



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Information received from Saudi Arabia on follow-up to the concluding observations on its combined third and fourth periodic reports*

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* The present document is being issued without formal editing.



Information provided by Saudi Arabia on the implementation of the recommendations contained in paragraphs 16 (a), 26, 32 (b) and 62 (a) of the concluding observations issued by the Committee on the Elimination of Discrimination against Women on 14 March 2018

Preface

1. The Committee for the Elimination of Discrimination against Women considered the combined third and fourth periodic reports of the Kingdom of Saudi Arabia (CEDAW/C/SAU/3-4) at its 1582nd and 1583rd meetings (CEDAW/C/SR.1582 and CEDAW/C/SR.1583), held on 27 February 2018 at the Committee's sixty-ninth session, which took place from 19 February to 9 March 2018. The Committee adopted its concluding observations (CEDAW/C/SAU/CO/3-4), which contained a request for the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (a), 26, 32 (b) and 62 (a).

2. The Kingdom of Saudi Arabia takes this opportunity to thank the Committee for its constructive and effective dialogue with the delegation of Saudi Arabia, which participated in the two meetings to discuss its combined third and fourth periodic reports. It welcomes the Committee's expressions of appreciation and the positive aspects highlighted in the concluding observations, reflecting the Committee's recognition of the progress made by Saudi Arabia in implementing the Convention. The Kingdom wishes to state that it has considered with great care the Committee's observations and recommendations.

Those recommendations were studied by the standing committee for the preparation of reports that was formed in 2015 within the Human Rights Commission. The Commission is the national mechanism responsible for preparing reports on the implementation of treaties and universal periodic review reports, in addition to following up on the implementation of recommendations made by treaty bodies and other relevant mechanisms. The Commission works in partnership with civil society institutions.

I. Implementation of the recommendation contained in paragraph 16 (a)

Open a participatory national dialogue, engaging women, on women's human rights in Islam, with a view to examining existing laws and regulations in order to dissociate the provisions deriving from religion from those falling within the scope of traditions and customs, and develop jurisprudence allowing for Islamic legislation to be adapted to the current context of women

3. Saudi Arabia has used all means at its disposal to empower women and promote their rights, culminating in the adoption of Vision 2030 of the Kingdom of Saudi Arabia, which reiterates that Saudi women are an important part of society. Indeed, women account for over 50 per cent of the total number of university graduates. Efforts will continue to develop women's talents and capabilities and facilitate their access to the right opportunities upon which to build their future and contribute to social development in various fields. As a result, the majority of developments that have occurred and the reforms that have been instituted over the past five years are related to women's rights. More than 22 of those reforms, which will be addressed in this document, relate to women's rights and the elimination of discrimination against women.

4. With regard to the Committee's recommendation, the competent authorities in the Kingdom of Saudi Arabia, including the King Abdulaziz Centre for National

Dialogue, the Human Rights Commission, and the Family Affairs Council, in addition to several civil society institutions, have held many national dialogues with the participation of women in order to promote and protect the rights of women; eliminate discrimination against them; correct misconceptions by developing awareness of the rights of women established by the principles and provisions of the Islamic sharia; and dissociate the concepts and practices derived from sharia from those falling within the scope customs and traditions. A particular aim of those dialogues was to address the relevant laws and regulations and propose amendments them.

5. For example, in 2018 and 2019, the Human Rights Commission held a number of activities and events, such as seminars on women's rights in the Islamic sharia and national laws, the orders issued and decisions adopted by the Kingdom in respect of women, and raising awareness of women's rights in Islam.

6. As a result of those efforts, many laws and decrees have been amended to ensure that women's rights are promoted and that discrimination against women is eliminated, thereby attaining the aim of the recommendation. The laws include the Personal Status Act, the Travel Documents Act, the Labour Act and the Social Security Act. Many procedures and guidelines have been revised and amended to ensure that women and men are treated equally. These reforms will be addressed at length in section IV of this report.

II. Implementation of the recommendation contained in paragraph 26

The Committee recommends that the State party amend the Law on Associations and Foundations to ensure an enabling environment in which civil society organizations, in particular women's non-governmental organizations and associations, may be freely established and engage in political and public life, in accordance with article 7 (c) of the Convention

7. The Kingdom has endeavoured to create an enabling environment in which such organizations are able to operate independently, including by passing the Act on Non-governmental Associations and Organizations on 1 December 2015. The objectives of the Act include organizing, promoting and protecting the work of civil society organizations; contributing to national development; encouraging citizens to participate in guiding and developing society; sparking a culture of volunteerism among citizens; and achieving social solidarity. Under the Act, associations working in the public interest, including the protection and promotion of human rights, are considered public welfare organizations. The Act also contains provisions to facilitate the establishment of associations, including by requiring the Ministry of Human Resources and Social Development to reply to applications, including those submitted by women's associations and organizations, to establish an entity within 60 days of the date of completion of the application forms. A lack of reply is taken to mean that the application has been approved. The law is currently being revised in the light of the Kingdom's obligations under international human rights standards.

