, community based organizations, Political Parties etc. In addition, Every state should ensure their right to access public information and take

appropriate measures to overcome barriers such as illiteracy, problem of language, poverty and restriction on women's freedom of movement. They also have right to nationality, land, property, food, water and sanitation, right to work and social security as equal with the men without gender differences. They have to be protected from gender based violence in family including physical, psychological, emotional, financial and sexual, for example, marital rape, femicide or gender motivated killings, child marriage and sex relative abortions. They also to be protected from community based violence and unequal treatment in workplaces in the form of promotion, salary, work time etc.

Various countries, in particular, and also in collaboration with international organizations have enacted a number of treaties and laws aimed at dealing male and female equally. One of the important steps in this regard is associated with Article 1 of UN charter appeals all nations to achieve international co-operation and peace by promoting and encouraging respect of human rights and basic freedom of all without any distinction. On the 21st day of July 1946, a commission on the status of women was established by the economic and social council of UN that dedicated to achieve gender equality and advancement of women. The first universal document drafted in respect on the protection of human right was the Universal Declaration Human Rights (U D H R) enacted in 1948 declares that all human beings, irrespective of race, colour, sex, language, religion, birth or other status, are equal in dignity and rights and entitled to enjoy freedom without any distinction. It also upholds everyone's right to take part in the Government of his/her country. In addition, UN general assembly declared the year, 1975 as the international women year, subsequently, the period of 1976 -1985 was celebrated as UN decade for women, inviting world attention to all problems being faced by women, its eradication through a collective effort. Moreover, Article 11 of International covenant on economic, social and cultural rights (I C E S C R), adopted by UN general assembly in 1966 and came into effective in 1976, upholding everyone's right of adequate food, clothing, and housing and continuous improvement of living conditions in connection with an suitable standard of living for oneself and family. Besides this, Convention on elimination of all forms of discrimination against women (C E D A W), adopted by UN general assembly in 1979, considering as the bill of rights of women, which addressed how culture and family shaping gender roles in society and also affirmed for the first time the reproductive rights of women. Article 7 of the treaty recognized women's right to take part in the decision making in political and public life that

ensures women's right vote in elections and public referendums and right to contest elections, taking part in the formulation of governments, right to participate policy making and its implementation in all levels of government, nongovernmental organizations (NGOs) and associations concerned with the private and public life of the state. Moreover, Goal 3 of the United Nations millennium Development goals declared in 2000 by UN general assembly, appeals to all state to ensure women's voice in politics and government institutions irrespective of gender differences. Again, Goal of 5 of the United Nations Sustainable Development Goals, adopted in 2015, demands all states to ensure gender equality and empower all women and girls.

The feminist movement was gaining momentum during the period when these laws and treaties were being adopted internationally. Therefore, it had a profound influence in bringing global effort towards the empowerment of women. The term , Feminism involves a number of social, cultural and political movement, theories and moral philosophies aimed at abolishing gender differences and making the status and rights of women as equal with men. As envisaged by Betty Friedman, the history of feminist movement can be divided into three phases on the basis of what slogans they raised for . The movements intended to achieve women's legal rights including, right to contract, property and voting rights, moreover, they campaigned for women's right to bodily integrity and autonomy, for abortion and reproductive rights and also against domestic violence including, sexual harassment and rape and also to ensuring work place rights including equal pay, maternity leave, misogyny and eradication of other form of discrimination against women.

THE KINGDOM OF SAUDI ARABIA

The history of modern Saudi begins with the turn of the twentieth century with the official proclamation of kingdom of Saudi Arabia in 1932. The discovery of oil has brought about drastic changes in the Social -economic landscape of the country. Subsequently, the modernization began in the mid - 19th century with the introduction of western technology and modern education. Since 1990s , a number of changes are being brought into the governance structure of the country. The most important was the decision to decentralize the political power by reconstituting the cabinet system and also the establishment of municipal councils with democratic elections in 2004 , which came into reality in 2005 when 1800

candidates were contested in 592 seats. The Arab Spring that swept West Asia in 2011, has had a profound impact on the current reforms in the country. The mass uprising that dictated the dictators of Tunisia, Egypt, Libya and Yemen had not affected the wealthy Saudi along with Bahrain and U.A.E. But the reasons for the dissatisfaction of the people of those countries have made these oil rich countries think. Therefore, they have taken steps to prevent the spread of the popular discontent into their respective states by granting citizens especially women various social-economic rights following civil strife in their neighbouring countries.

