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WOMEN'S RIGHTS IN SAUDI ARABIA

Pushing Saudi Arabia to compliance

Master Thesis – Political Science: International Organisation

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ABSTRACT

This thesis asks the question: How to make states implement norms as they were intended upon the creation of a treaty? It uses Saudi Arabia and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) as a case study, taking the period from 2000-2015 as its focus. It uses the spiral model by Risse, Ropp, and Sikkink (2013) and the criticisms by Krook and True (2010) on diverging norm interpretations to analyse yearly human rights reports. Several conclusions can be drawn. It has become apparent that several of Saudi Arabia's characteristics have a big influence on the use of the social mechanisms described in the spiral model. Due to its material strength, actors "from above" refrain from using any pressure mechanisms to criticize Saudi Arabia on its women's rights situation. Additionally, Saudi Arabia's autocratic regime results in citizens not having the power to stand up to their government, meaning there is no pressure "from below". On top of that gets Saudi Arabia no criticism from states in the region nor from its key partner – the United States – because either those states do not have a better situation on women's rights or they have not ratified CEDAW themselves, making them to be in no position to criticize Saudi Arabia. Even when Saudi Arabia is participating with legal mechanisms to improve compliance with CEDAW through submitting reports to the Committee of CEDAW and allowing the Special Rapporteur on Violence against Women to do research, compliance is not necessarily improved, as those institutions lack the enforcement mechanisms to make states implement recommendations.

INTRODUCTION

When Saudi Arabia ratified the Convention on the Elimination of all Discrimination against Women (CEDAW), it added the following reservation: "In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention" (United Nations, n.d.). With its human rights record in mind, it can be questioned why Saudi Arabia would ratify a treaty when it is not truly willing to commit. Literature on why repressive states ratify (human rights) treaties point at several incentives. Most importantly, ratifying a treaty is seen as relatively low-cost and will reward a state with high benefits in the international community (Hafner-Burton, Tsutsui & Meyer, 2008, p. 116). As a result, Hafner-Burton and Tsutsui (2007, p. 407) argue that human rights treaties are failing where they are most needed, and find that "socialization, persuasion, and learning, if they are taking place over time, are not teaching the rights messages to the governments that need the most help" (2007, p. 423) with implementing human rights norms. They thus argue it is very hard, if not impossible, to push repressive regimes into compliance. Krook and True (2010, p. 108) have a different explanation, as they argue that states have different interpretations of the norms created with CEDAW, as can be seen through the use of reservations in the treaty.

This points to an interesting problem, which is what this thesis will research. It will ask: how to make states implement the norms as they were intended upon the creation of the treaty? It will take Saudi Arabia and CEDAW as a case study, as Saudi Arabia can be seen as an extreme case of human rights violation. The thesis will make use of the spiral model by Risse, Ropp and Sikkink (2013) to find solutions for Saudi Arabia's implementation problem. Additionally, it will use Krook and True's (2010) theory of diverging norm interpretations. The spiral model of Risse, Ropp, and Sikkink (2013, p. 17) suggests that Saudi Arabia's characteristics make it hard to push it to

compliance of the treaty; however, the spiral model does suggest certain mechanisms that can make Saudi Arabia implement the norms as intended with the treaty. Krook and True's (2010) norm interpretations-argument may add options to push Saudi Arabia to compliance.

Finding an answer to the implementation problem explored in this thesis is relevant for theoretical development. It will add not only to the academic discussion on reservations and treaties, but also to international norm theory and repressive regimes and human rights treaties, as this thesis concerns a non-Western, extreme case of norm-violation regarding human (and specifically women's) rights. Additionally, the results of this thesis will have an important societal relevance, as they will help to understand how human rights norms can be better implemented, even in extreme cases of violation. This is beneficial for people not only in Saudi Arabia, but also in other rights-violating states, as lessons can be taken from this case and exported to others.

LITERATURE REVIEW

This literature review will firstly describe existing literature that focuses on repressive states and human rights treaties, after which literature on reservations and human rights treaties will be discussed. It will then look at models of international norms and explore the concept of compliance.

Repressive States and Human Rights Treaties

Several scholars have created theories on why repressive states sign human rights treaties, even when they have no interest in committing to them. Hafner-Burton, Tsutsui and Meyer (2008, p. 116) argue that because of the importance that is given to human rights in the international community, rights-violating governments have opportunities to "display low-cost legitimating commitments to world norms" without necessarily being willing or enabled to comply with the commitments made. Additionally, they argue that repressive

regimes are more likely to ratify human rights treaties when they control the domestic powers that have to execute the human rights treaties (2008, p. 116). As a result, human rights treaty ratification is the ultimate response for repressive states to criticism from the international community, with relatively low costs. Simmons (2009, 57) classifies these types of states as strategic ratifiers. These types of states ratify a treaty only because they want to avoid criticism. Mostly they ratify because states in the region have ratified and they do not want to stand out from the rest, which Simmons calls "social camouflage" (2009, p. 88).

As a result of this strategic ratification, the effect of having ratified a human rights treaty in these states is often low. As argued by Hafner-Burton and Tsutsui (2007, p. 407), this is problematic, as human rights treaties seem to fail exactly where they are needed the most. They find that reforms of the institutions will not offer much help, as "deeper delegation of legal authority to the international regime does not make reforms much more likely, even over time" (2007, p. 410) and argue that the problem lies with repressive regimes either having no capacity to commit or failing to learn the essentiality of human rights protection. They thus have a rather pessimistic view of the human rights treaties, and argue that they are not teaching the right messages to the repressive governments – they do not teach the importance of human rights protection as these type of governments apparently do not change their behaviour. However, Hill (2010) critiques this view and argues that there are different effects of different treaties. Interestingly, he finds that ratification of CEDAW has had a "positive, statistically significant impact on observance of at least one type of women's rights" (2010, p. 1171), namely political rights. This thus means that states that have ratified CEDAW have provided women with political rights more so than states that have not ratified the treaty.

