

SAUDI ARABIA: GROSS HUMAN RIGHTS ABUSES AGAINST WOMEN

AI Index: MDE 23/57/00

Embargo: 27 September 2000

Discrimination against women impacts upon and compounds the wide range of human rights violations commonly reported in Saudi Arabia. These violations, which have been described in detail in two recent Amnesty International reports on Saudi Arabia, *A Justice System Without Justice* and *A Secret State of Suffering*¹, include arbitrary arrest and detention as facilitated by the wide-ranging powers enjoyed by the arresting authorities; vague written and unwritten laws; secret and grossly unfair trials; torture and cruel, inhuman or degrading treatment or punishment; and the use of the death penalty.

This report begins by discussing the discrimination faced by women. Among the issues covered are: laws and customs which specifically discriminate against women; the absence of laws and other measures to counteract discrimination; laws that appear to be gender-neutral but may have a discriminatory impact on women or perpetuate discrimination against women; and the non-enforcement or inadequate enforcement of laws which provide human rights guarantees. The report also discusses in detail the double discrimination faced by domestic workers because they are both foreign nationals and women.

In preparing this report, Amnesty International studied relevant laws, monitored Saudi Arabian media, including statements by government officials, and conducted interviews with Saudi Arabian and other experts. More than 40 domestic workers from Indonesia, the Philippines and Sri Lanka were interviewed. Amnesty International would, of course, have wished to interview a wide range of Saudi Arabian women. Given that the organization has in the past voiced its concern in particular about the treatment of members of the Shi'a community in Saudi Arabia, Amnesty International had wished in particular to interview Shi'a women in connection with the preparation of this report. However, Amnesty International's repeated requests to visit the country remained in vain, just as its many requests to the authorities to clarify reports of human rights violations or to provide information have remained without response.

With this report, Amnesty International urges the Government of Saudi Arabia to ratify and implement, without delay and without limiting reservations, the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. Amnesty International also reiterates its invitation to the Saudi Arabian Government to engage in dialogue concerning the promotion and protection of human rights and urges the government to allow international human rights non-governmental organizations to visit the country without restriction.

The current debate within Saudi Arabia

Following the March 2000 launch of Amnesty International's campaign against human rights violations in Saudi Arabia, Prince Turki bin Muhammad bin Sa'ud Al Kabeer, Under Secretary for Political Affairs and Director General of the International Organizations Department in the Ministry of Foreign Affairs, addressed the UN Commission on Human Rights on 6 April in Geneva. He welcomed the role of the Commission's mechanisms, supported the universality of human rights, confirmed the government's invitation to the UN Special Rapporteur on the independence of judges and lawyers to visit Saudi Arabia, and listed a number of measures planned by the government to protect and promote human rights. These measures included: the establishment of a committee to investigate allegations of torture and other individual abuses, "authorization of the establishment of an independent non-governmental national body to help publicize and protect human rights", the establishment of a national governmental

body to examine “all human rights issues”, the establishment of human rights sections in the governmental agencies concerned “to emphasize the vital need for compliance with human rights regulations and principles”, and the adoption of new regulations for the legal profession and legal counselling. Amnesty International welcomed these steps publicly.

However, Prince Turki’s speech was, like the Constitution of Saudi Arabia, silent on the issue of women. Not one of the new measures proposed specifically refers to women. Discussion of discrimination against women and their status as second class citizens has for a long time been a taboo, untouchable even by the highest of state authorities in the country despite all the misery and suffering of women for no reason other than their having been born female. However, awareness of this situation of women is beginning to enter the public domain. This is reflected in the emerging debate spearheaded by the media and stimulated by official political statements. The substance of this emerging debate may be divided into three main themes: state discrimination, male violence and a government hesitant to take action on women’s issues.

State discrimination issues debated in the media include, in particular, restrictions on women’s freedom of movement, restrictions on employment opportunities, the employment conditions of foreign female domestic workers, and the difficulties women encounter with the judicial process when they attempt to seek redress. Instances of male violence and coercion include beatings and torture of both domestic workers and spouses, and coercion to force working women to surrender their salaries to their husbands.

Some contributions to the ongoing media debate are included in this report. They include extracts of letters written by women, frequently not identified by name, who speak eloquently and movingly of their own situation. They also include some conclusions and recommendations by Saudi Arabian lawyers, sociologists and psychologists. In this context it is interesting to note that many of these issues are echoed in the debate and recommendations arising from a seminar of experts from the Gulf and Arabian Peninsula in February 2000, organized jointly by Amnesty International and the Kuwait Lawyers’ Association on the theme of justice and human dignity.² The recommendations are also consistent with international human rights guarantees.

While the media debate has been varied and substantive, there has been a reluctance by the government to tackle the many compelling issues touched on by the media. Government officials, while stating that women should have a role to play in society and should be given their rights and responsibilities, have refrained from giving concrete commitments to end specific aspects of discrimination. For example, in December 1999, Crown Prince ‘Abdullah bin ‘Abdul-‘Aziz Al-Sa‘ud was quoted as saying: “Saudi woman is a first class citizen... has rights... duties... and responsibility... when we talk about the comprehensive development which our country is experiencing in all aspects we cannot ignore the role of Saudi woman... and her participation in the responsibility of this development.”³ Amnesty International hopes that this report will make a positive contribution to the ongoing debate, and believes the time is long overdue for the government to take substantive steps to allow women to enjoy the full range of their human rights without discrimination.

Saudi Arabia’s international obligations

Saudi Arabia, as a member of the UN, is required to act in accordance with the Universal Declaration of Human Rights (UDHR), which is considered to be part of customary international law. As such, it is bound by the principles set out in the preamble of the UDHR, which recognize the “inherent dignity and... inalienable rights of all members of the human family” and reaffirms the faith of member states of the UN “in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women” and is required to implement, inter alia, Article 2 of the UDHR, which provides that: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or

social origin, property, birth or other status.”⁴ Also, as a member state of the UN, Saudi Arabia is required to act in accordance with its resolutions and declarations, including the Declaration on the Elimination of Discrimination against Women,⁵ Article 1 of which states: “Discrimination against women, denying or limiting as it does their equality of rights with men, is fundamentally unjust and constitutes an offence against human dignity.”

According to the statement given by Saudi Arabia’s Permanent Representative to the UN in New York, during the special session of the General Assembly “Women 2000: Gender Equality, Development and Peace for the Twenty-first Century” in June 2000, the Saudi Arabian Consultative Council (Majlis al-Shura) agreed to the ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) at its 71st session on 7 May 2000. While the formal steps have yet to be completed, Amnesty International welcomed this announcement and trusts that the ratification will be without limiting reservations.

Saudi Arabia has already acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). It has also acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Rights of the Child (CRC), in both latter cases with a sweeping reservation in respect of all articles which are in conflict with Islamic law.⁶

Saudi Arabia has ratified several International Labour Organisation (ILO) conventions. Particularly applicable to the question of gender discrimination is ILO Convention No 111, the Discrimination (Employment and Occupation) Convention, which Saudi Arabia has ratified. This is discussed in Chapter 1 of this report in the context of the Labour Code.

International human rights law requires states to be responsible not only for human rights abuses perpetrated by officials, but also for protecting people from human rights abuses by private persons. Such responsibility is enshrined in all the core human rights treaties, including Article 2(1) of the International Covenant on Civil and Political Rights (ICCPR).

Furthermore, Article 1 of the CAT establishes state responsibility for acts of torture and ill-treatment if carried out by private actors with the “consent or acquiescence of a public official”.

This report discusses human rights violations perpetrated against women by state authorities as well as abuses of women by non-state actors (including private individuals and employers) when the state fails to take measures to combat or prevent these abuses, or provide opportunities for redress.

The Saudi Arabian authorities have consistently failed to investigate allegations of abuses against women. By failing to take action the state effectively condones certain kinds of abuse against women. Examples in this report show state officials sending women, who have sought protection and redress, back into situations of abuse. Consequently, there is a generalized perception that police officers will not provide any redress to women. In some instances, state officials not only condone abuses of women in the private sector, they also compound them by causing the women further abuse.

1. Discrimination

Discrimination by custom and law

Women face discrimination in virtually all aspects of their lives in Saudi Arabia because of both customs and laws. Some discriminatory customs and social taboos are enforced with the full force and authority of the state. For example, in 1990 a protest against the customary ban on women drivers was staged by

dozens of women driving in Riyadh. At that time, it was not illegal for women to drive. The Interior Ministry issued an official ban on women driving and this was echoed by a fatwa (a religious ruling).

