

Human Rights Violations in Saudi Arabia and International Organizations' Turning a Blind Eye



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Abstract

Human rights are the most fundamental and basic rights that every individual should enjoys for solely being humans. This simple definition has had important social and political impacts for people and governments at national and international levels, and numerous international organizations are active in this regard. The question that arises here is why despite the existence of an international human rights mechanism, which is made up of organizations, institutions, and almost accepted international conventions and norms, we are witness to their silence towards the dire human rights conditions in Saudi Arabia, and no reaction or actions are taken in this regard? To answer this question in this research tries to apply the views of international mechanisms to study the discriminatory view based on the interests of the founders and leaders of international bodies towards human rights in Saudi Arabia. Human rights issues such as gender and religious discrimination, the lack of legislations, arbitrary detentions, lack of religious freedom, violence against women, lack of freedom of expression and thought, lack of observation of human rights are all examples of human rights violations in Saudi Arabia, which will be dealt with in depth in this article.

Keywords:

Human rights, Saudi Arabia, international mechanisms, international bodies, America

Introduction

A structural approach towards international mechanisms shows that the human rights mechanism follows the international order and hegemony. The United States of America and the European Union as influential players of the international order are trying to impose their own approved mechanisms on the international community. With regards to the human rights mechanism too, they have discriminatory and double standard approaches towards countries. For example, they have appointed a Special Rapporteur on the Human Rights

Situation in Iran and they are trying to turn human rights into a security issue, and use it as a tool to benefit from their imposed demands. But no Special Rapporteur has been appointed in relation to the bad human rights situation in Saudi Arabia, and no attention is given to this country.

For example the UN Special Rapporteur on the Human Rights Situation in Iran, Ahmad Shaheed, welcomed dialogue on the human rights situation in Saudi Arabia, and said: “If the human rights situation is also taken seriously for other countries, the rest will think more about their practices. If there are clear policies for all which show that human rights are taken seriously, then it can be said that they have got the message.”¹

the relationships Saudi Arabia on the one hand, and the United States and EU as the leaders of international bodies on the other hand, indicates the double standard approach of western countries and clarifies that human rights is used as a tool to establish western hegemony.

Human Rights Violations in Saudi Arabia

The human rights challenges of Saudi Arabia can be expressed from two angles. First: its own citizens, particularly discrimination against women, religious discrimination and the situation of minorities, limitations to political participation, no freedom of expression and press, and no equal rights, and second: the citizens of other countries due to direct or indirect participation in wars. On this basis, Saudi Arabia is under the scrutiny of the ICC for a breach of humanitarian law and war crimes, which we'll discuss in detail.

1 – Human Rights Threat

1-1 Discrimination against Women

Equality of men and women is one of the fundamental principles of the UN Charter. But in legal terms, women are suffering from discrimination in the monarchy and are threatened by gender discrimination. Saudi Arabia's discriminatory male guardianship system remains intact despite government pledges to abolish it.² Under this law women in Saudi Arabia require the permission of their male guardian (that include father, brother or even son) to travel, get a job, continue education, marry or have certain surgeries.³

Of course, the year 2017 should be considered as a golden year for Saudi women, because in that year, they were given the permission to drive, enter sports stadiums, ride bicycles, issue religious decrees (fatwas), and attend court sessions without wearing a veil. The old system, which considers men as the guardians of Saudi women in all affairs, has been somehow modified and, at the present time, women can take advantage of certain governmental services without needing permission of their guardians. However, they are still unable to open bank accounts or launch an economic project without a “testamentary guardian.” They are yet not allowed to leave the country without permission of their guardian, and without his agreement, they cannot hand in a request to receive administrative documents. Saudi women still need agreement of their

guardians in order to get out of prison and men continue to wield special powers and take advantage of special privileges in many judicial cases, including those related to divorce.

