

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Briefing  
on  
Women's Human Rights Defenders in Saudi Arabia

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In May 2018, the Saudi regime escalated its crackdown on women's rights activism in the Kingdom with the arrest of several leading women's rights defenders. Only one-month prior, Saudi Arabia's Crown Prince Mohammed bin Salman, the Kingdom's de facto ruler, embarked on a three-week tour of the United States where American politicians, business executives, and celebrities fawned over him. "60 Minutes" touted him as a reformer who was making "revolutionary" change inside Saudi Arabia, and a prominent New York Times columnist praised him for leading a "top down" Arab Spring. The crown prince has been credited with removing the ban on women driving, allowing coed concerts and soccer matches, and weakening the authority of the religious police, who had long harassed Saudi citizens, particularly women.

However, the true advocates for these reforms, who worked tirelessly for decades and at great risk and harm to themselves and their families, are the very women's rights defenders now imprisoned on trumped up charges and subjected to brutal torture and sexual assault. Instead of celebrating their work, the Saudi regime has led a defamation campaign against them through state-controlled media, calling the activists "traitors" in order to justify their arrests. What is clear is that the arrests of the women's rights defenders are an egregious example among a larger pattern of repression, including the brutal crackdown on human rights activists, an extrajudicial "anti-corruption" shakedown of Saudi

elites, and an unprecedented consolidation of power within the Kingdom.

The reforms that have been implemented are welcome, albeit long overdue and insufficient. The most oppressive policy toward women, the male guardianship laws that require women to obtain permission from a male relative – either a father, brother, husband, uncle, or even her own son – in order to travel, marry, and access medical, legal, and residential services, remains in place. As Dr. Hatoon al-Fassi, one of the women arrested last year, told Congress in 2005, male guardianship has created a system where all women are “considered legally and socially a minor.” Unsurprisingly, we have seen the number of Saudi citizens - especially women - seeking asylum increase threefold since 2012, including the recent and highly publicized escape of an 18-year-old Saudi woman, who barricaded herself in a Bangkok hotel room fearing death if she was deported back to Saudi Arabia.

Seemingly lured by promises of billions in weapons sales, the Trump administration has fully embraced the Saudi regime, lending support to the crown prince’s increased repression of Saudi citizens. Rather than hold the regime accountable and publicly demand the immediate release and exoneration of the woman’s rights defenders, the administration has continued to offer tacit support for the Saudi leadership’s sham trial. The president has also defended Saudi Arabia’s blockade of Qatar, the shakedown of Saudi elites, and the devastating war in Yemen. And while the administration has sanctioned 17 individuals for the murder of Washington Post journalist Jamal Khashoggi, the president not only issued a peculiar statement which spread Saudi rumors about Mr. Khashoggi, he failed to comply with the law requiring him to certify whether the crown prince was responsible for the murder.

A bipartisan and bicameral group of legislators, though, have taken some important but symbolic steps to push back on Saudi Arabia’s oppressive policies that clearly run anathema to U.S. ideals and interests. In a unanimously approved resolution stating directly that “Crown

Prince Mohammed bin Salman is responsible for the murder of Jamal Khashoggi,” the Senate called on the Saudi government to release women's rights activists arrested in 2018. And Republican and Democratic Senators, led by the Ranking Member of the Senate Foreign Relations Committee Bob Menendez, introduced legislation that would prohibit the transfer of numerous weapons systems and require a report from the State Department on the human rights record of Saudi Arabia, including its treatment of women.

In the House, Representative Frankel and a bipartisan group of 26 co-sponsors introduced a resolution condemning the Saudi government’s treatment of women, urging the Kingdom to immediately release the detained women’s rights defenders and end the male guardianship laws, and calling on the administration to prioritize human rights—including women’s rights—in the U.S.-Saudi relationship. Representative McGovern introduced a bipartisan bill to prohibit arms sales and security assistance to Saudi Arabia in order to show the Saudis that Congress will not let the murder of a U.S. resident and journalist go without a strong response. And Representative Malinowski introduced legislation that bans anyone connected with the murder of Mr. Khashoggi from entering the United States until, among other conditions, the Saudis have taken verifiable steps to repeal the guardianship laws.

## **Recommendations**

While Congress has taken some promising initial steps to demonstrate its frustration with the current U.S.-Saudi relationship and the Trump administration’s unfettered support for the Saudi regime’s repressive and impetuous policies, Congress can and must do more to reshape U.S. foreign policy toward Saudi Arabia. This needs to include more emphasis on the rights of woman in Saudi society and it can begin to do so by following these steps:

- Congress should pass H. Res. 129, which was introduced by Representative Frankel and unanimously passed the House Foreign

Affairs Committee yesterday, to express its strong disapproval of the Saudi government's treatment of Saudi women

This resolution would send a strong signal of Congress' displeasure with Saudi actions, but it is not enough; Congress must pass legislation that imparts real penalties on the Saudi regime for countering U.S. interests, including the detention of Saudis simply trying to push for gender equality. Currently there are a variety of legislative options available in both the House and Senate. Congressional action should include targeted U.S. sanctions on Saudi individuals responsible for human rights abuses against the women's rights defenders. Sanctions legislation should also provide incentives for the Kingdom to carry out legitimate reforms, including:

1. The release of all human rights defenders, bloggers, journalists, and civil society activists, including the women's rights activists arrested in May 2018
2. The end of the male guardianship system
3. Adherence to the UN Convention against Torture
4. Holding all officials and security forces who are responsible for human rights abuses accountable for their crimes
5. Allowing for public criticism and freedom of expression within the political sphere
6. And ceasing all enforced repatriations, disappearances, arrests, and travel bans on individuals perceived as oppositional to the regime

By taking these steps, Congress would begin to realign the relationship and send a strong signal to the Saudi government that it is in the U.S. interest that Saudi woman no longer be "considered legally and socially a minor." The crown prince's foreign and domestic policies are indicative of a power-hungry, reckless leader, whose reforms are hollow and outweighed by his escalation of repression. He may have lifted the driving ban, but his arrest of the women's rights defenders who

advocated for lifting the ban and the continuation of the guardianship laws proves the reforms are devoid of substance. Just two weeks ago we learned that American intelligence warned Saudi and non-Saudi activists based outside of the Kingdom that there were credible threats against their lives by the Saudi regime. Clearly the crown prince and his henchmen believe they can continue to act with impunity, and it is incumbent upon Congress to take the necessary steps to ensure that our longtime partner understands that its actions have consequences. The United States can maintain a positive, mutually beneficial relationship with the Saudi government, but only if the U.S. government is willing to push back on the regime's worst abuses. Moreover, if the Saudi government hopes to advance Vision 2030 and create a country that enriches the lives of its citizens, it must unleash the skills of half its population for the betterment of Saudi Arabia and its people.