Interestingly, these theories do not take the concept of reservations into account, which consequences are highly debated. Reservations, as well as

understandings and declarations (combined shortened as RUDs), can be added to ratifications of human rights treaties. These RUDs allow a state to alter the conditions to which the treaty applies and thus to what extent the state has to comply with the treaty. A reservation limits the effects of the treaty on domestic legislation. Scholars have varying viewpoints on the legitimacy of RUDs, which can be divided into two perspectives.

The first perspective views RUDs as “a legitimate means to account for diversity across countries” (Neumayer, 2007, p. 397). Using RUDs signals a state taking human rights seriously, as it deliberately signs and thinks about the consequences of signing, and to what extent it believes it is capable of complying. The RUD is used to indicate where the state believes it is not capable of complying. Neumayer (2007, p. 397) found that as liberal democracies have placed more reservations on human rights treaties compared to states with other types of government, this positive view of RUDs best explains the use of them. Another positive side of RUDs is that they allow for more inclusion and cultural diversity. More states will be willing to sign a treaty if they can modify it somewhat to match their (cultural) beliefs. As a result, more states participate in the treaty, which, no matter how slowly or minimally, improves the human rights situation for more people all over the world. Especially for states that are likely to violate human rights, this perspective argues it would be better to include them, as then the situation can be improved with legal means.

The second perspective on RUDs regard this argument of inclusion as one of the biggest negative sides of RUDs, as the meaning and depth of the concerned treaty is diminished when practically everyone can join. These critics of RUDs believe that RUDs go against the universality of human rights, and allow for states to “avoid international legal obligations where they would be consequential” (Hill, 2016, p. 1129). Especially since human rights treaties concern norms and morals, this perspective argues that much of its appeal is

lost when states may opt out of legislature that should be universally applicable (Neumayer, 2007, p. 407). Contrary to Neumayer's (2007) findings mentioned before, Hill (2016, p. 1129) found that governments will most likely enter reservations when their legal standards are lax compared to the legal standards of the treaty. He thus sees that by adding reservations to their ratification of human rights treaties, states are simply avoiding legal commitments. Additionally, Lijnzaad (1995, p. 112) sees reservations also as problematic, as they may harm the people under the state's jurisdiction while these people do not have the power to equally harm their state. Citizens cannot make a reciprocal restriction on their obligations toward the state if that state fails to abide to its obligations towards them. Reservations are thus seen as a way for states to commit to treaties with a relatively low effect and cost; upon ratification states can choose to what extent they are willing to comply.

These descriptive theories pose multiple problems of human rights treaties and especially of repressive states joining them. They however do not provide any solutions on how to make repressive states improve their human rights situation and make them comply with the treaties they have signed in the way that was intended upon creating the treaty. The classification of being a strategic ratifier explains the characteristics of the state and perhaps the underlying processes of ratification, however it does not provide a pathway of how to improve the situation. Moreover, since the ratification process of human rights treaties has not changed to incorporate these criticisms, it appears the United Nations and/or the international community does not believe these criticisms to be valid enough to alter processes. The question how to make states implement norms as they were intended will thus have to be answered through a different field of theory. This is why there will be looked into international norm theory to find how norms like human rights norms can be fully implemented by states.

International Norm Theory

Several scholars have described models that develop stages of a norm's "life cycle" (Finnemore & Sikkink, 1998, p. 895). For example, the cascade model by Finnemore and Sikkink (1998) sees a norm passing three phases before internalization. The first phase is norm emergence, whereby norm entrepreneurs use persuasion to get others attached to the norm. Then, a norm cascade takes place, whereby actors imitate each other with the result of broad norm acceptance. In the last stage the norm is internalized. This cascade model is quite simplistic, and does not at all incorporate strategic ratification as identified by Hafner-Burton et al. (2008) and Simmons (2009). The spiral model by Risse, Ropp & Sikkink (1999; 2013) is somewhat more comprehensive and describes processes more specifically, as it describes five distinct phases in which human rights norms are internalized. The five phases are: (1) repression, (2) denial, (3) tactical concessions, (4) prescriptive status, and (5) rule consistent behaviour (2013, p. 6-7). In this model, states internalize human rights norms after they have made strategic concessions in order to satisfy the criticising international community. This model thus does acknowledge strategic ratification. Important in this model is international pressure, but also domestic movements, which together apply pressure to the government both from below and from above to make the state adhere to the norm.

Critics of these type of models argue that norms are treated as being static instead of dynamic, and do not include the complex processes that exist to make norms adoption and translation into practice possible (Krook & True, 2010, p. 104). Krook and True (2010, p. 109) argue that norms are "subject to ongoing attempts to reconstitute their meanings", meaning that throughout the process of implementation, the meaning and consequences of a norm are discussed and thereby sometimes even altered. As a result, different interpretations of norms might exist simultaneously. Additionally, it is argued that models such as the spiral model treat norm implementation as a linear

process, and do not allow for situations where states get stuck in progress or go backwards in the model, for example from phase 4 to 3 (Krook & True, 2010, p. 104). As an alternative approach to the constructivist models described above, Krook and True (2010, p. 105) propose a discursive approach, where they introduce an adaptation of the existing models. They argue for allowing for backlash and dynamics within the models instead of only allowing for a norm to progress to the next phase (Krook & True, 2010, p. 123). They also note the importance of non-governmental organisations such as the World Bank and the International Labour Organisation (2010, p. 116) for the implementation of norms, specifically for women's rights.