The case shows that it was only after a demonstration that it became unlawful for women to drive. Religion was invoked to lend legal validity to a social taboo. The fatwa issued by the late Sheikh ‘Abdulaziz bin ‘Abdullah bin Baz, Grand Mufti of the Kingdom of Saudi Arabia and Chairman of the Council of Senior ‘Ulama, on the issue stated:

“There is no doubt that such [driving] is not allowed. Women driving leads to many evils and negative consequences. Included among these is her mixing with men without her being on her guard. It also leads to the evil sins due to which such an action is forbidden. The Pure Law forbids those acts that lead to forbidden acts and considers those means to be forbidden also. Allah has ordered the wives of the Prophet (Peace be Upon Him) and the women of the believers to remain in their houses, to wear hijab and not to display their adornments to non-mahram males as that leads to promiscuity that overruns a society.”⁷

The government continues to enforce the ban. In April 2000, the Interior Minister Prince Naif bin ‘Abdul-‘Aziz was reported in the press as having “...made it clear that the permission for women’s driving will only be discussed after society accepts the idea.”⁸

Legal framework

The government has recently embarked on a number of legislative initiatives, closely related to human rights issues which have been of concern to Amnesty International for years. These legislative initiatives include two specific to women. One is the recommendation by the Consultative Council to ratify CEDAW and the other is that the Council is reported to be studying proposals for a Labour Law for women. Other proposals reported to be going through the legislative process are a law regulating the legal profession and a law on trial proceedings. Although general, these three initiatives bear a direct relationship with women’s rights.

Amnesty International does not have any information on the content of these legal initiatives, but has called on the government to ensure that they be consistent with relevant international standards, including all those relating to women’s rights. Currently, laws in Saudi Arabia discriminate against women in almost all aspects of life, including decision-making, employment, education and family relationships.

Laws regulating the system of government, namely the Basic Law, Law on the Consultative Council, and Local Government Law, all issued in 1992, are silent on the question of women. They do not contain any reference to women or gender discrimination or indeed to such basic human rights as freedom from torture, the right to freedom of assembly or association, freedom from slavery, or the right to free speech. Certain rights are protected, such as the right to work and social security.⁹ The protection against arbitrary deprivation of liberty is rendered almost meaningless by being subject to the “rules of the system” (see Arbitrary arrest and detention, Chapter 2).

The Consultative Council Law, providing for a council of 60 unelected members (later increased to 90) to advise the King, contains no reference to women as members of the Council and none of its committees has a remit to deal with gender issues.¹⁰

Discrimination in law against women is not limited to laws regulating the system of government and decision-making. For example, the Labour Code¹¹ and the Policy of Education in the Kingdom of Saudi Arabia¹² contain direct and indirect discriminatory clauses against women. Some of the direct discriminatory clauses are based on explicit exclusion of women from certain jobs, but the main thrust of discrimination in employment and education derives fundamentally from the widely and strictly enforced

segregation of the sexes. Clauses which deny women the right to choose are contained in the Labour Code. Article 48 of the Labour Code stipulates that "...all Saudi workers have equal right to work in all parts of the Kingdom, without discrimination." However, this general stipulation is undermined by other provisions which discriminate against women. Article 160 prohibits the employment of women and juveniles in "hazardous" operations which are said to include working with power-related machinery, mines, quarries and the like. It is a basic philosophy of the government's education policy to restrict women's employment opportunities from childhood, as stipulated in Article 153 of the Policy of Education, which states that one of the primary aims of girls' education is "...to prepare her for work compatible with her disposition as a woman, such as teaching, nursing and the medical profession."¹³

The discrimination derived from the segregation of the sexes is contained in Article 160 of the Labour Code which also prohibits the co-mingling of men and women in the workplace and its facilities. Similarly, Article 155 of the Policy of Education prohibits the mixing between boys and girls throughout the different stages of their education, except at creche and kindergarten levels.

The policy of segregation of the sexes is cemented further with fatawa (religious rulings) that prevent women from mingling with unrelated men in public and is blatantly discriminatory against women with its consequences reflected in their low rate of participation in the workforce.

There are many provisions in the Labour Code that are positive for women. Articles 164 to 171 provide for some paid maternity leave; periods of rest to feed the newborn child; the employer's obligations to meet the cost of the woman's delivery and treatment; protection from dismissal during pregnancy and maternity leave; and protection from dismissal on the basis of certificated pregnancy-related illness. Yet domestic workers, the overwhelming majority of whom

are women, are explicitly excluded from the protection offered by the Labour Code under its Article 3.

Furthermore, domestic workers are unable to benefit (because of their exclusion from the scope of the Labour Code) from Article 78, which provides that:

The employer may not transfer the workman from his original place of work to another place necessitating a change in his place of residence, if such a transfer is apt to cause serious prejudice to the workman and is not justified by a valid reason dictated by the nature of the work.

Amnesty International was repeatedly told by domestic workers that they were passed around different households "like parcels". The Indonesian non-governmental organization, Solidaritas Perempuan, said it dealt with one client who had been transferred 18 times in two years. The exclusion of domestic workers from the protection contained in the Labour Code is inconsistent with Saudi Arabia's own legislation, particularly Article 28 of the Basic Law, which stipulates: "The state... shall enact laws to protect both the employee and the employer."

Discrimination against women, whether direct or indirect, is a serious breach of Saudi Arabia's international obligations, particularly ILO Convention No. 111. The Committee of Experts of the ILO said the following in relation to Article 160, in the context of Saudi Arabia's obligations pursuant to its ratification of ILO Convention No. 111:

"The Committee notes once again that Section 160 of the Labour Code has the effect of prejudicing equality of opportunity and treatment between men and women and is therefore incompatible with the Convention. The prohibition on men and women being together at the workplace results in occupational segregation according to sex since it restricts women to jobs where they will only be in contact with other women and which are deemed to be suitable to their nature and not contrary to current traditions."¹⁴

The same Committee subsequently said:

“The Committee points out that it is not necessary for measures to have a discriminatory intent for them to be in contradiction of the Convention. The Committee observes that the impact of this section of the Labour Code on the working conditions of women does fall within the definition of discrimination on the basis of sex contained in the Convention...”¹⁵

In family law, women’s rights are at their most unequal when compared with men’s rights. Under the family law as applied in Saudi Arabia, not only may a male, under certain circumstances, marry up to four wives, a man can divorce a woman instantaneously, whereas a woman must satisfy the court that one of the defined “causes” is met. The causes are: failure to maintain, absence of conjugal rights, extreme cruelty, infidelity, impotence, disability and abandonment (for three years). The problem is exacerbated further by the fact that social pressures will often discourage a woman from seeking divorce.

According to Dr ‘Abdullah bin Sultan al-Sabi’i, a Saudi Arabian professor of psychology: “Women fear divorce and to be without a husband and to be accused of destroying her home... She is also forced by her family into accepting the situation [of domestic violence] because marriage in our country is a tie between two families... in addition, our tribal society know each other and women fear scandals.”¹⁶

On divorce, women may retain custody of any children only until they reach the age of seven (for boys) and nine (for girls). The divorced wife can expect maintenance from her husband for three months only, after which she must rely on her family or charity. Husbands pay dowries to their wives on marriage, which is for the wife to keep and not for use in the support of the family. That money is kept by the wife upon divorce and may provide some financial security in the absence of maintenance for herself.

“Na’ila” (see Domestic violence, Chapter 3) described the difficulty she has in even speaking to her children following her divorce:

“I knew that in divorcing my husband, I would lose my children as I would only have been able to keep the boy until the age of seven and the girl until the age of nine. I knew that I was only entitled to maintenance for three menstrual cycles. My husband gave me the equivalent of US\$1,500. But he still retained my passport. He delivered me to the home of my brother. My parents are dead and it was not possible for my brother to look after me. I am destitute. My children were allowed to come and see me once — that was two years ago. Since then, my husband has said that I am allowed to speak to each of them for two minutes on Thursday evenings. I am desperate to see my children and I believe that they need me.”

In the same way that family law is, as with other fields of law in Saudi Arabia, often uncodified, court procedures remain unclear. Consequently, women who wish to institute divorce proceedings often do not know how to set about doing so, including how to file the necessary documents.

Customarily, women rarely go to court. A Saudi Arabian expert explained to Amnesty International:

“A woman, if she chooses to litigate, is represented by one of her male kin, her father, uncle or brother. A woman is given in marriage by her guardian (this is with her consent and in front of two male witnesses) and similarly she is helped out of marriage by her guardian. In other words, she seldom has to deal with a lawyer or the court directly since her male guardian “protects” her and acts in her financial, moral and social interest. Saudi women explain that standing in court is considered shameful, ‘ayb, to the family. Many women do not fight for their rights (even if they are aware of them) because of family reputation.”