The kingdom of Saudi Arabia does not have a constitution, therefore, the monarchy runs with the help of a Statute drafted in 1958 and revised in 1992 and 2005. Article 1 of the statute states that the kingdom of Saudi Arabia to be a sovereign Arab state with Islam as its official religion to be ruled with a multiple set of laws including the statute, Holy Qur'an and the Prophet's Sunnah (traditions). The article 5 of the statute says, the country to be ruled by a monarchical form of government led by the Al Saud family together with article 5 (b) stating that the dynasty right shall be confined to the sons of the Founder, King Abdul Aziz bin Abdul Rahman Al Saud (Ibn Saud), and the sons of sons. Article 57 says there shall be a cabinet ministers with deputy prime minister as its head shall be appointed the king by a royal order and, therefore, the deputy prime minister and his cabinet on the behalf of the king runs the day to day administration of the country, who shall jointly be responsible to the king for the application of Islamic Sharia, the laws and the State's general policy.

RESTRICTIONS ON WOMEN : MALE GUARDIANSHIP SYSTEM

Even though women represents 45% of the country's population whose rights are less than those of men. The country's social custom and practices are all male centric, the so called Guardian Ship system, means Saudi women regardless their age are under the authority of a close male relative who has been granted authority to take decisions on her behalf for all matters including leisure, work ,finances, Law and health. Every Saudi women, by birth, is under the legal guardianship of her father, when marrying to a men becomes her next legal guardian takes decisions regarding her personal life. If father or husband dies or a women divorces, the oldest male relative would assume as new guardian whose absence, her brother or son takes responsibility in this regard.

The guardianship system has had a profound impact on women's lives which exercising strong control over their daily lives and undermines their freedom to make independent decisions. While ensuring gender equality in the article 8 and the protection of human rights in article 26 of the statute, women in Saudi Arabia are regularly and continuously subjected to violence including physical, psychological, sexual etc. Most of these occurs in family and mostly being faced by women and children who have been denied their basic rights to education, healthcare and personal identification documents. No laws were in force in the country before 2013 to deal domestic violence as criminal behaviour. Therefore, Judges used Sharia laws and personal interpretation to check criminality of actions involved in most of these cases. The guardian ship system imposes restrictions on women aspiring to travel inside and abroad need permission of close male relatives. Therefore, Women cannot apply for a passport without her guardian's permission which implies that women have been prohibited to travel abroad without the approval of their legal guardian. In addition, Saudi Arabia had a customary ban on women driving until 1990, when it became official policy of the country. Women who are violating this customary law can be arrested by the police. Unlike men, Women requires permission of their legal guardian to get married. This inequality is evident in the case of divorce process, a men can petition courts to divorce his wife he deems unfit, but as in the case women is different because the husband to be continued as her legal guardian until the divorce petition is approved by the court. This implies Saudi 's customary law violates women's equal right to freely enter into and exit marriage as enjoyed by men and also failed to ensure men and women to have an equal right with regard to the guardianship of children. Normally, father to be the legal guardian of children, which authorises father to register their children in schools, taking decision for their marriage and travel etc. Women do not have right in this regard until bringing little changes in 2014 by the supreme judicial council. Restrictions can also be witnessed in educational field where the guardian ship system limits the freedom of female students. In Saudi, students irrespective of gender differences, are supported with King Abdullah scholarship for studying abroad. However, for granting this scholarship to female students, the consent of the male guardian is necessary and also the ministry allows a male guardian to be accompanied a women during her study abroad whose expenses are to be provided by the government. Moreover, Courts or other government services may ask a woman to be accompanied by a male relative who can verify a woman's identity while she is wearing a face veil. In addition, if police receive or accept a petition from a Saudi women, which

should be consigned by her legal male guardian. Moreover, Women in Saudi prison cannot come out unless their family is ready to receive them. After completion of her prison term, she requires a guardian to sign for their release. If she fail to meet this condition to be continued in prison or to be transferred to shelters where she is not allowed to use cell phones, to exit the shelter freely or cannot bring even their adolescent sons to the shelter. The inequality is evident in the statute, drafted in 1958, declaring that, no daughter of Founder, King Abdul Aziz bin Abdul Rahman Al Saud shall be eligible for ruling the country. Therefore the dynasty rights is confined to the male members of royal family while equality is ensured in the article 8 of the same document. Thus, the freedom and liberty of women is determined and dependent on the consent an decision of male guardian of their respective family.