8. Civil society organizations in the Kingdom are essential partners of government bodies whose functions relate to human rights. This effective partnership has led to the adoption of measures that have contributed significantly to continued progress in promoting and protecting human rights, including women's rights. Civil society organizations play an active oversight role by receiving complaints, monitoring violations and abuses of women's rights, and contacting the relevant government entities. They also play an advisory role in the drafting of the Kingdom's periodic reports on human rights, including women's rights; the process provides a valuable opportunity to review the state of women's rights in the Kingdom. Civil society

organizations have made substantial efforts to raise awareness of women's rights, including by making the Convention more widely known.

9. Several non-governmental associations and organizations have supported women's rights in the Kingdom by undertaking a number of initiatives and programmes, including:

- Preparing the draft law on protection from abuse, which was enacted in 2013;
- Establishing offices for women in personal status courts to provide support, raise awareness, provide women with counselling, legal and procedural assistance and facilitate litigation;
- Preparing a legal study that contributed to the passage of the Statute of the Maintenance Fund;
- Preparing a study on the extent to which the Kingdom's laws are compatible with international standards that led to a review of several of relevant laws and decrees;
- Establishing and operating shelters for victims of domestic abuse;
- Establishing the National Observatory for Women in 2018 as a focal point responsible for monitoring the participation of Saudi women in development and their direct impact on society. The Observatory serves as an enabling resource for decision makers and civil society organizations by developing and monitoring indicators of women's participation in development and conducting studies to promote their participation in development;
- Preparing surveys on women's rights (e.g., the survey on the social aspects of women's participation in development).

III. Implementation of the recommendation contained in paragraph 32 (b)

Adopt comprehensive legislation to specifically define and criminalize all forms of gender-based violence against women, in particular economic violence, rape, including marital rape, non-penetrative forms of sexual assault and sexual harassment, and expedite the adoption of the bill on harassment

10. Several laws criminalizing all forms of gender-based violence, including economic violence and sexual assault, have been enacted. The Act on Protection from Abuse criminalizes abuse and addresses behaviours that are correlated with a climate conducive to abuse in society. Abuse is a crime that requires urgent intervention in view of the physical, psychological and social damage it causes, and often occurs in situations that are beyond control and where perpetrators cannot be brought to account. As such, the law obliges anyone who knows of a case of abuse to report it immediately. In addition, the law requires employees who become aware of a case of abuse to report it to their employer and obliges the employer to report the abuse to the competent authorities or the police immediately upon learning of it. The implementing regulation of the Act mandates the establishment of a centre to field reports of abuse. The 2009 Anti-Trafficking in Persons Act also criminalizes all forms of trafficking in persons, particularly women and children, including economic exploitation.

11. With regard to the Committee's recommendation to expedite the adoption of the bill on harassment, the Anti-Harassment Act, promulgated by Royal Decree No. M/96 on 16 Ramadan A.H. 1439 (31 May A.D. 2018), is designed to combat and prevent the crime of harassment, punish perpetrators and protect victims, while safeguarding the privacy, dignity and personal freedom of the individual guaranteed by the Islamic

sharia and statutory law. Article 6 (1) of the Act stipulates that the crime shall carry a punishment of not more than two years' imprisonment and/or a fine of not more than 100,000 riyals. Article 6 (2) stipulates that, if committed against a child, a person with disability or in an academic or care facility or a shelter, the crime of harassment shall carry a punishment of not more than five years' imprisonment and/or a fine of not more than 300,000 riyals.

12. Rape is a criminal offence under the Islamic sharia and demands the maximum penalty, as it is an assault on honour, one of the five essentials that the sharia seeks to protect. It is therefore classified as a major offence. With regard to marital rape, the marital relationship is built on affection and mercy. Therefore, any act of aggression committed within that bond is considered a crime punishable on the basis of the principles and provisions of the Islamic sharia, which requires sexual relations between the spouses to be consensual and not cause harm.