Saudi Arabian women are, however, able to compensate for the shortcomings of family law by inserting conditions in their marriage contracts that safeguard their position. Common conditions are that a woman can work or study after marriage, or that she should have a right to divorce in the event that the husband takes a second wife.

Discrimination is apparent in other aspects of family law. It is possible, for example, for a Saudi Arabian man to marry a non-Muslim if she is a Christian or a Jew, but a Saudi Arabian woman may marry only a Muslim. In addition, if a Saudi Arabian woman marries a foreign national, the children must petition for Saudi Arabian nationality. However, if a Saudi Arabian man marries a woman of foreign nationality, any children of that marriage will automatically have Saudi Arabian nationality.

Freedom of movement

Limitations on the freedom of movement of women in Saudi Arabia underpin denials of other rights and, in their extreme form, involve actual imprisonment.

Article 13 of the UDHR provides that:

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Women in Saudi Arabia live in a web of mores, rules and fatawa defining and limiting the extent to which they can move. They are not allowed to leave the country without the written permission of a male relative. They are not allowed to go out in public without being accompanied by a mahram - a male relative to whom marriage would not be permitted (e.g. brother or uncle). There are various decisions which govern women's travel in taxis. In one fatwa, the late Sheikh 'Abdulaziz bin 'Abdullah bin Baz specified that a woman cannot be in a public place with another woman; she must be accompanied by a male mahram.¹⁷

Some of the restrictions on women travelling are illustrated by the following extract from an open letter addressed to the Consultative Council by Noura Al-Khereiji, a Saudi Arabian woman writer:

“For a son, a brother, an uncle (father's brother) or a legal guardian to have absolute power over a woman's travel — that is what I hope will be reviewed and reconsidered. A mother or sister cannot travel without the consent — formal, official and written — of the son or the brother and without producing an official document proving that the relative in question supports her. Does the fact that a son supports his mother, or a brother his sister, empower them to restrict her movements? What if that son or brother were evil, unkind to his parents or sisters, refusing to let his mother travel even in cases of necessity?”¹⁸

Such severe restrictions on freedom of movement and association in law can facilitate situations which in practice constitute imprisonment. It is extremely common, for example, for foreign domestic workers to be locked inside the home at all times, and some Saudi Arabian women can be effectively imprisoned in their homes by their husband. Dr Hana' al-Mutlaq, a Saudi Arabian psychology lecturer and writer, explained: “From birth, man receives the conviction that the sister, wife and daughter is private property. This is an important point to note, because it explains the behaviour of the man who prohibits his wife from visiting her parents or prevents her from taking exams... and the man can, in the name of tradition, imprison her in the house.”¹⁹

Limitations on a woman's freedom of movement also make it more difficult for her to avail herself of mechanisms of protection and redress in cases of abuse of other human rights. Most domestic workers interviewed by Amnesty International said that they would not have been able to locate the local police station to seek protection as they had never been allowed out.

Freedom of association and expression

In Saudi Arabia, women's associations, like those of men, are limited and restricted by the state. In April 2000 there was even a ban placed on a women's Internet café in Mecca for reasons of "morals". There are no functioning trade unions in Saudi Arabia. All organizations must be registered and can easily be closed down if the government disapproves of them, without effective judicial recourse. Consequently, there is no women's rights organization which can openly document and publicize human rights abuses against women.

Because women, in their communications with men who are not relatives, must exercise care, and because men are the judges of the appropriateness or acceptability of their attitude, tradition in practice prevents women from participating in public activities.

Saudi Arabian women have been unable to contribute to or benefit fully from the international debate on gender related issues. For example, there was no official Saudi Arabian delegation at the UN Fourth World Conference on Women in Beijing in 1995 or at the non-governmental organizations' (NGO) forum there. The government of Saudi Arabia was represented at the follow-up meeting in New York in June 2000, as mentioned earlier.

Most domestic workers are denied any freedom of association. Yet, a degree of freedom of association is an essential protective mechanism against other human rights abuses. As the UN High Commissioner for Human Rights stated earlier this year:

"A vital form of preventive action for all migrants appears to be to ensure that they are not left alone or isolated, ie, that some freedom of association is respected and that consulates closely monitor their migrant nationals."²⁰

Discrimination in education and work

"Is there any logical justification for spending huge amounts of money on women's education when thousands of female graduates face the prospect of either remaining at home or entering a single profession [girls' education] which is already overcrowded? It seems strange indeed that half the members of society are unemployed in a country where half the work force is foreign... A great many jobs done by men could also be done by women. Here, the issue is respecting women and also taking advantage of their qualifications and abilities."²¹

The participation of Saudi Arabian women in higher education is significant. According to the government's Sixth Development Plan, at least 78,000 women will have graduated from the country's universities and women's colleges in the five years ending 2000.²² However, their participation in education is not reflected in the workforce.

It is a government policy to educate boys and girls with different emphasis. Article 153 of the Policy of Education states: "A girl's education aims at giving her the correct Islamic education to enable her to be in life a successful housewife, an exemplary wife and a good mother..." Different ministries administer the education of girls and boys. Saudi Arabia has ratified the UNESCO Convention against Discrimination in Education, which specifies that segregation is not in itself a breach of the Convention

“if”, as Article 2 provides, “these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study.” In Saudi Arabia, segregation often means that women are limited to unequal facilities and opportunities. Article 154 of the policy states: “The state is responsible for girls’ education, and provides as much as possible all the necessary means to meet the needs of all those who reach school age, and to provide opportunities for them in the categories of disciplines suitable to her disposition as a woman.”

The Committee of Experts of the ILO said the following in 1995 about the different treatment of women and men in occupational training:

“... training is the key to promotion of equality of opportunity, and... discrimination carried out in regard to access to training will later be perpetuated and accentuated when it comes to access to employment and occupation. It thus requests the government to indicate the measures it intends to take to allow women access to vocational training in areas which are not traditionally “feminine” so that women may have the same opportunities as men, in conformity with the Convention.”²³

In Saudi Arabia, according to statistics from the last several years, women represent 55 per cent of university graduates,²⁴ own 40 per cent of private wealth, own 15,000 commercial establishments and number 5,000 of the members in the Chamber of Commerce.²⁵ Yet, according to a Saudi Arabian expert consulted by Amnesty International, a woman is not allowed by tradition to enter the Ministry of Commerce, even to comply with the necessary formalities of conducting business. A wakil shar‘iy (a male with power of attorney) has to do the necessary paperwork for her and represent her in meetings and other business transactions.

Thus, although women can enjoy many economic rights, the social constraints placed on them prevent the full exercise of these rights. According to the expert:

“There is a clear distinction between ownership and management. Thus, a woman can be a major shareholder in a company, but is not allowed to attend a board of directors’ meeting. She must instead be represented by a male of her choice, that is a proxy with power of attorney. A woman usually chooses a brother, another relative or just a person she considers trustworthy. This is again not so much an express rule of Shari‘a as a social practice.”

Recent statistics indicating that more women are graduating from university in Saudi Arabia than men are not echoed in employment statistics.²⁶ The percentage of women in the workforce was thought to be 7.3 per cent in 1980²⁷ and 5.5 per cent in the mid-1990s. Some sources say that women represent only two per cent of the workforce if the six million migrant workers are included.²⁸

These figures are partly explained by the restrictions on movement for women who wish to go to work. They must either be driven by their husband or mahram, or by a family driver which is beyond the financial means of some families. A more fundamental restriction, however, is the limited work opportunities for women outlined by Article 160 of the Labour Code (as mentioned earlier).

Women who do work do so in segregated environments — women’s banks and universities, in health and in the education of girls and women. Many Saudi Arabian women train as doctors, but social pressures discourage them from training as nurses. There are few publicly voiced calls for an end to segregation, but rather for an extension of work opportunities for women within existing segregation. For instance, the hotel industry reportedly received permission from the Ministry of Commerce to recruit women to work in marketing banquet facilities and in coordinating women’s functions in 1997.²⁹

Newspaper editor Abdul Rahman Al-Rashid highlighted several of the obstacles facing women in employment in an article where he pointed to the fact that there were thousands more qualified girls’ education teachers than could actually be placed, and that while some women were able to find

employment in banks and hospitals, what is available to them is far too small in comparison with their male counterparts.³⁰

2. Arbitrary arrest and torture of women by the state authorities

Arbitrary arrest and detention

Everyone is entitled to liberty of the person, as provided by Article 3 of the UDHR. The essential corollary to liberty of the person is protection against arbitrary or unlawful detention, as provided by Article 9 of the UDHR. This is echoed in the Basic Law of Saudi Arabia, although in a qualified form. Article 36 provides that:

The state ensures the security of all citizens and residents. No one has the right to restrict, arrest or imprison anyone except under the rules of the system.