Many human rights experts and activists believe that giving the Saudi women the right to drive vehicles and the likes of that cannot be taken lightly in the area of women's rights. Khadija al-Riyadi, the Moroccan human rights activist, however, believes that "A real political will to change the status quo of Saudi women and give them a minimum of their rights (even equal to what has been done in Kuwait) is still missing. It is both funny and lamentable that we must consider permitting women to drive cars as a major achievement in this regard." Nobody can really say whether recent changes are signs of a new chapter being opened for Saudi women or such measures are taken just to appease the United States.⁴

1-2 Religious Discrimination and Minorities' Conditions

Minorities are faced with violation of their human rights in the political and legal systems of Saudi Arabia. For example the rise in the number of executions in the kingdom has been due to the Shia minority movement in the eastern province, the most highlighted one of which was the execution of Sheikh Al Nimr, a Shia cleric opponent of the government. One hundred and fifty-four executions took place in 2016, forty-seven in one day. Qatif was the focal point of the anti-government Shia protests in Saudi Arabia in 2011, following which more than 900 arrests were made 300 of which are still in prison. Figures indicate that the country has more than 30 thousand political prisoners, most of whom are prisoners of conscience and mainly include Shia minorities from the eastern regions of the kingdom. The Christians also are in no better conditions than the Shia; to an extent in which in 2012 the grand mufti of Saudi Arabia called for the destruction of all churches in the country.⁵

The sweeping reforms in Saudi Arabia, which is looking for an alternative source of revenue in place of petrodollars, seem to be aimed at eliminating the element of extremism, which has been considered as the main axis of the country's domestic and foreign policies for many decades. In doing this, Riyadh is trying to pave the way for accepting more tourists, providing suitable grounds for foreign investment and developing its trade, economic and cultural relations with the world. In line with this policy, Bechara Boutros al-Rahi, the leader of Lebanon's Maronite Christians, was invited to visit Saudi Arabia. During a meeting between the Lebanese patriarch and the Saudi king, the two sides emphasized the role of religions in bolstering coexistence, eliminating violence and terrorism, and helping realize regional and global security.⁶ During the meeting, Saudi officials also promised the Lebanese Christian leader to help with the reconstruction of a historical church, which has been discovered recently. The church is about 900 years old. It seems that Saudi Arabia sees this project as a symbolic gift to the Lebanese Maronite Christians in order to promote dialogue between Islam and Christianity.

There are more than 1.5 million Christians in Saudi Arabia, who are not allowed to perform their religious rituals. Of course, in April 2017, an American priest called Brandon, who works with the Saudi air force as an advisor, said in an interview that he and a group of Christians living in Saudi Arabia had launched the first legal church in Saudi Arabia's capital city of Riyadh.⁷

Although no Jews live in Saudi Arabia, "the country is trying to normalize relations with the Zionist regime of Israel through dialogue among various religions in order to improve its image before the world's public opinion."⁸ At the beginning of 2018, secretary general of the Islamic World Society, which is based in Saudi Arabia, issued a statement in which it supported the Holocaust and claimed that rejecting it would amount to distortion of history and insult to the entire humanity.

Saudi Arabia's Shia Muslims, however, have yet to wait in order to avail themselves of the country's moderate policies despite the fact that they account for 15-20 percent of the country's total population. Even adoption of a milder policy toward Shias living outside Saudi Arabia, including a visit to Saudi Arabia by Iraqi Shia cleric, Muqtada al-Sadr, has not yet changed Riyadh's approach to Shias living in Saudi Arabia.

In the same year that Saudi Arabia was going on with its reforms, the government of Saudi Arabia forced the residents of historical city of al-Awamiyah in the Shia-majority Qatif region to leave the city after which al-Awamiyah was razed to the ground. Some small towns around al-Awamiyah were also badly damaged during the operation. Human Rights Watch issued a report in 2017 titled "They Are Not Our Brothers: Hate Speech by Saudi Officials." In that report, Human Rights Watch discussed various aspects of the Saudi regime's racial measures, which are aimed at isolating the country's Shia minority. The rights group also condemned crimes committed against Saudi Arabia's Shia minority.