Interestingly, Risse, Ropp and Sikkink (2013, p. 4) have also criticised their own spiral model when they revisited the model fifteen years after publication. They recognized several weaknesses in their original work, for example presuming states to be fully functioning instead of allowing for "limited statehood", and at the same time not looking into norm violations by powerful states or core defenders of human rights norms, such as the United States in the case of the 'War on Terror' when it allowed for torturing suspects of terrorism by the Central Intelligence Agency (CIA) (Risse & Ropp, 2013, p. 7-9). They therefore seek to clarify the scope conditions and concepts to be used in the revisited spiral model. Most importantly, they expand the theory so that it allows for attention to situations where states fail to progress in the model or experience backlash, which was one of the before-mentioned recommendations by Krook and True (Risse & Ropp, 2013, p. 12). These extensions and additions to the model make the spiral model more applicable in present-day situations, and make it a model that applies to a grand variety of states and situations, helping to assess the situation at hand. With the additions and clarifications, the new spiral model thus meets the recommendations on the inclusion of a non-linear progress that were made by Krook and True (2010). Nevertheless, the different interpretations of norms that can exist due to

reservations are not included in the new model. This is important for the case of Saudi Arabia and CEDAW, as through its reservation, Saudi Arabia has implemented another interpretation of the norms in CEDAW than perhaps was originally intended.

So where are we standing? The spiral model offers a comprehensive framework for norm implementation through its five phases. The updated version (2013) also provides insight in a pathway for states that experience backlash or get stuck halfway through the model, and can thus be helpful in the case of Saudi Arabia and CEDAW. However, some concepts are not yet included in the new version. Most importantly, it does not grasp the possibility of multiple interpretations of the same norm as was argued by Krook and True (2010). Reservations on a treaty allow a state to alter the interpretation of that treaty, as is the case with Saudi Arabia and CEDAW. Saudi Arabia thus might believe it has fully implemented women's rights to the extent that it deems possible – it has implemented its own interpretation of women's rights norms – whereas many other states disagree because they have a different interpretation of the same norm. In order to find solutions on how to push Saudi Arabia to compliance, the spiral model is incomplete, as one will also have to think about the different interpretations that might exist and whether or not to make those differences disappear.

THEORETICAL FRAMEWORK

Following the literature review is Saudi Arabia a strategic ratifier of CEDAW, as it ratified the treaty for strategic reasons rather than being willing to commit. Nevertheless, in line with the spiral model, there are movements visible that slightly improve the position of women in Saudi Arabian society (Pearson, 2015, December 12). The spiral model will be used in order to find an answer to the research question: 'How to make states implement norms as they were intended upon the creation of a treaty?' The theoretical framework provided by

this model will be complemented with Krook and True's (2010) recommendations. Firstly two main concepts that are used in this thesis, namely 'norms' and 'compliance', will be defined. Then, the spiral model will be further explained and described, after which it will be linked to Saudi Arabia.

Definition of Concepts

In order to research how norms are implemented, firstly, the definition of a norm will have to be discussed. Finnemore and Sikkink (1998, p. 891) identified a definition of norms as "shared assessments" (1998, p. 892), or "agreement among a critical mass of actors" (1998, p. 892). This is still not very specific, as it is not defined when a mass is 'critical', which is why this thesis uses the definition of Krook and True, which states that norms are "values, principles and procedures that are widespread and institutionalized" (2010, p. 106).

Compliance is defined by Risse and Ropp (2013, p. 9) as "sustained behaviour and domestic practices that conform to the international human rights norms, or ... rule-consistent behaviour". They see compliance as the end of a continuum that starts with commitment (which they define as actors accepting human rights as valid and binding (2013, p. 9)). Notion should be made here of Krook and True's (2010) perspective on diverging interpretations of norms. Compliance can mean something different for different states. Compliance in the case of Saudi Arabia and CEDAW thus needs a stricter definition than the one Risse and Sikkink use. This thesis will therefore slightly adjust their definition, and defines compliance (of specifically CEDAW) as sustained behaviour and domestic practices that conform to and are in the same spirit as the international human rights norms as described and intended by CEDAW. With this definition, culturally different interpretations through reservations are not necessarily accepted as compliance; compliance will mean true implementation of the norms as they were originally intended with CEDAW.

The Spiral Model

As described by Risse, Ropp and Sikkink (1999, p. 22-38; 2013, p. 6-9), the spiral model consists of five separate phases that a norm travels through before it is fully implemented. Through international and domestic pressures, states can be pushed from commitment to compliance, through the five phases of repression, denial, tactical concessions, prescriptive status, and rule consistent behaviour. Saudi Arabia is currently situated in the third phase of the model, that of tactical concessions (Alhargan, 2012, p. 611). In their revisit of the model, Risse and Ropp (2013, p. 13) identify several mechanisms important for compliance, namely coercion, incentive structures, persuasion and discourse, and capacity building. These mechanisms work next to the mechanisms identified in the first version of the model, existing of instrumental adaptation, argumentation and habitualization. Through these social mechanisms international and domestic actors can alter state behaviour.

Next to these mechanisms that push states into compliance, Risse and Ropp (2013), identify five scope conditions that evaluate the impact of these mechanisms on human rights change. For Saudi Arabia, these scope conditions thus make the social mechanisms have different effects on bringing about change. Firstly, Saudi Arabia is an autocratic state. As a result, persuasion will be more difficult to work because the state will not have an “institutionalized logic of appropriateness” (Risse & Ropp, 2013, p. 17). Risse and Ropp argue that incentives like sanctions and rewards may be more effective in the case of Saudi Arabia than for democratic regimes, as autocratic regimes cannot be shamed into compliance. The second scope condition of consolidated capacity can be seen as a positive characteristic, as Saudi Arabia thus possesses the capacity to actually implement human rights norms. As a result, Risse and Ropp (2013, p. 18) argue that coercion/legal enforcement, positive and negative incentives, and persuasion/shaming are expected to be applicable to Saudi Arabia.