Since the “rules of the system” appear to allow arrest in almost limitless situations, this in effect provides little protection from arbitrary deprivation of liberty. Moreover, the Statute of Principles of Arrest, Temporary Confinement and Preventive Detention (SPAD) gives law enforcement officials almost unlimited latitude to arrest people.³¹

Saudi Arabian law places many constraints on the freedom of movement of women (see Chapter 1). Linked to this are many circumstances in which women are deprived of their liberty arbitrarily. Amnesty International is concerned not only about the latitude given to law enforcement officials to arrest and detain women for vaguely defined criminal offences, but is also alarmed by accounts of women being deprived of their liberty for having run away from abusive employers.

The religious police, the Committee for the Propagation of Virtue and the Prevention of Vice, usually known as al-Mutawa‘een, are mandated to ensure strict adherence to established codes of moral conduct. They are known for being brutal — for example, beating people who do not pray at the required time. They also have more latitude to arrest and detain women than men because there are more constraints placed on the behaviour of women, and therefore more potential for offending behaviour. For example, women are vulnerable to being stopped, beaten and detained for infractions of the rules relating to dress, such as showing ankles or the face.

The case of Margaret Madil, a Canadian nurse, illustrates the vagueness of the remit of al-Mutawa‘een — and the broad circumstances in which they are able to chastise and arrest women. It also shows the risks women face of being arbitrarily detained when there is no suggestion that they have committed a recognizably criminal offence:

“In April 1993 I went shopping in the Kuwaiti Souq in Riyadh, together with my colleague, Rowena. We were both wearing abayas and had covered our heads but not our faces.

“It was a very hot day and, as a result, we bought some orange juice to drink. It was not Ramadan, and accordingly, there was no reason why we should not drink orange juice. As we were leaving the souq, and approaching our awaiting taxi, a van pulled up, full of mutawa‘een, accompanied by two police officers. The mutawa‘een shouted at us. They kept telling us to cover our faces. They asked for our iqama (residency documents)... I handed in mine and then asked for it back... I was told abruptly to “shut up”.

“Rowena and I started to scream; we were surrounded by men shouting at us. The taxi driver was made to take us (with a mutawa‘ sitting in the front) to a walled compound. The temperature was over 100 degrees [38 degrees Celsius] and we were kept locked in the car for about four hours.

“We were asked to sign a piece of paper in Arabic. I instinctively did not want to do that. We were not allowed to telephone our hospital, or indeed our embassy. There was a big stand-off about the signing of the document in Arabic. Finally, I signed, but put at the bottom that I had no idea whatsoever what it was that I had signed, as I did not understand Arabic. When this was translated to one of the mutawa‘een, he seemed to get very angry.

“At one stage, when Rowena and I refused to get out of the taxi... the mutawa‘een came and rocked the car and pounded it. They were reaching inside the car and were trying to slap us. Rowena and I were clutching at each other, thinking that we would be killed. Rowena sustained a black eye in the process. We became hysterical.

“We were taken... to Malaz prison — the women’s section... We were strip-searched, which I found humiliating. We were put in a cell... We stayed in this place for two days [before being released]. We were not allowed to make any telephone calls, although we would repeatedly ask to do so.

“After several weeks, the security department in the hospital said that charges had been dropped. I asked what the charges had been. We were asked to sign something. I refused to sign it. It turned out that it was an apology for un-Islamic behaviour.”

Farzana Kauzar, a Pakistan national, was detained for 10 months, together with her three children. There was no allegation that she had committed any offence. Her detention appeared to have been related solely to a bid by the Saudi Arabian authorities to force her husband to return from Pakistan to settle a commercial dispute between his employer and a high-ranking Saudi Arabian citizen.

“My ordeal started... on 8 October 1997 when I heard first two, then several more men enter my drawing room while I was in the bathroom. The men talked loudly, then one came into the bedroom. I asked who he was and was told, “I am a general of police”, but he did not show any identification paper or reveal his name. The manager of the apartment block came in and confirmed to me that these were police officers looking for my husband. I told them that he was in Pakistan but they did not believe me. In the midst of this my husband rang from Pakistan; my eldest son picked up the phone but when he tried to hand the receiver to me, one of the policemen in the room took it from him and put it down.

“The police officers took my money and jewellery away, then took me and the three children in a car to a detention centre in an unmarked office building in the centre of the city. There I was repeatedly questioned about my husband’s whereabouts and told them again and again that he was in Pakistan to attend to his sick father.

“There was one attempt to intimidate us when, about six months after our arrest, I was told by the police they could cut my throat and send the children back to Pakistan if we did not cooperate... I did not dare sleep deeply as I was afraid the children might be taken away.

“One morning after almost 10 months in detention, I was taken to the office to sign a statement that my treatment had been adequate; the officer present at the time was the police general who had arrested us. He said that he knew I was innocent and promised they would take me to a judge if I cooperated. I was then taken to a judge in an office in a cargo-hall-like building, where heaps of packages and cargo were lying around; there I was asked to sign a paper in Arabic. The paper said that I was permitted to go with my children to Pakistan for 40 days to persuade my husband to surrender to the Saudi police.”

Neither Margaret nor Farzana, or indeed any of the runaway domestic workers interviewed by Amnesty International who were held in detention centres, has ever been given any legal assistance or opportunity to formally challenge their detention, as required by international law.

Women who have suffered abuse in the private sphere are often at risk of arbitrary detention. This is particularly the case for runaway domestic workers who are routinely held in detention centres. Domestic workers are obliged to stay in them for weeks or months while their employers complete the necessary paperwork for them to leave.

An unfair criminal justice system

Women suffer discrimination in the criminal justice system both as victims of unfair trial procedures and because they are not afforded adequate redress for abuses meted out to them by non-state actors. Sometimes the two are combined — women abused by non-state actors are denied redress and justice by state officials who then abuse them or arbitrarily deprive them of their liberty.

Many provisions which are ostensibly gender-neutral perpetuate discrimination already inherent in the system. The SPAD32 is silent on the question of women and therefore not explicitly discriminatory. However, the impact in implementing the rules on women is discriminatory, particularly since they are not consistent with the UN ECOSOC Resolution 1997/24, which recommends that states should “develop investigative techniques that do not degrade women subjected to violence and minimize intrusion, while maintaining standards for the collection of the best evidence.”³³

Women enter the criminal justice system already disadvantaged by the systematic discrimination in society. The effects of the discrimination are replicated through the various legal procedures. Despite the fact that women in Saudi Arabia are not allowed by law to mingle with men who are unrelated, or allowed by custom to travel alone or enter government offices, they are interrogated by men. Injunctions against women being alone with men in society are for some reason not heeded in the criminal justice system.

The Human Rights Committee (the UN body of experts which monitors states parties’ implementation of the ICCPR) has stated that female staff should be present during the interrogation of female detainees and prisoners.³⁴ The basic safeguard, spelled out in key international human rights law, that all detainees should have access to a lawyer during questioning, is also flouted. In fact, with only one exception known to Amnesty International, women, like men, are denied legal representation throughout the whole of their detention and trial.

Interrogation by men in such conditions is likely to intimidate women who have hitherto had scant contact with unrelated men. It also contains a threat of sexual abuse, whether or not such a threat is realized, the female detainee is exposed to a situation of intimidation and fear.

The disempowerment of women in the interrogation process is all the more significant because of the over-reliance of the criminal justice system on confession evidence. In Saudi Arabia, uncorroborated confession evidence can form the basis of a conviction, including for offences punishable by death or flogging.³⁵

In the case of migrant workers, the disadvantaged position of women detainees is often compounded by the lack of an interpreter during interrogation and by the absence of adequate contact with their country’s consular officials. In the case of domestic workers, who are routinely deprived of their liberties by their employers and allowed little or no time off for social contacts, the arrest and interrogation is likely to be the first contact with any person outside the family of their employer.

Many cases show that the “crimes” of immoral conduct, although appearing gender-neutral, can be invoked against women in more circumstances than they can be invoked against men — mainly as a result of the many injunctions and limitations in respect of women’s behaviour.