IV. Implementation of the recommendation contained in paragraph 26 (a)

To abolish practices of male guardianship and adopt implementing regulations to enforce Supreme Order No. 33322 and ensure that it entitles all women to the right to obtain a passport and travel outside the country, study abroad on a government scholarship, choose their place of residence, gain access to health-care services and leave detention centres and State-run shelters without having to seek a male guardian's consent

13. Royal Decree No. M/134, promulgated on 27 Dhu'lqa'dah A.H. 1440 (30 July A.D. 2019), approved the amendment of a number of laws with a view to promoting women's rights in various fields. The following amendments were made:

- **Travel Documents Act:** The amendments included the imposition on men and women of the same conditions to obtain a passport. Therefore, a woman may obtain a passport and travel abroad for any reason and without requiring permission or consent from anyone. The implementing regulation of the Act also provides that the custodial parent has the right to have a passport issued for and to travel with his or her child or to authorize the child to do so.
- **Personal Status Act:** Some of the most important amendments made to the Act include the deletion in article 30 of the phrase "the place of residence of a married woman is the residence of her husband if they continue to engage in sexual relations" and the amendment of article 33, whereby women are granted the same rights as men with regard to reporting births. Moreover, under article 47, either spouse shall be responsible for reporting a marriage, divorce, revocation of divorce, unilateral divorce or mutual divorce. That article also provides that marriage and divorce can be reported by the father of the husband, the father of the wife or one of their relatives. The amended article 50 grants either spouse the right to request the family registry from the Department of Personal Status, while the amended article 53 stipulates that a woman shall have the same right as a man to report the death of a parent, child, spouse or other relative. Lastly, article 91 was amended to read "for the purposes of this Act, 'head of family' means the father or mother of minor children".
- **Labour Act:** The Act was amended to guarantee equal rights, duties and conditions of service for men and women. In article 3, it is stated that all citizens shall have the right to work and not to be discriminated against on the basis of sex, and that the retirement age of 60 years shall apply to men and women alike. The amendments also prohibit dismissing or threatening to dismiss a woman

employee while she is pregnant or on maternity leave, or in the event of illness during either period.

- Social Security Act: Article 38 of the Social Security Act was amended to set 60 years as the retirement age for both men and women, thereby guaranteeing equal rights in that regard.
- Road Traffic Act and its implementing regulation: The Royal Order promulgated on 26 September 2017 provides that the provisions of the new road traffic system and its implementing regulation, including the issuance of driving licenses, shall apply to men and women alike. As a result, women have begun to drive automobiles on an equal footing with men since 10 June 2018. As at January 2020, 174,624 driver licences have been issued to women.

14. In implementation of the Kingdom's Vision 2030, mentioned in paragraph 4, Saudi women have held such important positions as deputy minister, assistant minister, university director, ambassador, public prosecutor and chair of the boards of directors of a number of companies, including Tadawul, the Saudi stock exchange. In addition, steps are being taken to pave the way for women to occupy decision-making positions in the public and private sectors. By Council of Ministers resolution 444 of 4 Sha'ban A.H. 1440 (9 April A.D. 2019), a regulation was promulgated to preserve public decency. The regulation requires women and girls to dress in a manner that does not conflict with public decency, as established in the relevant schedule of violations and fines. It should be noted that no specific dress code is imposed on women. In 2018, women, like men, were allowed into a variety of sports stadiums.

15. The President of the Supreme Judicial Council issued Circular No. 1049/T on 20 Jumada II A.H. 1439 (8 March A.D. 2018). The Circular establishes that the mother has custody of the child and that she does not need to file for custody unless there is a custody dispute. The mother, as custodial parent, shall have guardianship, which gives her the authority to carry out official transactions on the child's behalf in all governmental and non-governmental offices and agencies. In December 2019, the Supreme Judicial Council also adopted rules that regulate and expedite cases involving an attempt to prevent a woman from marrying ('*adl*).¹ The rules stipulate that the district court handling the case shall have 30 days from the date of application to hand down a ruling, with the possibility that the woman will be allowed to marry immediately. The directive issued by the President of the Supreme Judicial Council also provides that the official who perform marriages shall be required to hear the women's oral consent and shall provide her with a copy of the marriage contract.

16. The implementing regulation of the system for implementing judgements was amended. The amendment stipulates that custody or visitation cases shall be litigated in the country in which custody or visitation rights have been granted by court order. It also provides that rulings on child support and that rulings and decisions on visitation or delivering the child into the custody of the custodial parent shall be executed immediately. Moreover, the amended implementing regulation provides that support payments to the woman shall take precedence over any other financial obligations that the man may have, so as to ensure a decent standard of living for the woman and her children. The Ministry of Justice approved an initiative to establish centres where rulings on custody and visitation can be executed and visitation facilitated, in conjunction with the non-profit sector, in order to provide an ideal, safe, healthy, convivial family environment, maintain the rights of the child and preserve the family's privacy.

¹ Preventing a woman from marrying someone she wants to marry or whom she has agreed to marry.