Thirdly, Saudi Arabia has centralized rule implementation, which is argued to make compliance more likely than for decentralized rule. Because public authorities are carrying out the norm, it is easier to monitor than when for example rebel groups are defying the norms. However, for gender rights this is not necessarily true, as non-state actors are expected to comply with gender rights norms – not state actors. Nevertheless, it is expected that coercion, incentives and persuasion can all bring about effects on compliance. Fourth, Saudi Arabia is not materially vulnerable due to its oil export, which makes the state “less vulnerable to external economic or military pressures than are weak actors” (Risse & Ropp, 2013, p. 20). It will thus be difficult for the international community to find measures that target Saudi Arabia but that do not hurt themselves. Lastly, Saudi Arabia is considered to be socially vulnerable to a certain extent. On the one hand, it is powerful – and thus less vulnerable – because it has played an important regional and international role, in for example the Gulf Cooperation Council, the League of Arab States, and the United Nations (Alhargan, 2012, p. 599). On the other hand, if states from these organisations rally against Saudi Arabia, it might alter its behaviour for fear of losing its powerful position.

Because of its pride in Islamic law, it can be difficult for non-Islamic states to persuade Saudi Arabia on its position on women's rights, as Saudi Arabia might base its arguments on cultural differences and different norm interpretations. When Islamic states with similar norm interpretations try to persuade Saudi Arabia, this might be different. Looking at Krook and True's (2010) argument on differences in norm interpretations, it can thus be expected that a difference in norm interpretation will interfere with the effectiveness of the mechanisms described above. When the differences in norm interpretation between states are resolved, the mechanisms described above will have greater success in pushing Saudi Arabia to compliance, or are perhaps not

even necessary because of Saudi Arabia's understanding of the importance of women's rights.

***H1:** The more social mechanisms are used that are in line with Saudi Arabia's scope conditions, the more Saudi Arabia will be pushed to compliance.*

***H2:** Actors with a similar norm interpretation of CEDAW as Saudi Arabia have a bigger effect on pushing Saudi Arabia to compliance than actors with a different norm interpretation.*

METHODS

Case selection

Saudi Arabia is chosen as a case study for this research. The time period of research is from 2000 until 2015, as 2000 is the time when Saudi Arabia entered its current phase of the spiral model (phase three) according to Alhargan (2012, p. 611). Saudi Arabia is seen as one of the most repressive states in the world, often violating human rights (Amnesty International, n.d.). Domestic activism or protest will be suppressed immediately, as can be seen by the imprisonment of many human rights activists (Amnesty International, n.d.). It will thus be hard for domestic activists to truly make a difference in national policies. Additionally, because of its material and social strength, it will be very hard to persuade Saudi Arabia to comply through international pressure. Nevertheless, there are indications that times are changing, as can be seen in women being allowed to vote for the first time in 2015, or for example the 'Women2Drive' protests that ask for women to be allowed to drive. Saudi Arabia is the only country in the world that does not allow women to drive vehicles. Saudi Arabia is the only country in the world that does not allow

women to drive vehicles. Saudi Arabia thus serves as an excellent case in this study, because it is a non-Western state and an extreme case of norm-violation regarding human (and specifically women's) rights. If Saudi Arabia can be made to comply, less repressive or autocratic regimes might be made to comply as well.

Additionally, women's rights are chosen as the focus of this study. Saudi Arabia has one of the worst situations regarding women's rights in the world because of its guardianship system. Women cannot move freely without the consent of a man – they need their legal guardian to allow them to travel or go to school. The Women's Convention as a treaty is an interesting treaty to research since it is one of the most ratified human rights treaty of all human rights treaties of the United Nations – it currently has 189 parties and 99 signatories (Krook & True, 2010, p. 112; UN Treaty Collection, n.d.). Nevertheless, it is also the treaty that has the most reservations by member states (Krook & True, 2010, p. 112). As a result of the many reservations, gender equality as a norm will be interpreted in many different ways internationally and domestically (Krook & True, 2010, p. 112). As a norm, it is thus contested greatly, and researching how to implement a more comprehensive interpretation of the norms in a state with a very limited interpretation of those norms may also serve as an example for other norms. Important to note is that 'women's rights' still is a very broad concept. It is chosen to look at women's rights in Saudi Arabia as a whole, including the legal guardianship system, domestic violence and access to the labour market, mostly because the few and small steps Saudi Arabia has taken over the years are more insightful to look at altogether rather than picking out a few. This way, the situation as a whole will be evaluated rather than only a single part.

Data Collection

This thesis searches for mechanisms that push Saudi Arabia to compliance of CEDAW. In order to find these mechanisms, reports by Amnesty

International, Human Rights Watch and the United States' State Department will be used. These three organisations provide yearly reports on the status of human rights, resulting in a complete overview of the human rights situation in Saudi Arabia and the changes that take place over the years. These reports will be analysed from 2000 onwards, as this was the year Saudi Arabia ratified CEDAW, and entered the third phase of the spiral model as was argued by Alhargan (2010, p. 112).

Through these reports, pushes both from above and from below will become visible. 'Actors from above' will entail actors from the international community, which can be both states and international organisations such as the European Union, the United Nations or the League of Arab States. 'From below' will contain actors from the domestic society and nongovernmental organisations that do local or transnational work to improve the human rights situation in Saudi Arabia. Nongovernmental organisations of interest in this case are Amnesty International, Human Rights Watch, and the local women's rights organisation Musawah, which is a regional organisation focusing specifically on women's rights in Muslim societies.

The data that is collected for this thesis thus consists of qualitative data, as the processes at stake are being analysed. Quantitative data will not provide the depth and insight that this thesis is looking for. The mechanisms at work to push Saudi Arabia to compliance have to be identified, which is the type of information provided by qualitative data.

RESULTS AND ANALYSIS

The reports by Amnesty International, Human Rights Watch and the US State Department provide a rather depressing view of Saudi Arabia's human rights record. The sentence that is repeated in every single report in one way or another comes down to "women continued to face severe discrimination" (Amnesty International, 2001, p. 206), or, "authorities continued to discriminate against women" (Human Rights Watch, 2016, p. 484). Human rights defenders and activists also continued to be prosecuted for exercising their right to freedom of expression, minors continued to be sentenced to death, people remained to be sentenced after being tortured for confession. Reading the reports, it is understandable why Amnesty International sees Saudi Arabia as the state with one of the worst human rights record in the world.