The report says, "Since its establishment, the Saudi state has permitted government-appointed religious scholars and clerics to refer to Shia citizens in derogatory terms or demonize them in official documents and religious rulings, which influence government decision-making." Human Rights Watch says such measures by Saudi Arabia are similar to policies and behaviors of terrorist groups like "the so-called Islamic State or ISIS or al-Qaeda." It has added that Saudi judicial system also exercises vast discrimination against Shias both in courts and schools and dissident Shias are ruthlessly oppressed. According to the report, a high-ranking Saudi cleric had called Shia's in one of his speeches as the "brothers of Satan."⁹

1-3 Limitations to Political Participation

Call to demonstrations or assemblies, call for forms, criticism of officials or joining domestic or international groups or parties have punishments of 10 years in prison to execution. The parliament of the country has limited consultative privileges and the members are appointed. Since there are no written criminal laws in which fines and punishments are set, judges are free to determine the

sentencing of individuals on the basis of their own various interpretations of Islamic Sharia laws.¹⁰

In spite of Article 25 of the Universal Declaration of Human Rights which states each individual has the right to free association and peaceful assembly, Saudi Arabia bans the activities of parties, associations and assemblies, formation of civil societies and political parties in the country. Such activities are criminalized and faced with severe judicial consequences.¹¹

١-٤ Freedom of Expression, Thought and Press

The 2016 and 2017 Amnesty International annual reports state that the Saudi authorities impose severe restrictions on freedom of expression and any opposition is cracked down. They put pressure on government critics such as writers, internet activists, political activists, women's rights activists, Shia minorities and human right defenders have prosecuted them and some of them have been imprisoned on ambiguous charges after their trials.¹²

Richard Spencer, a British journalist with The Times, who is based in Riyadh, wrote an article in December 2017 titled "Prince Mohammed bin Salman tightens grip on dissent in Saudi Arabia." In that article, he said despite proclaimed reforms by Saudi Arabia's crown prince were in full swing, his orders had led to further restriction of freedoms for Saudi people. He added that not only Saudi opposition figures have been arrested, but some supporters of the government had also ended up in jail.¹³ The Freedom House, which is a US-based nongovernmental organization, has noted that Saudi Arabia is not a free country.

It seems that reforms and even a change in rulers have not been able to change Saudi Arabian government's stances on human rights activists. In August 2017, a court in Riyadh sentenced members of the Saudi Civil and Political Rights Association to a total of 105 years in prison. They were also banned from leaving the country for 94 years, were fined and were banned from any activity on social networks. This human rights association was established under former Saudi monarch, King Abdullah, in 2009 and was dissolved in 2013.¹⁴

The government has sole property of media publication and the Ministry of Culture and Information censors the media. In Saudi Arabia there are no private audio-visual media, who can independently criticise the government. Saudi Arabia's place in the list of global press freedom dropped from 158 in 2012 to 168 in 2017.

According to Reporters Without Borders report regarding the freedom of expression index, in the current year Saudi Arabia ranks 163rd in a list of 179 countries.¹⁵

Another report by this organization in 2017 showed that Saudi Arabia ranked the 168th out of 180 countries, becoming the fourth Arab country in terms of repressing media and also the world's 12th suppressor of media freedoms.¹⁶

١-٥ Torture and other Inhuman Behaviours or Treatment

According to Amnesty International report in 2016-2017 prisoners continue to be subjected to tortured and other mistreatments, especially during interrogation.

And in unfair trials, courts continue to accept confessions obtained under torture. Also in 2016, Saudi officials continued to issue corporal punishment sentences, particularly flogging, and violated the ban on torture and other forms of mistreatment. For example in February this year, the public court reduced the death sentence of Ashraf Fiaz, Palestinian poet and artist to 800 floggings and 8 years in prison. In 2015 he had been charged with blasphemy and apostasy for his writings.¹⁷ Also according to statements issued by the Saudi Interior Ministry, 144 people have been executed from January to mid-November 2016, and most of the executions have been related to murder and terrorism, and 22 were condemned to death for nonviolent crime of drugs trafficking, most of these executions have been taken place in public places, in the form of beheadings.¹⁸ Bruising caused by beating, electric shock, hanging from a window, unethical behavior, flogging, beating with a metal cane, putting prisoners in very cold and damp cells in winter and summer, using nonstandard prisons, and deprivation of hygienic conditions are a few examples of torture used in Saudi prisons. These reports have been confirmed by prisoners released or have been corroborated after examination of bodies of prisoners who died under ruthless torture. Ali bin Abdullah al-Qahtani and Habib Yusuf Alshuwaikhat are two Saudi citizens who died under torture quite recently.¹⁹