Tess dos Reyes, a 41-year-old domestic worker from the Philippines, received a sentence of lashes after she was accused of having kissed a man who visited her employer's compound. She refuted the accusation, but was denied legal representation and was unable to cross-examine the witnesses who had made accusations against her. Tess at no stage confessed, but the court accepted the written accusations as evidence against her. Her employers, who had made the accusation, were not present in court. She was not given the assistance of a lawyer. She was also unable to send letters when she was in prison. Tess was never given clear information about the precise nature of the charges against her, although it seems likely that she was convicted of immoral conduct.

She told Amnesty International:

“What led to my going to prison was that at 9pm or 10pm one evening, the Filipino driver who lived in the compound received a visit from another Filipino man... The first thing that I knew about this was that my employer came to me and said that the man was my boyfriend. I said that I had no idea who this man was. My employer immediately called the police and the two Filipino men and I were all arrested.

“At 3am I was taken straight to the Malaz women's prison. I was never interviewed by the police prior to being imprisoned. There was a subsequent occasion when I was interviewed in the prison. I simply told the truth, and signed the statement. I felt helpless. I never saw a lawyer.

“I was in jail from 6 April 1998 to 6 November 1998. There was only one visit from the Philippines Embassy. This was more than two months after my imprisonment. I went to court once only. There was me, the judge and an interpreter in court and a female prison guard. The judge read out my statement, and then read out a statement from my employer in which he said that he had seen me embracing the Filipino visitor. The employer was not in court and was not required to “speak to” his statement.

“Even if I had felt capable of doing it, I did not have the chance to challenge the statement of my employer. I was simply told by the judge that I was to be given 75 lashes in one session, and eight months in jail. I am not sure exactly the crime I was sentenced for. I am not sure whether it was immoral conduct. I am not sure whether an inference was drawn from my supposed embrace that I had had sex with the man in question.

“I was given the lashes before I left, about a week before.”

Detained foreign domestic workers are routinely denied prompt access to their consular officials, even though Saudi Arabia's obligations under the UN Vienna Convention on Consular Relations (Article 36(b)) require:

If he so requests, the competent authorities of the receiving state shall without delay inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay.

Furthermore, Principle 16(2) of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides:

If a detained or imprisoned person is a foreigner, he shall also be promptly informed of his right to communicate by appropriate means with a consular post or the diplomatic mission of the State of which he is a national or which is otherwise entitled to receive such communication in accordance with international law or with the representative of the competent international

organization, if he is a refugee or is otherwise under the protection of an intergovernmental organization.

Nasiroh, a young Indonesian woman, went to Saudi Arabia in 1993 to earn money as a domestic worker. She told Amnesty International that she was sexually abused by her employer, falsely accused of his murder, and then tortured and sexually abused by police officers during two years of incommunicado detention. Officials from her embassy did not visit her once. Her trial was so cursory that she did not know she had been convicted. She still has no idea for what “crime” she was imprisoned for five years.

Many other women interviewed by Amnesty International waited months at least for contact with their embassy or consular officials.

It is particularly important in the case of women domestic workers that the Saudi Arabian authorities inform a migrant detainee’s embassy or consulate immediately following arrest, since that worker may well have no social contacts (as often domestic workers are the only migrant worker in a particular household) to inform the embassy accordingly. Thereafter, it is essential that a detainee be able to receive regular visits from officials from their embassy or consulate, and that those officials be given sufficient information about the case so that communication with the detainee is meaningful.

Sit Zainab binti Duhri Rupa, a 32-year-old Indonesian domestic worker and mother of two children, has been held in custody in Medina since September 1999. She has apparently admitted to having fatally stabbed her female employer 18 times. She has been held for over 11 months without seeing anyone from her embassy, without seeing a lawyer and without receiving visits. She is reported to be psychologically ill, and to have ‘confessed’ to the crime during police interrogation. Amnesty International is concerned that she is at risk of being sentenced to death and executed. The organization wrote to the Minister of the Interior in November 1999, expressing concern about her case, and reminding the Saudi Arabian authorities of ECOSOC Resolution 1989/64 adopted on 24 May 1989 which has recommended that states eliminate the death penalty “for persons suffering from mental retardation or extremely limited mental competence, whether at stage of sentence or execution.” The organization has received no reply from the Saudi Arabian government.

Torture and cruel, inhuman or degrading treatment or punishment

As mentioned earlier, torture in Saudi Arabia is facilitated and perpetuated by the failings of the criminal justice system, which denies prompt access to lawyers, family and doctors, provides no judicial supervision of arrest and detention, and relies on confessions for evidence and as a basis for securing convictions.

Women detainees are particularly vulnerable. They may often be interrogated alone, only in the presence of men, leaving them vulnerable to the threat or reality of sexual and other forms of abuse.

The testimonies of some women prisoners suggest that prison conditions are so harsh that they may amount to cruel, inhuman or degrading treatment.

Farzana Kauzar recalled:

“The cell had one small window next to the ceiling so we could not look out. On the first day we were not given anything to eat or drink; on the next day some milk was brought but as the air-conditioner was not working, it went bad during the day and caused my youngest child of two and a half years to vomit... During the day we just sat and sat. There was nothing to do. The children had no toys... The food was a major problem; it was put down just outside their door where cats could get at it. My eldest son refused to eat the food at times. My youngest son

developed black spots on his arms and eventually jaundice; he was first treated in the cell by a Pakistani doctor then transferred to the prison hospital. Our bedding was dirty and we had nothing but the clothes in which we had been arrested. All three children developed itching skin problems over time.”

Women also face the judicial punishment of flogging, a sentence imposed for, among other things, “moral crimes” for which women are more likely to be easily suspected than men. Amnesty International considers that flogging amounts to torture or cruel, inhuman or degrading punishment. Saudi Arabia, as a state party to the Convention against Torture, is obliged not to impose any punishments, including flogging, that amount to torture or cruel, inhuman or degrading punishment.

Violetta “Miranda” Calminero, a 53-year-old Filipina, described her ordeal when her sentence of 150 lashes was imposed:

“The three sessions of 50 lashes were administered in the space of five days, on a Wednesday, Saturday and Monday. This was the week before I was released, on 14 April 1999. Before the lashes were administered I had to see a doctor to see whether I was fit to receive the punishment. I was simply asked if I had a heart condition. If this had been positive, I would have been given a certificate asking for lighter lashes. The lashes were administered in a room with three mutawa‘een sitting at a table. I was made to lean over a chair fully clothed with my abaya. This was a special room in the prison.

“Beforehand, I had to queue up in an adjoining room. We were not supposed to look but occasionally peeked at what was going on. In any event, I could hear what was happening. I noticed that if women squirmed or moved, the lashes became more intense. Being made to listen made the procedure all the more traumatic.”

The death penalty

Saudi Arabia executes people for a wide range of offences, including non-violent offences such as apostasy and certain consensual sexual offences. Such an ultimate punishment is invariably handed down after trial proceedings which ignore the most basic standards of fair trial.³⁶

The unfairness of trial proceedings in cases of women facing capital punishment is in the extreme. This is because of the extremely disadvantaged position of women in society described above, particularly of female domestic workers, and the strict secrecy which surrounds trial proceedings.

The death penalty is sometimes imposed in Saudi Arabia solely on the basis of uncorroborated confessions. Once again, women are particularly vulnerable to making false confessions during interrogation by male interrogators (see above).

At least 28 women are known to have been executed in Saudi Arabia since 1990 (see Appendix). Very little is known about their trials. They include Fatimah bint ‘Abdullah, a Saudi Arabian national who was executed on 27 March 1995 in Jizan after being convicted of running a brothel and the possession and use of qat (a narcotic substance widely used in countries of the Horn of Africa and some countries in the Middle East), and Mukhtiara Khadem Hussein, a Pakistan national who was executed on 18 July 2000 in Jeddah following conviction on charges of drug trafficking.

Of the 28 women executed since 1990, 17 were foreign nationals — a disproportionate percentage given that foreign nationals are thought to comprise 25 per cent of the population. In its report, *A Secret State of Suffering*, Amnesty International showed how foreign nationals find themselves

in a disadvantageous position in relation to Saudi Arabians in murder cases, since they do not have tribal leaders or officials to lobby for them or to pay blood-money (payable in lieu of an execution, if the family of the deceased agree).