This section will firstly describe the developments made in Saudi Arabia regarding women's rights since 2000. Then the pressures from above and below will be discussed. After this, an analysis of the use of social mechanisms as described in the spiral model will be made.

Developing Women's Rights in Saudi Arabia

The year 2000 came with an "unprecedented move" (Amnesty International, 2001, p. 206) from the Saudi Arabian government, as the Deputy Foreign Minister stated that "human rights are a non-negotiable objective for the achievement of which we must all strive together" (Amnesty International, 2001, p. 206), signalling the belief in the universality and the importance of human rights. This belief was strengthened by Saudi Arabia ratifying the Women's Convention. However, upon ratifying, the state did make a significant reservation, which stated "In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention" (United Nations, n.d.). As a result, the terms under which the Convention applies to Saudi Arabia have become quite vague – it is not specified which articles or norms in the Convention contradict Islamic Law. This paradox – signing but being vague

about the extent of the consequences – somewhat reflects the overall sentiment of Saudi Arabian policy regarding women’s rights over the years. The government made a lot of hopeful promises, but in the end, it has often failed to eventually execute them, or only executed parts of its promises. When the head of state changed in 2005 and 2015 after the decease of the previous King, it gave some hope for political reform, but the respective new leaders did not (yet) live up to those expectations.

However, some positive developments can be noted. The Saudi government started to issue personal identity cards to women, which contributed to the government eventually allowing women to vote in 2015, after they were excluded from voting in the first-ever elections in the country in 2005 and the follow-up elections in 2011. Women thus now have the same political rights as men, meaning that they are allowed to vote and stand as candidates in the municipal elections – which are the only elections being held in Saudi Arabia. The public’s vote accounts for filling up two-thirds of the Municipal Council, the rest of the members are appointed by the King. In 2015, fourteen per cent of the candidates were women, and 21 seats of the 2,106 seats available for elected members were eventually appointed to women. Additionally, since 2007, women have been appointed to the Shura Council, which is the Consultative Council of the King; they now take up at least 20 per cent of the Council.

Other rights that have seen some improvement include economic rights, with women being more allowed to work. However, employment is still low in 2016, which might result from the strict conditions under which a woman is allowed to work. The Ministry of Labour stated that women may only work with consideration of “the need of the woman for work, the need of the society for her work, the approval of her legal guardian ... and that [it] should not be at the expense of her family life” (Amnesty International, 2006, p. 221). Dress codes should also be respected, and the work should not lead to social or moral

problems. Additionally to these restrictions are women still not allowed to drive, despite protest throughout the country with the Women2Drive campaign. Not only is this a great limitation to women's personal freedom, it is also hindering their access to the labour market, as women now need expensive drivers to bring them to their work. As a result, being able to work is still a privilege for women from the wealthier families that can afford to pay a driver. Nevertheless, due to low oil prices and budget cuts by the government, the new generation has to pull hard on the economy, and it is estimated that the number of women in employment is rising fast (NOS op 3, 2016, March 13).

In sum, the situation for women in Saudi Arabia has changed somewhat, mostly with regards to their political and economic rights. Nevertheless, the guardianship system is still intact, meaning women still do not enjoy personal freedom and the freedom to make their own decisions. One can see Saudi Arabia thus has not implemented the women's rights norms as they were intended in CEDAW. So what has been done in the time of research to influence Saudi Arabia's women's rights situation? This will be discussed in the next two sections.

Pressures from Above

Bilateral Pressures

Disappointingly, there are not many moves by the international community visible in the reports. Saudi Arabia is not being held accountable for its violations of human rights or women's rights. Human Rights Watch states year after year that key partners of Saudi Arabia fail to discuss its human rights record when meeting with governments officials. Some events in Saudi Arabia were discussed internationally, but these did not include women's rights. Additionally, when meetings between governments took place, human rights were not often part of the conversation, and if this were the case, it usually addressed corporal punishment of convicts, for example with the case of

blogger Raif Badawi who was sentenced to 1000 lashes for criticizing the government. Especially for women's rights, the international community appeared to steer away from the issue, relying on Saudi Arabia as a business partner and trying not to harm the relationship.

Unfortunately, Saudi Arabia's human rights cannot count on much support from key partners of Saudi Arabia. In the case of Saudi Arabia, the United States is seen as the biggest partner. Regrettably, despite the United States signing CEDAW in 1980, it has never ratified the convention. As a result, the United States is in no position to criticize Saudi Arabia on its failure to implement CEDAW, which is why it will not likely do so. Since 2010, the other key partner of Saudi Arabia, as seen by Human Rights Watch, has been the United Kingdom. It can be argued the United Kingdom has missed the opportunity to use its powerful position to try to influence Saudi Arabia on its human rights record. Instead, it has focused on the economic benefits of remaining partners with Saudi Arabia.

Additionally, states within the region are also highly unlikely to criticize Saudi Arabia on its human rights and especially women's rights situation. Even though Saudi Arabia's women's rights situation might be considered the worst, the states in the region also do not have a particularly outstanding women's rights situation. If those states' own women's rights situation is not developed, they are not in the position to criticize another states' situation. Moreover, on December 23, 2013, a Gulf Cooperation Council (GCC) joint security agreement came into force, which included an article that suppressed interference in domestic affairs of other GCC countries (Human Rights Watch, 2015, p. 465). As a result, criticism by other Gulf Cooperation Council Members is criminalized, and will therefore most likely not happen.

The only case where a Muslim country criticized Saudi Arabia was in the case of Indonesia. In 2015, the President of Indonesia voiced its concern for the Indonesian domestic workers in Saudi Arabia, who lacked protection.