REACTION BEGINS

Feminist campaign across the globe has had a significant influence on the women rights thought in Saudi Arabia Which has begun in 1990 when 47 Saudi women drove car in Riyadh as a protest against the decades old ban on women driving. It was influenced by the freedom and liberty, enjoyed by the female American soldiers based in Saudi Arabia , not available to the native Saudi Women. following the protest, Council Of Senior Scholars , the highest religious body in Saudi Arabia, issued a decree or fatwa banning female driving in Saudi which became the official policy of the country after ministry of interior issued a edict in this regard. Then, protest continued through social media by posting photos and videos of women driving , many women rights activists were arrested and lost jobs which brought world attention to other problems being faced by women in Saudi . Moreover, Women have been fighting to end the long established male guardianship system which brings women under the authority of Men. The rights, for which women have been battling for years includes, freedom of speech and expression, right to employment , free movement , autonomy in decision making etc. On the eve of Arab spring in 2011, women started protesting against the customary law prohibiting women's right to work without the consent of her legal male guardian. Using social media have been a major platform for women right activists to express their discontent towards the prevailing social system. since 2003 , many of them have been arrested in connection with using these platform for expressing their views. In 2016, a letter signed by 2500 women was sent to king Salman ,demanding to abolish the male guardianship system. Women rights activists has also began online

campaigning for getting support from inside and abroad for this purpose, resulted in the royal decree issued in 2019 loosening some of restrictions under male guardian system.

TOWARDS REFORMS

The country has been on the path of reforms for the past three decades. The administration system has been decentralized and reformed which placed Saudi women in an age of opportunity. By recognizing the civil and political rights of women, the country has responded more or less positively towards the human rights movements and also international efforts for the upliftment of the entire women community. As a first step, Saudi Arabia ratified United Nations Convention on the Elimination of all forms of discrimination against Women (C E D A W) in 2000 and declared that gender equality as mentioned in this treaty to be implemented in accordance with the Islamic laws. This was done after reforming the administrative system since 90s, then entered into human right reforms with the ratification of C E D A W in 2000. In 2005, government created the national family safety program, aimed at providing shelter to the victims of domestic violence. In 2009 and in 2013, Saudi agreed to abolish the male guardianship system and all discrimination against women following the universal periodic review at the UN Human Rights Council. Following this decision, Saudi authorities have taken violence against women as a public policy issue. In 2013, the country adopted a new law, criminalizing domestic abuses, which defining abuse as physical, psychological, or sexual and also sets penalty of sentence from one month to one year with a fine amounts between 5,000 and 50,000 of Saudi riyal. Since, the adoption of protection from abuse law of 2013, the restriction on women regarding filling up petition with the consent of her legal guardian were abolished. Now women and other individuals, public servants on the behalf of women can report domestic abuses to the police. In 2016, The ministry of labor and social development launched an all female staffed institution in Riyadh to receive petition in this regard. Since 2013, women are allowed to take national ID cards without guardian's consent which have previously not allowed them was a welcome sign. In 2014, a royal order issued that conferred Saudi women freedom to appear before court without verifying her identity by her legal male guardian.

The government has started king Abdullah scholarship program, instituted in 2005, which funds student's education abroad. According to the figures released by ministry of education, 62.3 % of its beneficiary during 2009-2014 were female students. With regard to

the guardianship of children, in 2014, Supreme Judicial Council, has ruled that when children are ordered to live with mother after divorce, mother can conduct government business including register children in schools, bring them health centers and obtain documents shows the recognition of women as equal status with men in decision making. However, the power to grant permission to children for marriage and travel retained with the father. In case of children lives with mother who has to seek permission of the court for these matters. Although, municipal councils has been established in 2005, the women have been remained out of voting rights, has now been changed when women casted their vote for the first time in municipal council election held in 2015. Besides this, Saudi sent two female athletes to Olympics held in London 2012, was a positive reply also towards the effort of international Olympic committee to ensure gender balance at the Olympic games. In addition, the highlight of the Rio Olympics, held in 2016, was the participation of four women from Saudi Arabia, with an increase from London Olympics. Most importantly, women have made up a slim majority of university students since 2016.