3. Human rights abuses and state inaction

Amnesty International believes that some laws and practices in Saudi Arabia aggravate the impact of abuses perpetrated against women by non-state actors. Limitations on the freedom of movement of women are such that it is often difficult to seek protection without risking further abuse. Saudi Arabian women may seek protection from family members, but with no guarantee that they will not be returned to their abusive husbands. In the case of domestic workers who may be locked up in the house of their employer there may be little or no means of escape, and if they do so they may run the risk of arrest for walking unaccompanied in the street. They may be so ignorant of their immediate neighbourhood as to be quite unable to locate a police station, the only possible refuge. Even then, law enforcement officials may send women back to abusive situations or assault or threaten them, thus compounding the original abuse that caused them to escape. Amnesty International knows of no case where a proper investigation has been initiated by police in response to a woman making an allegation of assault or violence in the home. Moreover, certain legal requirements, for instance in relation to the prosecution of rape, make it difficult for women to obtain redress and justice. Domestic violence against women is rarely recognized as a criminal offence.³⁷

Domestic violence

“Violence in dealing with the wife in our Saudi society is a crime that no one likes to talk about and the harm continues because of that silence.”³⁸

Amnesty International has been able to uncover little about the issue of domestic violence in Saudi Arabia. The authorities do not publish statistics in relation to the prosecution of men who have been accused of assaulting their wives. Indeed, the state tolerates men chastising their wives for disobedience, although they are not supposed to cause pain or injury and there is a general perception that police officers will not in any event look favourably upon a complaint by a woman that she has been beaten by her husband.

“Na’ila”, a Saudi Arabian woman, described what she perceived to be the futility of going to the police to complain about the assaults she suffered.

“I was married to an eminent Saudi government official for 17 years. I was divorced some three years ago. We have three children. I would go so far as to say that we enjoyed a good life. My husband was a gentle father and was loving to me. However, he became almost insanely jealous. He seemed obsessed by the fact that I would take a lover. In Saudi Arabia, it is quite difficult for women and men to meet in any event.

“My husband was so jealous that even my son would have to look around to see whether his father was there before he could kiss me. My husband accused me of having sex with my brother. We did not have a driver, since it would have driven my husband insanely jealous. For the last five years of my married life, my husband would lock me into the house when he and the children left for school and work.

“I said that I wanted a divorce. My husband was very violent. There were about five occasions when he beat me so badly that I needed hospital treatment. He would hit me regularly with his head-ropes. There was no point my going to the police... it is well known in Saudi

Arabia that the police would not have helped – they would have simply sent me back to my husband. In any event, my husband has a very senior position and the police are unlikely to have wanted to intervene.

“The beatings would take place in front of the children. Sometimes, my husband would drag me around the floor by my hair. There were constant beatings with the head-rope. Towards the end, my husband would lock the bedroom door at night, to stop me (supposedly) going to have sex with a neighbour. He finally agreed to divorce me.”

In its June/July 2000 issue, the Saudi Arabian magazine Al-Majalla contained a feature on domestic violence. A victim told the magazine: “The tragedy started on the first night of the marriage when I received the first lesson of humiliation. He slapped me simply because I was not quick enough to provide him with a glass of water. The beating continued and I used to get admitted to hospital for bruises and serious bleeding.”³⁹

A wife told the magazine: “As a rule, the wife may sacrifice herself with silence for the formal stability of their children. Also some families put pressure on their daughters fearing the possibility of violence from their husbands without being aware that that may lead to psychological exhaustion because they see divorce as a shame which follows a woman and her family. So the wife accepts everything in order not to carry the name of divorcee.”⁴⁰

The article concludes with recommendations by Dr Abu Baker Ba Qadir, Professor of Sociology at King ‘Abdul-‘Aziz University in Jeddah, one of the experts consulted by Al-Majalla, who commented that “our society is in need of legal remedy putting limits on the husband in order to make him aware that beating and torturing the wife is considered a punishable crime... there must be institutions to receive women who find their families standing against them in order to protect her and to assist her to retrieve her rights.”

As Dr Hana’ al-Mutlaq commented: “Man does that because he is aware that a woman can’t complain to her family. She does not have the courage to reveal such wrongdoing because she is aware that her family will not help her, on the contrary, they would return her humiliated to him.”⁴¹

Domestic workers

The restrictions on the liberty and freedom of movement of women domestic workers make them extremely vulnerable to a wide range of abuses. Domestic workers are excluded from the protections afforded to other workers by the Labour Code.⁴² As a result, they are frequently overworked and are rarely given time off. They are often locked in the homes of their employers, and their isolation (they may be the only domestic worker in a particular household) makes them even more vulnerable to assaults which will not be witnessed by anyone outside the family of their employers. They are also an easy target for false allegations.

Domestic workers interviewed by Amnesty International described gross exploitation (including arbitrary deprivation of liberty, verbal and physical abuse, restriction of movement and non-payment) which may amount to slavery-like working conditions. The working day often allowed less than five hours sleep, with an even shorter break during the fasting month of Ramadan. Some domestic workers described having to go to the toilet to sleep and having insufficient time to wash or eat. No domestic worker interviewed had ever been given any time off, either in the form of weekly time off or paid holidays. Domestic workers described not being able to get time off when sick. Most were never allowed out, and some were even denied contact with their families at home because their mail was destroyed by their employers.

In interviews with Amnesty International, domestic workers, almost without exception, said they were subject to verbal abuse. They also reported being passed between different households in transactions in which the women themselves had no say. Beatings were common, both by male and female employers. Many women reported being beaten with the head-rod worn by men - the aqal.

Natividad Lympiado ("Nati"), a 32-year-old domestic worker from the Philippines, stated that she was raped by her employer, who also regularly beat her. She sought the protection of the authorities (the mutawa'een and the police) and each time was denied protection and redress.

"The oldest son collected me from the airport [upon arrival in Saudi Arabia in May 1996] and raped me, somewhere in the desert, on the way home, in the car. I was completely devastated but nevertheless needed to earn money... Throughout the 13 months I worked in Saudi Arabia the four oldest boys in the family made advances to me. I was not raped again until May 1997, when I was raped by the oldest son for the second time.

"I was regularly spat at by all members of the family, and beaten, usually by the father. He used to hit me with his aqal. The beatings began when I had been in the house for three months. I asked for my salary as at that point I had received nothing... From that point, I was beaten every day.

"I was given a severe beating on one occasion when [the father] could not find his prayer beads. He became very angry. I remember that the second son kicked me and the father struck me around the head. I ran out of the house and a police patrol happened to be passing. The police officers took me to the police station and then called the home of my employers. The police said that it was not their problem, and that I had probably caused the problem myself. I had marks on my left shoulder, from being struck, but they did not seem very interested in that."

Karsini binti Sandi, a 19-year-old Indonesian domestic worker, told Amnesty International that she was assaulted by her employers and then abused and threatened with execution by police officers when she asked them for help. She eventually escaped and returned to Indonesia in January 2000.

Many workers were told on their arrival that they would have to work until the end of their contract before being paid, even though this was not part of their contract. Many domestic workers were not paid at all.

It is not only fear of being alone in the streets that hampers women's ability to flee abusive situations. Their freedom is further restricted because their passports are routinely confiscated by their employer. This also delays their repatriation, thus prolonging their stay in detention centres.

A dramatic example of abuse by a non-state actor being aggravated by arbitrary deprivation of liberty is the case of Flor, a 48-year-old migrant worker from the Philippines. Flor told Amnesty International that she broke her back and two legs trying to escape from an abusive employer, and was then, after a short and insufficient period in hospital, imprisoned for five months.

"I went to work in Saudi Arabia in May 1998. I was hired as a family seamstress and was forced to work from 7am until 2am or 3am. I was made to sleep in a kind of cupboard in the sewing room. I was given only one meal a day. I was not given any breakfast and was hungry all day. I was locked in all the time.

"After two and a half months, I was so sick of not being paid any money and being hungry all the time, that I decided to escape... via the ceiling window in the toilet. I climbed out at 4am, using a rope. However, the rope broke, and I fell three floors to the ground. What happened then is something of a blur, as I lost consciousness at one stage. I remember that after I fell, the police were called. I was surrounded by police officers and my employer. I was taken

to hospital in a police car, not an ambulance. It transpired that I had broken my back and both legs. I told the nurses who looked after me what had happened, and why I had tried to escape. Some police officers came to visit me in the hospital. The nurses related to the officers what I had said about my reasons for trying to escape.

“On 15 September 1998, when I had been in hospital for a month and a half, I was taken, abruptly, to Malaz prison. A police officer simply walked into the hospital, picked me up, and carried me to the prison. I was still feeling very unwell. When I arrived in prison, I could not walk and had to crawl. I was released from prison on 17 February 1999.”