Especially women foreign domestic workers were at risk of abuses like sexual or physical violence. When the abuse was reported, often the abused workers were at risk of being prosecuted themselves for indecency or other accusations by their employers. In 2015, Indonesia sought to end migration by Indonesian women for domestic work; however, this was deemed unobtainable and was never executed.

Multilateral Pressures

In 2007, Saudi Arabia submitted its first report to the Committee on the Elimination of Discrimination against Women (CEDAW), and it appeared before the committee in January 2008 (Amnesty International, 2008, p. 257). The Committee expressed concern over the guardianship system, especially with regards to issues including marriage and divorce, child custody, and individual choices on education, residency, and employment (Amnesty International, 2009, p. 279). Additionally, it noted a high occurrence of domestic violence, and a lack of prosecution of abusers. The Saudi government responded that it was drafting a law against domestic violence (Amnesty International, 2009, p. 279). Despite that law being approved in 2013, it never came to force because of a lack of enforcement of relevant institutions.

In 2008, the UN Special Rapporteur on violence against women was invited by Saudi Arabia to investigate the subject. She noted progress in women's access to education but said she had received many complaints about discrimination and violence against women, including by the religious police (Amnesty International, 2009, p. 279). In her report, she signalled that women were often unable to escape abusive environments due to their lack of autonomy and economic independence, and stated that the "high level of discrimination against women compromised their rights and dignity" (Amnesty International, 2010, p. 277).

By inviting the Special Rapporteur on violence against women and submitting a report to the Committee on the Elimination of Discrimination

against Women, Saudi Arabia signalled it does want to participate in the institutions of the UN and the treaties the state has signed. However, reports were made with delay and the invitation of the Special Rapporteur also was postponed for some time.

Unfortunately, both the Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women lack the enforcement mechanisms to hold Saudi Arabia to its promises. Both the Committee and the Special Rapporteur made important recommendations for improving the women's rights situation, however, even though Saudi Arabia made some promises regarding these recommendations, they were never implemented. There have not been any repercussions for neglecting the propositions for improvement by the UN institutions for Saudi Arabia, and as a result, there is nothing much happening regarding these recommendations.

Pressures from Below

The Saudi government founded the National Human Rights Commission in 2005. Over the years, the institution sometimes appears in the reports, for example in 2008 when it urged the government to take measures to stop child marriage and announced the opening of a women's branch to investigate abuses against women and children (Amnesty International, 2009, p. 279). However, the Commission does not have a large effect (yet), as the government oftentimes bluntly ignores the advice given by the institution it founded. The Commission often lacks the enforcement mechanisms to implement laws and recommendations regarding human rights.

Interestingly, the influence of the press is visible. In the case of child marriage and domestic violence, attention by national media has in some cases truly made a difference. Examples include a 12-year-old girl being able to divorce her 80-year-old husband, and the case of a television presenter who was abused by her husband, who sparked a huge national debate on domestic violence. However, for national legislation the consequences are somewhat

smaller. Even though the government did move to make some amendments and positive changes on subjects that caused uproar through the national press, including an awareness-raising campaign on violence against women, the results of those new laws are not always existential. Additionally, the press is highly restricted in topics they are allowed to write about. Oftentimes journalists are arrested for posting stories that did not agree with the government.

Local human rights activists also sought to make a difference, but were often harassed and intimidated by local authorities. Criticism on the government can, as was the case with Raif Badawi, lead to brutal sentences. The activists behind the 'Women2Drive' campaign who got behind the wheel were in some cases ignored, but others were sentenced to lashes, travel bans or prison sentences. Not only do these punishments discourage people from voicing their opinion, it also silences the ones that are brave enough to stand up for their rights. As a result, activists fail to make a true difference on governmental policies.

Additionally, human rights organisations also have not had a large influence. The Saudi Arabian government has not allowed any observers by Amnesty International or Human Rights Watch access to the country in any year since 2000. As a result, these organisations have to rely on information provided by the government and local human rights activists. As a result, no independent research on the human rights situation has been possible, apart from the research done by the Special Rapporteur in 2008. Additionally, transnational networks are difficult to create. Because of the likeliness of being arrested when voicing opinions going against the government, it is dangerous for people to publicly come together for a cause that disagrees with the government, let alone found an organisation or tie oneself to such an organisation. With international human rights organisations not being allowed access to the country, local activists stand alone in their quest for human rights.

Social Mechanisms

Looking at the human rights situation in Saudi Arabia from 2000 until 2015, even though some positive developments have occurred, not a lot has changed for women. Unfortunately, both actors from below and above have not been able to bring about change. Looking back at the spiral model and its social mechanisms, several factors are of importance in this case.

Firstly, as was seen with the 'actors from above', not many of the social mechanisms were used to push Saudi Arabia to compliance of CEDAW. Apparently, Saudi Arabia is in such a strong material position that other states refrain from interfering in the abominable situation of women in the state, and instead choose to focus on retaining and improving the economic relation they have with Saudi Arabia. The lack of the use of social mechanisms in the case of Saudi Arabia can mostly be explained because of its strong economic stance due to its oil export. As a result, states are cautious with criticism. Apparently, material vulnerability as a scope condition in the spiral model can be such a strong scope condition that it has an effect not only on the use of the type of social mechanism, but also on the use of any mechanism.

Another explanation of the lack of social mechanisms being used, as was stated before, is the fact that the United States is seen as Saudi Arabia's key partner. Since the United States itself has not ratified the Women's Convention, it will most likely not criticize Saudi Arabia for its non-compliance with the Convention. Additionally, states in the region are not known for their good condition of women's rights, resulting in them not being likely to criticize Saudi Arabia as well. On top of that has the Gulf Cooperation Council created a resolution criminalizing any criticism in the domestic situation by other member states, resulting in no criticism of Saudi Arabia's women's rights situation by those member states. Aside from being such an important business partner that states refrain from criticizing the human rights situation, Saudi Arabia thus has key partners and neighbouring states that are not in the position to criticize

because of their own lack of compliance with women's rights norms or lack of ratification of the Women's Convention.