The appointment of 32-year-old Mohammed bin Salman as the new crown prince in 2017, replacing the traditional power holding from the hands of old generation, aimed at reducing the dissatisfaction among the country's youth. Immediately after taking office, one of the important measures that he taken, was aimed at reducing the discontent among women. The customary law on women to cover their face in public places were abolished in 2018. Considering this new decision that lifting the restriction regarding the dress code of women is a conclusive step recognizing the privacy of women. Moreover, The restriction on women to attend sports events in stadiums along with men has been abolished. This announcement of general sports authority of Saudi Arabia in 2018, that bringing the concept gender equality to the deep conservative society of the country. This was done after Saudi Arabia joined UN Commission On The Status Of Women in 2017 which working to ensure gender equality and female empowerment across the globe.

Now, women are permitted to take passports, travel without men's permission, and start commercial ventures is a welcome progressive change from the traditional land dominated by guardianship system that established men's ownership on women. Lifting the restrictions imposed on women regarding their freedom of movement, Saudi changed its earlier stand that declared while ratifying C E D A W in 2000 that the freedom of movement of women to be granted in accordance with the Islamic Sharia which in practice aimed at keeping the status quo of women, was the violation of article 15 (4) of C E D A W that

appealing all states to ensure men and women the same rights with regard to the law relating to the movement of persons. Now, by adhering to the international community, its effort to uplifting women's dignity and status, Saudi loosened its rigid social rules on women's rights, is a positive sign. Since 2017, women can jog and do physical exercise in streets is a welcome decision granting right to leisure of women, and also Saudi government introduced physical education for girls and started granting license for women to start gym. In march 2018, mother in Saudi Arabia were granted the right keep children after divorce without going through the legal proceedings and also they are allowed to join military as a soldier. Comparing to men, unemployment rate among Saudi women is high, 78 percentage of women are out of job market. Government have launched program aimed at reducing unemployment rate among female citizens of Saudi. National Transformation Program (N P T) launched in 2016, sets goal to increase job opportunities for men and women to 3 million by the end of 2020. In addition, Vision 2030, launched by the new crown prince Mohammed bin Salman, intended to increase women's participation in workforce from 22 percentage to 30 percentage by 2030. The Appointment of, Sarah Al- Suhaimi, as the chief of Saudi Arabian Stock Exchange is a historical decision recognising the leadership rights of women in a deeply conservative male dominated society. Saudi also appointed Dr. Tamadar bin Youssef Al Rammah as its first female deputy minister of labour and Reema bin Bandar bin sultan, a member of Saudi royal family, as first female ambassador to US. Moreover, A large number of women who fought for women's freedom have been jailed for treason whose release are also expected in the near future as part of these reforms. Besides this, it is also necessary to reduce the unnecessary powers of the clergy in the country who has been the major obstacle to the reforms. Therefore, let's hope for more women rights reform from Saudi Arabia.

CONCLUSIONS

Religious laws have been the major source of law in Saudi Arabia which has mostly been interpreted in all sphere of administration especially in the lives of women. Now, the emerging trend in Saudi regarding the adoption and implementation of international laws and treaties instead of religious customs is a positive sign that will ensure the rights of women in the society. As a major political and economic power in West Asia, reforms in Saudi Arabia will have an impact on other government and people of countries in the region. Moreover, Article 28 of the statute of Saudi, states that the way to make laws shall be the

way to repeal it, which indicates that, In practice the power to make laws in Saudi rests with the royal family who by a royal edict can eliminate unnecessary restrictions over the subjects especially on women. Therefore, The history making reforms, being implemented by the new crown prince Muhammad bin Salman, to be a hopeful change in this regard, that will bring about democratic order in the country up to some extent. The major purpose of MBS is to enable Saudi to face the international changes post oil era. Although, many rights have been granted to women still not completed the process. Therefore, hopefully expect many women rights reforms that plays as a bases of national progress, in future.

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