



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Fortieth and forty-first sessions

16-20 July 2007

### List of issues and questions with regard to the consideration of periodic reports

#### Saudi Arabia

The pre-session working group examined the combined initial and second periodic report of Saudi Arabia (CEDAW/C/SAU/2).

#### General

1. Please provide information on the process of preparation of the report, including whether non-governmental organizations, particularly women's organizations, were consulted, what Government departments and institutions were involved in the preparation of the report and the nature and extent of their participation, and whether the report was presented to or adopted by any designated high-level authority.
2. Please clarify the precise scope of Saudi Arabia's general reservation to the Convention on the basis of the norms of Islamic Law, and describe the impact of this reservation on the practical realization of the principle of equality between women and men as required under article 2 (a) of the Convention.
3. The report indicates that women of non-Saudi nationalities constitute a substantial portion of the country's population, but the report does not provide information or data on such women, or explain whether the country's population includes ethnic, religious, or other minorities. Please provide information, including statistics relating to the areas covered by the Convention, about women from ethnic or other minorities or non-Saudi nationalities, whether such women face multiple forms of discrimination and the measures that have been taken to address such discrimination.



**Articles 1 and 2**

4. The report indicates that the provisions of the Convention, ratified by Royal Decree, are considered to be a part of domestic law and may be invoked before Saudi Arabia's courts or other judicial or administrative authorities. Please clarify whether under the Saudi Arabian legal system, in situations of conflict between domestic laws and international treaty obligations, international treaty obligations take precedence over domestic laws. Also, please provide information on court or other judicial or administrative cases, if any, where the provisions of the Convention have been invoked and the outcome of such cases.

5. The report indicates that the general principle of equality and non-discrimination is incorporated into the Basic Law of Governance and regulatory provisions. Please explain whether the principle of gender equality and non-discrimination on the basis of sex is specifically articulated in the Basic Law of Governance, and provide information on the steps taken, or the steps being considered within a given time frame, to ensure that this principle is made fully applicable to all areas of law in accordance with obligations under the Convention. Please include information on any law review process that has been undertaken to reform or repeal provisions that discriminate against women.

6. The report provides an overview of the means of redress available to women. Please provide statistical information about women's use of these means of redress of claims of discrimination based on sex. In addition, please indicate whether there are any specific procedures or mechanisms for dealing with claims of discrimination on the basis of sex.

7. The report is silent on the ban on driving by women. It also does not discuss prevailing dress codes for women, their legal or other basis, and enforcement mechanisms, and the compatibility of these measures with the Convention. Please elaborate.

**Article 3**

8. Please provide information on the higher national committee specializing in women's affairs that has been created pursuant to Cabinet Decree No. 63, and the women's rights sections and units that have been created within government ministries and government bodies providing services to women. This should include information on the status, authority, role, objectives, actions, and human and financial resources of these entities. Are there women in the higher national committee specializing in women's affairs, and if so, what is the percentage of women in this committee?

9. The report is silent with respect to any national action plan for the promotion of gender equality, the implementation of the Convention and/or the Beijing Declaration and Platform of Action. Please indicate whether such a plan of action is in place or is being considered.

**Article 4**

10. Please explain whether the Government has considered using temporary special measures in accordance with article 4, paragraph 1 of the Convention and general recommendations 23 and 25, such as the establishment of quotas or

incentives to accelerate achieving equality, particularly in the areas of employment, participation in political and public life, and in the judiciary.

#### **Article 5**

11. The report notes that the State is exerting considerable efforts to modify patterns of conduct and eliminate discriminatory practices. The report also notes that customs and traditions present obstacles to women's participation in education and access to the labour market. The report, however, does not elaborate on the discriminatory customs, traditions and stereotypes that persist. Please provide an overview of the forms and manifestations of discriminatory attitudes, practices, and customs and their impact on women's equality. Please also describe the actions being undertaken to overcome these obstacles, including measures to address the societal attitudes underlying such practices.

#### **Violence against women**

12. The report states that in 2004, social protection committees were established in 13 regions of the country under the Ministry of Social Affairs whose members are tasked with researching violence against women, investigating complaints, and submitting reports to the committee. Please explain what kinds of data are being collected on violence against women, including domestic violence and sexual violence. Please indicate what such data reveals regarding the incidence of and trends in violence against women, including information on prosecutions and convictions in cases of violence against women. Please also indicate the rate of women's participation in the composition of the social protection committees.

13. Please explain whether a domestic violence law is being considered, and describe the legal remedies and health and social services available to women victims of violence.

14. The Special Rapporteur on violence against women, its causes and consequences, in her report E/CN.4/2003/75/Add.1 (para. 815), indicated that foreign women working as domestic servants in Saudi Arabia have reported many cases of abuse in their work environments including forced confinement, withholding of food, beating and other physical abuse, and rape, and that they encounter severe obstacles in obtaining redress in the courts due to the strict evidentiary rules in the courts and the women's own fears of reprisals. Please explain actions taken to prevent such abuse and prosecute offenders, to ensure adequate legal protection and access to the courts for these women, to provide them with legal, judicial, health, and social services, and towards the consideration of these women as victims rather than offenders.

#### **Article 6**

15. The report indicates that Saudi Arabia has taken measures to prevent and combat trafficking, and that these efforts have achieved considerable success. Please describe these measures, including the enactment or consideration of any specific legislation to combat trafficking, measures to provide specialized training on trafficking for members of the police, border guards, and the judiciary, including the training of women for these responsibilities, and give information on the effectiveness of these measures.