When legal measures were used through the UN Commission of the Women's Convention and the Special Rapporteur on Violence against Women, making Saudi Arabia submit reports and visiting the country to assess the situation, the measures fail to bring about change. Even though both the UN Commission and the Special Rapporteur noted important issues and recommendations for improvement, there were no mechanisms in place to make Saudi Arabia commit to the promises it made, or to make Saudi Arabia implement those recommendations. In the case of the UN Commission of CEDAW, Saudi Arabia promised to implement a law criminalizing domestic violence, however, this law was never implemented. No mechanisms are in place to enforce the realization of promises and implementation of recommendations.

Actors from below also suffered from the scope conditions of Saudi Arabia as identified with the spiral model. Because Saudi Arabia is an autocratic and such a repressive state, domestic actors are not powerful enough to stand up to their government. Local activists were often met with harassment or were arrested for voicing their opinion. With international human rights organisations not allowed access to the country, no large human rights networks could develop. Even though stories in the press sometimes did have an effect – mostly on sparking a discussion on human rights or resolving single cases of human rights violations –there is no press freedom, and as a result no true change could be brought about.

In conclusion, Saudi Arabia thus possesses certain characteristics making the use of social mechanisms to push the state to compliance nearly impossible or at least highly unlikely. The scope conditions identified by Risse and Ropp (2013, p. 17-20) signalled some of the difficulties actors might have in using the social mechanisms, however, the enormous impact of the

combinations of characteristics Saudi Arabia possesses did not truly come forward. Saudi Arabia's material strength, its autocratic system, and the combination of states in the region and its key partners result in leaving almost no room for actors from above and from below to demand change from the Saudi Arabian government.

CONCLUSION

This thesis sought to answer the question: how to make states implement norms as they were intended upon the creation of a treaty? It used Saudi Arabia and the Convention on the Elimination of all Discrimination against Women (CEDAW) as a case study for this research. Looking at the social mechanisms described by the spiral model (Risse, Ropp & Sikkink, 2013) with regards to the provided scope mechanisms, it was expected that, firstly, the more social mechanisms are used that are in line with Saudi Arabia's scope conditions, the more Saudi Arabia will be pushed into compliance. Secondly, taking Krook and True's (2010) criticism on norm interpretations into account, it was expected that actors with a similar norm interpretation of CEDAW as Saudi Arabia have a bigger effect on pushing Saudi Arabia to compliance than would actors with different norm interpretations.

Looking at the results, it has become clear that in the case of Saudi Arabia, social mechanisms were not often used. The scope conditions that were identified by Risse and Ropp (2013) are highly likely to be the cause in this situation. Saudi Arabia's autocratic system, material strength, and combination of key partners and states in the region altogether result in a situation where interference of both actors from above and actors from below is highly unlikely. Reflecting on the first hypothesis, it has thus been the case that Saudi Arabia's scope conditions affected the use of social mechanisms by other actors. However, it has affected the use of social mechanisms in such a way that they were barely used at all. With regards to the second hypothesis on

norm interpretations, the results in this thesis are not able to validate the hypothesis. Unfortunately, no social mechanisms were used by state actors with a similar norm interpretation to push Saudi Arabia to compliance of CEDAW. As a result, no conclusion on the effectiveness of criticism by actors with similar norm interpretation can be made. Logically one could argue that states with similar norm interpretations might only criticize when there is a true deviation from their norm, perhaps this was not the case with Saudi Arabia. However, this is a proposition to be tested in further research.

In conclusion, Saudi Arabia thus possesses certain characteristics that make the use of social mechanisms to make it comply to CEDAW highly unlikely. As a result, in the current situation, actors from above and from below are not in the position to make the government adhere to women's rights norms as they were intended in CEDAW. The biggest problem in the case of Saudi Arabia is its material strength, making states unwilling to criticize the state. Additionally, whenever Saudi Arabia did cooperate with legal measures through the UN, the involved institutions did not possess the capacity to enforce change. Both the UN Special Rapporteur on Violence against Women and the Committee of CEDAW made recommendations on the situation in the state, but no mechanisms are in place to enforce the implementation of those recommendations.

This thesis does have its limitations, as the reports used for this research did not always provide the in-depth information on interactions between states and international organisations that was looked for. Especially in the case of inter-state communication, information was not always available. Further research could go into researching how to get states with 'difficult characteristics' such as Saudi Arabia to comply. The issue of norm interpretation could be further investigated, as was touched upon before. Moreover, types of mechanisms to be used on materially strong states should be researched, in order to find how those states could also be pushed to

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compliance. Lastly, research could focus on how to enforce UN institutions with mechanisms to make states implement recommendations provided by those institutions. Answering these questions will help improve the human rights situation in Saudi Arabia, as with the right measures, actors from above and below can succeed in pushing Saudi Arabia to improve the situation for women in the state and comply with CEDAW.