١-٦ High Poverty Levels and Social Class Gaps

The lack of a transparent legal system with regards to the Saudi economy has resulted in the wealth of the country to be in the control of a small minority from the Saudi ruling family and with a vast natural resources reserves this country has turned into the private property of the Saudi dynasty princes. The country in practice is the prisoner of approximately 7000 princes. Throughout the period the princes have always leaned on various posts of the country. Approximately 200 princes of the various Saudi dynasty families have key posts, and more than 6000 other princes have exclusive positions in the country. This situation has caused the creation of widespread poverty in Saudi Arabia. The situation of the country has deteriorated over the recent years, to an extent that inflation in the goods and services sectors have been announced as 400 percent. Lack of transparency makes it is impossible to get an accurate statistic of the poverty percentage, but the poverty levels of the country have been reported to be between 20 and 39 percent. In its last year's report, UNICEF too stressed that 4000 Saudi children have left school because of poverty.

The King Khalid Foundation released a report in 2017 in which the poverty line for a family with seven members had been put at a monthly salary of 3,323 dollars. Now, two to four million Saudi citizens are living on a monthly salary of 530 dollars (17 dollars per day), and this figure is calamitous for a country whose liquidity figure stands at about half a trillion dollars and is the world's biggest exporter of crude oil as well.²⁰

٢ – Threats to Humanitarian Law

Over the recent years, Saudi Arabia has directly or indirectly been involved in

armed conflicts in the region. The Yemen conflict, is the most clear case of Saudi Arabia's violation of humanitarian law which according to the report of the High Commissioner for Human Rights, from the start of the Saudi led Coalitions attacks till the publication of Human Rights Watch 2016 annual report, more than 4125 civilians were killed and another 7207 injured in Yemen, most of which were children. UNICEF has said that in the two year period of March 2015 till February 2017 more than 1500 children have been killed in the conflict in Yemen and nearly 2500 children left injured or maimed.²¹

Human Rights Watch has successfully registered 57 inhuman attacks committed by the Saudi led Coalition, some of which reach war crimes levels, and have taken the lives of 800 Yemeni civilians, and have hit homes, markets, hospitals, schools and mosques, which are all cases of clear violation of rules of war.²²

Holding the Lebanese Prime Minister Saad Hariri as hostage and forcing him to tender his surprise resignation through an unofficial Saudi satellite news network, laying economic and political siege on Qatar for unclear reasons, forcing Saudi Arabia's allies to support Riyadh's positions through bribe or threat, and threatening some other states are just a few examples of violation of other countries' sovereignty and rights by Saudi Arabia.

International Organizations' Reactions

With regards to international organizations' reactions which are active on this subject, how can Saudi Arabia who has not accepted the Universal Declaration of Human rights (1948), the International Covenant on Civil and Political Rights (1966) and International Covenant on Economic, Social, and Political Rights (1966) be recognised as a violator of human rights, and have this country accountable? In fact, faced with Saudi Arabia, international organizations cannot really expose the human rights situation of the country.

But in spite of lack of transparency, in 2013, Amnesty International reported the systematic violation of women's rights and the exploitation of foreign workers in the kingdom and this whistleblowing resulted in Saudi Arabia to resign from non-permanent membership of the Security Council in a show of protest.

In the summer of 2016, human rights organizations too, asked the UN General Assembly to suspend Saudi Arabia from membership of the Human Rights Council, and in a joint statement Human Rights Watch and Amnesty International also demanded that while the Saudi led Coalition has not stopped the killing of civilians in Yemen, Riyadh must not be allowed in the Human Rights Council. Also in 2016, following the death and injuries of Yemeni children, and attacks against schools and hospitals, the Saudi led Coalition was added to a blacklist called the "List of Shame", specifically with regards to children and armed conflict, and the UN published this list. But following Saudi Arabia's threats to cut financial contributions to the UN, its name was taken out of the list.