**Articles 7 and 8**

16. The report states that women did not participate in the first municipal elections in Saudi Arabia, but that the Municipal Elections Law contains the word “citizen” which covers women and men equally, and that officials have made statements regarding women’s participation in the forthcoming elections. Please clarify whether women are ensured the same rights as men to vote and to be eligible for election at all levels, and indicate the legislative basis of these rights. Please also describe the concrete steps the Government has taken to ensure that women are able to fully participate in the forthcoming elections as voters and candidates.

17. The report notes that the counsel of women has been requested during proceedings of the country’s Consultative Council, and that women have participated as members of Consultative Council delegations to regional and international parliamentary meetings. Please describe the level and nature of women’s participation in the Consultative Council and its delegations, including whether women have equal rights with men with respect to participation in the Council, and what measures the Government is taking to increase the participation of women in the Consultative Council and its delegations.

18. The report indicates that the State has provided opportunities for women to rise to positions of leadership within its institutions, including to the level of deputy minister. Please provide statistical information on the number of women, including in leadership positions, at different levels and sectors of government. Please also describe the concrete measures that have been taken, including temporary special measures, to increase the participation of women in decision-making at all levels, including in the judiciary, in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendations 23 and 25.

**Article 9**

19. The report states that Royal Decree No. M/54 (29 Shawwal 1425 AH), amending several articles of the Saudi Nationality Law to affirm the principle of equality between men and women in all matters relating to Saudi nationality, is to be reviewed with the Ministry of the Interior. Please provide an update on the status of this decree, and indicate how this decree will affect Saudi Arabia’s reservation to article 9 (2) of the Convention.

**Article 10**

20. Please provide data and information on the education levels and access to education of women and girls from rural areas, ethnic or other minorities and non-Saudi nationalities.

21. The report indicates that curricula for girls and boys are at the point of being standardized between the sexes from kindergarten through secondary school levels. Please provide further information on this standardization, and its content at different levels of schooling. Please elaborate in particular whether any measures are being taken to eliminate stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training, to encourage girls to participate in non-traditional educational, vocational, or professional streams, and to open to women and girls all areas of study in the scientific and technical areas.

22. Please provide statistics on women's and girls' participation in different fields and areas of study, as compared to men's and boys', in colleges and universities.

23. The report notes that Royal Order No. 651/M (8 Jumada II 1422 AH) widened the scope of scholarship grants in areas in which women work and where the demands of work require qualification through overseas study. Please clarify whether women have the same access as men to scholarship grants or opportunities for overseas study in all fields or occupations in accordance with article 10 (d) of the Convention, and provide statistics disaggregated by sex and field or occupation on women's levels of participation in overseas study, and scholarships for such studies.

24. According to the report, the illiteracy rate for women (25.18 per cent) is more than double that of men (11.7 per cent). Please describe the measures in place to address illiteracy in women and the results achieved through implementation of such measures.

#### **Article 11**

25. Please provide information and statistics on women's labour force participation in the informal sector, including non-Saudi citizens. Please also describe the types of legal, social, or other services and protections available to women in the informal sector, and any measures to increase their availability and accessibility.

26. The report indicates that the Social Security Law and Social Insurance Law apply to women as well as men, and that benefits are available to women, particularly women "with no male provider". Please clarify whether women have the same rights as men to receive pensions or other benefits under these laws, and provide statistics disaggregated by sex regarding the provision of services and benefits under these laws.

27. The report notes that the Ministry of Labour, the Ministry of Commerce and Industry, and the Council of Saudi Chambers of Commerce and Industry have been charged with studying maternity leave for working women in the private sector. Please provide an update on this study and indicate whether any legislation has been proposed or other actions taken to enhance maternity leave protections in the private sector, and provide statistical information on the prevalence and use of maternity leave in the public and private sectors.

#### **Article 12**

28. Please provide information and data on the access to health services for women and girls from rural areas, ethnic, religious or other minorities and non-Saudi nationalities, including migrant women, and on maternal mortality and morbidity rates for all women, including trends over time.

#### **Articles 13 and 14**

29. The report states that the Government implemented a rural woman pioneer project in 2000 which aimed to raise awareness of health and social issues among rural women, and assist them in acquiring certain skills. Please provide information on the situation of rural women in Saudi Arabia and the impact of this project, including data and trends since 2000 on rural women's education levels, health,

participation in the formal and informal labour sectors, access to loans and financial credit, and participation in the country's social and political life. Please include data showing the rates of women's participation as compared to men's in the above areas.

**Articles 15 and 16**

30. The report mentions the formation of "courts of personal status" with responsibility for ruling on all matters related to personal status. Please clarify the proportion of women judges in these courts. Please explain whether women have equal rights with men with respect to their legal capacity, and access to and participation in proceedings before these courts. Please also explain any distinctions between women and men in personal status law with respect to marriage, divorce, child guardianship and custody, inheritance, property ownership, the right to decision-making in the family and economic matters, and choice of residence and employment.

31. The report stipulates that "Islamic Shariah is the legal framework for the social laws and, accordingly, a woman has the right to choose a husband and to enter into marriage only with her consent". Please clarify the role of the courts with regard to marriage and family practices and customs, and describe the measures, including training, in place to ensure knowledge about the Convention and compliance by the judiciary and the legal profession with Saudi Arabia's obligations under the Convention. Please indicate the minimum legal age of marriage for women and men, and whether the minimum legal age is the same for women and men and conforms with the legal age of majority as stipulated in the Convention on the Rights of the Child.

**Optional Protocol**

32. Please indicate any progress made towards accession to the Optional Protocol to the Convention. Please also indicate any progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention.

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