Diah binti Didih from Indonesia was 16 — a child under the definition of the UN Convention on the Rights of the Child — when she went to work in Saudi Arabia as a domestic worker. She told Amnesty International that she was immediately raped by her employer. She was also ill-treated, and her wages were not paid.

“The husband raped me repeatedly. He asked me for sex immediately after I started working for the family. He used to beat me around the head and shoulders if I tried to resist him. He would also often hit me for no reason whatsoever. He would generally rape me at the times when his wife was at work.

“Apart from the repeated rape, which was about twice a week, and the unprovoked beatings, he would verbally abuse me all the time. He would call me a “pig” and a “dog”.

“I didn’t think of going to the police. I wouldn’t in any event have known where the police station was. I had not had a day off in 17 months, had not been out, and had been locked up in the house.”

Saudi Arabia, as well as all the countries that send female domestic workers to Saudi Arabia, are states parties to the Convention on the Rights of the Child (CRC). They are therefore obliged to protect those under the age of 18 from the kind of abuse described by Diah, an obligation they failed to fulfil.

Article 19(1) of the CRC states:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 32 imposes a duty to adequately supervise and reprimand agencies involved in the falsification of documents to misrepresent the age of children sent to Saudi Arabia:

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or be harmful to the child’s health or physical, mental, spiritual, moral or social development... States Parties shall in particular... provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 34 further requires that: “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.”

Redress for abuses

As mentioned earlier, there are no women's refuge centres for women at risk of or fleeing abuse. Amnesty International has been unable to obtain any information regarding state support in the form of counselling or other treatment or support for victims of rape and other sexual abuse.

Although men may be executed for rape, the law and procedures in relation to the prosecution of rape do not provide justice and redress to women who are raped. The only basis for a rape conviction is a confession or the evidence of four witnesses. The nature of rape is such that it is unlikely to take place in front of four witnesses. A further disincentive for a woman to make a complaint of rape is the existence of the crime of qadhf — making slanderous accusations — which is punishable by lashes.

Ramona, a Canadian nurse who worked in a hospital in Saudi Arabia, most recently in 1999, described how assaults of domestic workers were dealt with by the authorities:

“My professional experience in Saudi Arabia... left me with concerns about the treatment of domestic workers — who were generally from Sri Lanka, Indonesia and the Philippines. The procedures for rape cases left a lot to be desired. Firstly, a woman complaining of rape would not generally have a gynaecological examination for about 24 hours, by which time there would be no evidence of semen. I was never aware of any prosecutions of employers. There were Saudi social workers at both of the hospitals that I worked at. They would try and help the women who were the subject of assaults. But there seemed to be no referral to the police.

“Often, women would come in to the hospital with reports that they had been in a car accident. However, the injuries were not consistent with a car accident — they were more consistent with beatings. I remember one particular case... in 1991. A young Sri Lankan woman came in suffering from bilateral retinal detachment. She was very quiet and withdrawn. She was aged about 20. We started to bathe her and saw that her body was covered with cigarette burns, and cane/whip marks. There were circumferential marks around her neck — which looked as though they had been caused by metal wire. The woman in question told us that she had been raped by her employer and his sons. The injuries had been inflicted by the employer's wife, after she found out about the rape.

“I do not remember any occasion when police officers were brought to the hospital to interview women who had been assaulted.”

Responsibilities of labour supplier countries

The governments of sending countries bear some responsibility in allowing a situation to persist in which the rights of their nationals working in Saudi Arabia are systematically abused. There is also an urgent need for the training of specialized staff at the embassies and consulates in Saudi Arabia, as well as more rigorous regulation of the activities of recruitment agencies, particularly as regards the treatment of children.

Recommendations

The situation of women in Saudi Arabia is untenable by any legal or moral standard. The Saudi Arabian government has long shirked its responsibility and flouted its international obligations by allowing, or turning a blind eye to, the misery and suffering endured by women primarily because they are born

female. It is also the responsibility of the international community, which for a long time has remained silent regarding the desperate human rights situation in Saudi Arabia.

Amnesty International calls on the Government of Saudi Arabia to take urgent steps to remedy this situation. The organization also urges other governments and intergovernmental bodies to take steps to support further safeguards for women in Saudi Arabia in law and practice.

1. Recommendations to the Government of Saudi Arabia

Ratifications

Amnesty International urges the Government of Saudi Arabia to ratify without reservation and implement in law and practice the following instruments:

- the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol;
- the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- the ILO Conventions 97 and 143, and other relevant ILO conventions;
- the International Covenant on Civil and Political Rights;
- the International Covenant on Economic, Social and Cultural Rights;

Constitutional and legislative amendments

Amnesty International urges the Government of Saudi Arabia to amend the Basic Law, to conduct a comprehensive review of legislation, to ensure active enjoyment of all human rights, to provide for non-discrimination of women, non-discrimination between Saudi Arabians and foreign nationals, and protection of women from all forms of violence, including sexual violence.

Monitor complaints

Amnesty International urges the Government of Saudi Arabia to establish an agency to carry out the independent and impartial monitoring of complaints of human rights violations and abuses, including rape, made by women. This agency should ensure, whenever relevant, that judicial investigations are carried out and that victims receive due compensation. The agency should regularly publish reports on its activities and findings.

Provide protection

The Government of Saudi Arabia should establish shelters or refuges, staffed by women, for the protection of women at risk of or fleeing abuse.

Bring perpetrators to justice

Amnesty International urges the Government of Saudi Arabia to ensure that any person alleged to have committed human rights abuses against women is brought to justice, in accordance with international standards for fair trial.

Human rights awareness and education

Amnesty International urges the Government of Saudi Arabia to introduce human rights education programs at all levels of education, that includes emphasis on the rights of the girl child and women. A comprehensive human rights awareness program should be initiated making use of all media, to ensure that all people living in Saudi Arabia are aware of their rights as guaranteed by the UDHR and international treaties ratified by Saudi Arabia, and that discriminatory practices will not be tolerated.

Training of law enforcement officials and members of the judiciary

Amnesty International urges the Government of Saudi Arabia to train law enforcement officials and members of the judiciary to have a gender-sensitive approach to abuses of women by private actors and state officials.

In addition to the training of law enforcement officials, the government should recruit, train and appoint women police officers, who should be present whenever women detainees are interviewed.

Women labour inspectors should be trained and appointed, with a mandate to supervise the conditions of work of female workers. Furthermore, the government should consider establishing a specific department in the Labour Ministry, staffed by women, to supervise the application of the Labour Code in relation to domestic workers.

Bilateral Agreements with countries sending migrant workers

Amnesty International urges the Government of Saudi Arabia to enter into bilateral agreements with the governments of countries which have large numbers of nationals working in Saudi Arabia. These agreements should:

- Extend to domestic workers the benefit of the safeguards set out in the Labour Code;
- Establish an independent and impartial complaints procedure, easily accessible to domestic workers, dealing with complaints of abuse and violence;
- Provide for the referral to specially trained and appointed women police officers of all complaints of rape and sexual abuse, beatings or other assault;
- Provide that embassies will be notified promptly of the arrest and detention of one of their nationals, and for embassy staff to have access to detained nationals without delay;
- Provide that adequate information is given to the embassy regarding the progress of any criminal proceedings against their nationals, and that immediate notification is given to the appropriate embassy in the event of the hospitalization or death of a migrant worker. In the

event of death, the embassy of the sending country should be given the opportunity to arrange for an independent autopsy.

2. Recommendations to labour supplier countries

Ratifications

Amnesty International urges the governments of these countries to ratify without reservations the Migrant Workers Convention and ILO Conventions Nos 97 and 143.

3. Recommendation to the UN Special Rapporteur on the independence of judges and lawyers

Amnesty International urges the Special Rapporteur to pay particular attention during his visit and investigations to the representation of women in legal proceedings in Saudi Arabia.

Appendix

Women known to have been executed in Saudi Arabia since 1990

No	Name	Date	Place	Nationality	Charges/remarks
1	Shafea bint Nasser AL-MERRI	5/10/90	Unknown	Saudi Arabian	Murder of her husband in his sleep. She stated that she was married to him against her will and that he severely beat her.
2	'Aisha bint Jaber BIN AHMAD	18/09/92	Riyadh	Yemeni	Was convicted with her husband of murdering his mother.
3	Noura bint 'Ubeid bin 'Aqla'a AL ZUE'BI	11/12/92	Eastern Province	Saudi Arabian	Murder. Helped murder her husband with her -daughter (No.4 below).
4	'Aisha bint Muhammad bin Daydan bin 'Aqla'a AL-ZUE'BI	11/12/92 Province	Eastern	Saudi Arabian	Murder. Shot her father to death while asleep, with her mother (No.3 above).