BIBLIOGRAPHY

- Aa, G. van der (2016, May). 'De koning moet tegen de stroom oproeien'. *Wordt Vervolgd*, 5, 6-10.
- Al-Khalifa, M. & Al-Khalifa, N. (2007). Human rights in the Middle-East: The rights of women and children. *Refugee Survey Quarterly*, 26(4), 232-236. DOI: 10.1093/rsq/hdi0284.
- Alhargan, R. A. (2012). The impact of the UN human rights system and human rights INGOs on the Saudi Government with special reference to the spiral model. *The International Journal of Human Rights*, 16(4), 598-623. DOI: 10.1080/13642987.2011.626772
- Amnesty International (2000, September 27). Saudi Arabia: Gross human rights abuses against women. Retrieved from <http://www.amnesty.org> (last accessed 12 October 2016)
- Amnesty International (2000-2004). *Amnesty International Report*. London, UK: Amnesty International Publications.
- Amnesty International (2005-2016). *Amnesty International Report: The state of the world's human rights*. London, UK: Amnesty International Publications.
- Amnesty International (2016, May 30). Saudi Arabia should be held to account for gross and systematic human rights violations: Amnesty International's written statement to the 32nd session of the UN Human Rights Council (13 June – 1 July 2016). Retrieved from <http://www.amnesty.org> (last accessed 12 October 2016).
- Amnesty International (n.d.). Saudi Arabië. Retrieved from <http://www.amnesty.org/mensenrechten/landen/saudi-arabie> (Last accessed October 14, 2016).
- Brysk, A. (2013). Changing hearts and minds: sexual politics and human rights. In T. Risse, S. C. Ropp, & K. Sikkink (Eds), *The persistent power of human rights: From commitment to compliance* (pp. 259-274). Cambridge, UK: Cambridge University Press.
- CNN Library (2016, September 1). Saudi Arabia fast facts. *CNN*. Retrieved from <http://edition.cnn.com> (Last accessed October 17, 2016)
- El-Masri, S. (2012). Challenges facing CEDAW in the Middle East and North Africa. *The International Journal of Human Rights*, 16(7), 931-946. DOI: 10.1080/13642987.2011.629096
- Finnemore, M. & Sikkink, K. (1998). International norm dynamics and political change. *International Organization*, 52(4), 887-917.
- Ghattas, K. (2005, February 10). Saudi's first exercise in democracy. *BBC News*. Retrieved from <http://news.bbc.co.uk> (last accessed October 15, 2016)
- Hafner-Burton, E. M. & Tsutsui, K. (2007). Justice lost! The failure of international human rights law to matter where needed most. *Journal of Peace Research*, 44(4), 407-425.
- Hafner-Burton, E. M., Tsutsui, K. & Meyer, J.W. (2008). International human rights law and the politics of legitimation: Repressive states and human rights treaties. *International Sociology*, 23(1), 115-141. DOI: 10.1177/0268580907084388
- Hill, D. W. (2010). Estimating the effects of human rights treaties on state behavior. *The Journal of Politics*, 72(4), 1161-1174. DOI: 10.1017/S0022381610000599
- Hill, D. W. (2016). Avoiding obligation: Reservations to human rights treaties. *Journal of Conflict Resolution*, 60(6), pp. 1129-1158.
- Human Rights Watch (2000-2016). *World Report*. Retrieved from <http://www.hrw.org> (Last accessed December 8, 2016).
- Krook, M. L. & True, J. (2010). Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality. *European Journal of International Relations*, 18(1), 103-127. DOI: 10.1177/1354066110380963

- Lijnzaad, L. (1995). *Reservations to UN-Human Rights Treaties: Ratify and Ruin?* Dordrecht: Martinus Nijhoff Publishers.
- Meyer, D. S. & Whittier, N. (1994). Social movement spillover. *Social Problems*, 41(2), 277-298.
- Mtango, S. (2004). A state of oppression? Women's rights in Saudi Arabia. *Asia-Pacific Journal on Human Rights and the Law*, 1, 49-67.
- Musawah (2011). *CEDAW and Muslim Family Laws: In search of common ground*. Selangor, Malaysia: Musawah (Sisters in Islam).
- Musawah (2013). Baraza! A Sisters in Islam Bulletin. Retrieved from <http://www.musawah.org> (Last accessed December 8, 2016).
- Musawah (2016). *Women's stories, women's lives: Male authority in Muslim contexts*. Malaysia: Musawah.
- Musawah (Retrieved September 28, 2016). *Musawah: For equality in the Muslim family*. Retrieved from <http://www.musawah.org> (Last accessed September 28, 2016).
- Neumayer, E. (2007). Qualified ratification: Explaining reservations to international human rights treaties. *Journal of Legal Studies*, 36(2), 2007, pp. 397-430.
- NOS op 3 (2016, March 13). Dit zijn de vrouwelijke carrièretijgers van Saudi-Arabië. *NOS*. Retrieved from <http://www.nos.nl> (Last accessed December 10, 2016).
- Pearson, M. (2015, December 12). Polls open in Saudi Arabia, first time women allowed to vote. *CNN*. Retrieved from <http://www.cnn.com> (last accessed October 12, 2016).
- Risse, T. & Sikkink, K. (1999). The socialization of international human rights norms into domestic practices: Introduction. In T. Risse, S. C. Ropp, & K. Sikkink (Eds.), *The power of human rights: International norms and domestic change* (pp. 1-38). Cambridge, UK: Cambridge University Press.
- Risse, T. & Sikkink, K. (2013). Conclusions. In T. Risse, S. C. Ropp, & K. Sikkink (Eds.), *The persistent power of human rights: From commitment to compliance* (pp. 275-295). Cambridge, UK: Cambridge University Press.
- Risse, T. & Ropp, S. C. (2013). Introduction and overview. In T. Risse, S. C. Ropp, & K. Sikkink (Eds.), *The persistent power of human rights: From commitment to compliance* (pp. 3-20). Cambridge, UK: Cambridge University Press.
- Shannon, V. P. (2000). Norms are what states make of them: The political psychology of norm violation. *International Studies Quarterly*, 44, 293-316.
- Simmons, B. A. (2009). *Mobilizing for human rights: International law in domestic politics*. New York, NY: Cambridge University Press
- United Nations (n.d.). *CEDAW Sessions: Convention on Elimination of all forms of Discrimination against Women*. Retrieved September 28, 2016, from <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>
- United Nations Treaty Collection (n.d.). *Multilateral treaties deposited with the Secretary-General*. Retrieved from <http://treaties.un.org> (last accessed October 14, 2016)
- United States Department of State (2001-2016). *Country Reports on Human Rights Practices*. Retrieved from: <http://www.state.gov> (Last accessed December 8, 2016).
- Ziemele, I. & Liede, L. (2013). Reservations to human rights treaties: From draft Guideline 3.1.12 to Guideline 3.1.5.6. *The European Journal of International Law*, 24(4), 1135-1152. DOI: 10.1093/ejil/cht068