In a resolution issued in September 2016, the Human Rights Council expressed its deep concern on the killing of civilians and attacks on urban infrastructures in Yemen, and called for the strengthening of the presence of the OHCHR in Yemen so that the truth and violation of laws are documented and presented to

the Human Rights Council.²³

Also in the UPR which is carried out by the Human Rights Council on the situation of human rights, the issues related to Saudi Arabia were to such an extent that they almost covered all aspects of human rights including civil, political, economic and cultural rights.²⁴ The below instances were specifically recommended to this country: elimination of discrimination against women, suspension of or moratorium on the death penalty and physical punishment, guarantee of children's rights, joining international human rights instruments, accept the request of special rapporteurs for country visits, observe freedom of expression and belief, reforms to national laws for their conformity with international standards stated in human rights instruments, no discrimination against minorities, reforms to the justice system and increase legal guarantees for the independence of judges, observe workers' rights, include human rights in education curricula and increase efforts to fight terrorism.

In October 2016, the UN Rights of the Child Committee called on the Saudi government to immediately halt the executions of individuals under the age of 18, and to clearly ban death sentences for those who committed the crimes when they were below 18.²⁵

In their reports, UN Special Rapporteurs have pointed out the bad human rights situation in Saudi Arabia. For example the report of the UN Special Rapporteur on Extreme poverty and human rights in Saudi Arabia in 2017 states that there has been little progress in the following fields: arbitrary detentions, peaceful demonstrators' imprisonment, capital punishment, discrimination against religious minorities and women.²⁶

On 20 April, 2017, "Save the Children" and the "Watchlist on Children and Armed Conflict" in a joint statement to the UN Secretary-General asked him to put the Saudi led Coalition in the list of the violators of children's rights in armed operations. Prior to that, the then UN Secretary-General put the name of the Coalition in the list of children's rights violators for a short period of time, on the basis of reports of children getting killed in Coalition airstrikes in Yemen. But Saudi Arabia's objection resulted in the Secretary-General retracting his view. In fact the extensive Coalition airstrikes in residential areas in Yemen, has put Saudi Arabia on the verge of war crimes charges, and this country can be brought before the ICC through some mechanisms.

Conclusion

From the international order's aspects, the human rights situation of Saudi Arabia is very fragile and threatening. Discriminatory and violent response to the protesting Shia minorities in the recent years still continue. The war crimes in the Middle East, Yemen in particular, has resulted in Saudi Arabia being considered as a grave violator of human rights and even a country that commits war crimes. Saudi Arabia has not signed the ICC Rome Statute and is not one of its members, and only the UN Security Council's decision can deem the kingdom as guilty of war crimes in Yemen. Although through launching the Malek Salman Aid Centre to provide aid to Yemenis, Saudi Arabia has tried

to cover up its crimes, but as noted in this article the existing facts, figures and reports collected from various institutions such as the UN, Human Rights Watch, UNICEF etc., accuse Saudi Arabia of grave human rights violations. The case of Saudi clearly shows that human rights is influenced by the international order and hegemony. In other words, as influential players in the international order, the United States and the EU are trying to create a good image of their favourite States in the international community and considering their national interests they use selectivity and double standards. For example, while making soft criticisms of Saudi human rights violations, the United States has given the Saudi led Coalition logistical and intelligence backing and in August 2016, despite the widespread opposition of the Congress, the White House signed an arms deal with the kingdom worth 1.5 million dollars. In fact since the governors of international bodies, with the US and EU at the top, themselves are the creators of international human rights mechanisms, do not deem the punishment of Saudi Arabia as part of their political-economic interests, ignore the human rights situation in the kingdom, the war crimes committed by the country; and Saudi Arabia's petrodollars has helped the country prevent human rights related sanctions being imposed against it. This trend increases the human rights violations in Saudi Arabia on a daily basis.

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