5.	Rani bint Khamisallah BAKH	15/1/93	Jeddah	Pakistani	Murder of her husband while he was asleep, and mutilation of his body .
6	Salwa bint Mohammad Bin ALI	29/1/93	Dhahran	Saudi Arabian/ Egyptian origin	Murder of her husband with the help of another man
7	Jum'a bint	12/2/93	al-Baha	Saudi Arabian	Murder of her husband while asleep.
8	Leonarda AKULA	17/5/93	Dammam	Filipina	Murder
9	Konti Vidarati TONOTONI	7/10/94	Mecca	Indonesian	Murder (husband also executed).
10	Fatimah bint ABDULLAH	27/3/95	Jizan	Saudi Arabian	Running a brothel, possession and use of qat.
11	Unnamed	27/6/95	Riyadh	Saudi Arabian	Murder
12	Layla bint 'Abd al-Majid Bin AL HAMID	11/8/95	Dhahran	Saudi Arabian	Murder of her husband, with her daughter (No.13 -below) and son (also executed).
13	Khulud Khalid Bint Husaynher Bin Ahmad	11/8/95	Dhahran	Saudi Arabian	Murder of her father, with mother (above) and brother (also executed).
14	Rabi bint Muhammad Bin HAMED	25/8/95	Unknown	Nigerian	Drug trafficking
15	Del Ferouza DELAUR	25/9/95	Jeddah	Pakistani	Drug trafficking
16	Binta Binta Muhammed ALI	16/10/95	Jeddah	Nigerian	Drug trafficking
17	Dhafira Bint Said bin Mohammad AL-SALIM	18/08/96	Najran region	Saudi Arabian	Murder of her husband
18	Unknown	26/11/96	Jeddah	Pakistani	Drug trafficking
19	Unknown	26/11/96	Jeddah	Pakistani	Drug trafficking
20	Zahrah 'Isa 'ALI	30/06/97	Jeddah	Nigerian	Drug trafficking
21	Bana Mohamed ADAM	19/09/97	Jeddah	Nigerian	Drug trafficking

22	Soleha Anam KADIRAN	30/09/97	Mecca	Indonesian	Murder of a Saudi Arabian woman
23	Hawa FARUK	28/05/99	Riyadh	Nigerian	Drug trafficking
24	'Aishah Sa'adah QASIM	16/07/99	Jeddah	Nigerian	Drug trafficking
25	Safira Ounbiyi SALAMI	03/09/99	Jeddah	Nigerian	Drug trafficking
26	Fayzeh bint Hamoud bin Khalaf AL- JOUFI	21/02/00	Arar	Saudi Arabian	Murder of her husband
27	Warni Samiran AWDI	19/06/00	Al-'Ihsa'	Indonesian	Murder
28	Mukhtiara Khadem HUSSEIN	18/07/00	Jeddah	Pakistani	Drug trafficking (her husband was also executed).

ENDNOTES

1. See *A Justice System Without Justice*, AI Index MDE 23/02/00, published in May 2000, and *A Secret State of Suffering*, AI Index MDE 23/01/00, published in March 2000. These and other documents on Saudi Arabia can be consulted on www.amnesty.org and, in Arabic, on www.amnesty.org/arabic/index.htm.

2. See "Seminar on Justice and Human Dignity", Kuwait, 12-13 February 2000, AI Index MDE 02/04/00, available in English and Arabic.

3. See *Al-Jazeera*, 6 December 1999.

4. Preamble of the Universal Declaration of Human Rights, adopted and proclaimed by the General Assembly of the United Nations on 10 December 1948.

5. Declaration on the Elimination of Discrimination against Women, proclaimed by General Assembly resolution 2263 (XXII) of 7 November 1967.

6. See *A Secret State of Suffering*, op. cit.

7. *Islamic Fatawa Regarding Women*, Compiled by Muhammad bin Abdul-Aziz Al-Musnad, translated by Majall Al-Din Zaraboso, Darussalam 1996, Riyadh, p. 310.

8. *Arab News*, 28 April 2000

9. See Articles 27 and 28 of the Basic Law, issued in March 1992.

10. The committees deal with: Islamic affairs, health and social affairs, economic and financial affairs, security, education, culture and media, foreign affairs, regulations and administration, and public services and facilities.

11. The Labour Code – Decision of the Council of Ministers, No. 745, dated 23/25 Sha’ban 1389, 3/4 November 1969.
12. The Policy of Education in the Kingdom of Saudi Arabia, adopted by the Council of Ministers, Decision 779 on 26 November 1969.
13. The Policy of Education in the Kingdom of Saudi Arabia.
14. Report of the Committee of Experts, ILO, Geneva 1996.
15. Report of the Committee of Experts, ILO, Geneva 1996.
16. *Al-Majalla*, issue No 1063, 25 June - 1 July 2000, p. 27.
17. *Islamic Fatawa Regarding Women*, op. cit. p. 269.
18. *Arab News*, 4 April 2000
19. *Al-Majalla*, issue No 1063, 25 June - 1 July 2000, p.24
20. UN Doc. E/CN.4/2000/12.
21. Editorial article by Abdul Rahman Al-Rashid, published in *Arab News*, 7 February 1999.
22. Hamad Al-Salloom, *Education in Saudi Arabia*, Beltsville, MD, Amana Publishers, 1995, p. 34, 45-46.
23. ILO Committee of Experts Report on ILO Convention No. 111, Geneva, 1995.
24. See *US Department of State: Saudi Arabia country report on human rights practices for 1998*, published 26 February 1999.
25. *Saudi Gazette*, 23 October 1998.
26. “Educated for Indolence, Thousands of Saudi women get university degrees. Few get jobs”, David Hirst, *The Guardian*, 3 August 1999.
27. Saudi Arabia, Ministry of Planning, *Third Development Plan (1980-1985)*, Riyadh, 1980, pp. 3-7.
28. op. cit. David Hirst, “Educated for Indolence...”
29. See Javid Hassan, “Saudi Women Given Green Light in Hotel Industry”, *Internet Arab View in English* (28 February 1997), as reported in FBIS-NES-97-070, 11 March 1997.
30. Editorial article by Abdul Rahman Al-Rashid, published in *Arab News*, 7 February 1999.
31. For further details, see *A Justice System Without Justice*, op. cit. pp 4-5.
32. The Statute of Principles of Arrest, Temporary Confinement and Preventive Detention, issued 11 November 1983.
33. UN ECOSOC Resolution 1997/24 on Crime Prevention, Recommendation 8(b).
34. See Human Rights Committee, General Comment No. 16 para. 8.
35. See *A Justice System Without Justice*, op. cit.
36. See *A Justice System Without Justice*, op. cit.

37. See *A Secret State of Suffering*, op. cit., p. 11, for a report of a rare case in which a man was punished for an act of domestic violence.

38. Dr Abu Baker Ba Qadir, Professor of Sociology at King ‘Abdul-‘Aziz University in Jeddah, *Al-Majalla*, issue No 1063, 25 June - 1 July 2000, p. 27

39. *Al-Majalla*, issue No 1063, 25 June - 1 July 2000, p. 24.

40. *Al-Majalla*, issue No 1063, 25 June - 1 July 2000, p. 26.

41. *Al-Majalla*, issue No 1063, 25 June - 1 July 2000, p. 24.

42. Gabriela Rodriguez Pizarro, the UN Special Rapporteur on migrant workers, has asserted that:

“The lack of protection and regulations governing informal labour is at the origin of women migrant workers’ dependence on their employer. Because of that lack, women often lost their right to reside in the host country if they leave their employer, even in cases of ill-treatment. In many countries, migrant workers are not permitted to change their employers.”

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captions

Farzana Kauzar with her three children. They were arrested in October 1997 and held as hostages for just over 10 months in order to force their father to return to Saudi Arabia. © private

Nasiroh, an Indonesian national, was abused by both her employer and the police. She was unaware that she had been convicted of any offence, but spent five years in prison. © ai

Violetta 'Miranda' Calminero, a Filipina, was sentenced to 150 lashes which were administered in the presence of three mutawa'een. She was convicted of a moral offence. © ai

Karsini binti Sandi, an Indonesian national, was abused by her employers and threatened by the police when she sought their help. She escaped to Indonesia in January 2000. © ai

Flor, a Filipina, was detained in Malaz prison for five months after trying to escape her abusive employer. She was released in February 1999 without charge or trial. © ai