



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the fifth periodic report of Saudi Arabia*

Women's rights and gender equality in relation to the pandemic, recovery efforts and global crises

1. Please describe efforts made and mechanisms put in place to contend with the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflict, food insecurity, the energy crisis and other relevant areas. Please inform the Committee about strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises and in elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also inform the Committee about measures taken to ensure the equal and meaningful participation of women in these processes and to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

Legislative framework and definition of discrimination against women

2. Please indicate what steps are being taken or envisaged to:

(a) Integrate an explicit guarantee of equality based on sex or gender into constitutional legislation;

(b) Repeal discriminatory legislative provisions, such as the concept of male guardianship and the obligation imposed on women to obey their husband. Please indicate measures taken to combat all forms of discrimination.

Access to justice

3. Please provide information on measures to address gender stereotypes in the judiciary, including whether there is systematic capacity-building for judges and prosecutors in this regard and whether this capacity-building is also included in the training for law students. Please also describe measures that have been put in place to ensure that women who report gender-based violence are not subjected to criminal prosecution for reporting the crime. In the light of reports received by the Committee that the court system is controlled by male-only judges with large discretionary

Adopted by the pre-sessional working group on 1 November 2023.



powers and that a woman's testimony is worth only half that of a man, please explain how women's full and unbiased access to justice is ensured.

4. Please inform the Committee about any steps taken towards imposing a moratorium on the death penalty with a view to abolishing it. Please also:

(a) Provide data for the past five years on women on death row, in particular the crimes for which they were convicted, their age, nationality and ethnicity, whether they are responsible for any dependants, and whether any women with disabilities are currently on death row;

(b) Clarify whether the death penalty is also applied to women who acted in self-defence;

(c) Indicate whether any procedures are in place to institutionalize legal aid that is accessible, sustainable and responsive to the needs of women, including non-citizens.

National machinery for the advancement of women

5. Please provide detailed information on the status and authority of the Family Affairs Council and its relationship with relevant ministries and women's non-governmental organizations, as well as on the human, technical and financial resources allocated from the national budget to the Council and on the presence of the Council at the governorate and local levels.

National human rights institution

6. Please inform the Committee on specific steps taken or envisaged to establish an independent national human rights institution with a robust mandate to promote and protect human rights, including women's rights and gender equality, and with adequate human, technical information and financial resources to carry out its mandate effectively, independently and in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Non-governmental organizations and women human rights defenders

7. In the light of the Committee's previous recommendations (para. 26),¹ please provide updated information on steps taken or envisaged to revise the Law on Associations and Foundations (2015).

Stereotypes

8. Please provide updated and detailed information on any steps taken towards removing all forms of subordination of women to their husbands and other male relatives, as well as other discriminatory attitudes in law and society, including those towards women belonging to groups in disadvantaged situations and women seeking access to justice.

Harmful practices

9. Please indicate whether any specific steps have been or are being taken towards removing exceptions in the Personal Status Law (2022) to the minimum age for

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations on the combined third and fourth periodic reports of the State party (CEDAW/C/SAU/CO/3-4).

marriage of 18 years and provide statistical data on the number of child marriages in the State party.

Gender-based violence against women

10. Please describe any specific efforts to raise awareness about gender-based violence and legislation aimed at criminalizing gender-based violence and changing patriarchal norms and practices. Please also provide information on steps taken to:

(a) Enforce the Law on Protection from Abuse and to combat all forms of gender-based violence against women, including domestic and sexual violence;

(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, and all forms of sexual assault;

(c) Review and repeal all legal provisions that exculpate the perpetrators of domestic violence, including male guardians, and ensure that women who are victims of violence and flee their homes are not convicted of disobedience;

(d) Remove all current legal obstacles to access to justice, redress and reparation for women and girls who are victims of gender-based violence, including the requirement to obtain the authorization of a male guardian to lodge complaints;

(e) Encourage victims of gender-based violence against women to report their cases and ensure that such cases are duly investigated and prosecuted, the perpetrators are adequately punished and the victims have access to appropriate redress, including compensation;

(f) Provide capacity-building programmes for judges, prosecutors, police officers and other law enforcement officials on the strict application of relevant criminal law provisions and on the gender-sensitive investigation of such cases;

(g) Raise awareness about gender-based violence and legislation aimed at criminalizing gender-based violence and changing patriarchal norms and practices;

(h) Strengthen support services for women who are victims of gender-based violence.

Trafficking in women and girls

11. In the light of information received by the Committee that the Anti-Trafficking in Persons Law (2009) contains a clause that allows a judge in the competent court to exclude immediate family members from punishment for acts of physical force, threat or terror, please explain how the State party ensures the effective and unconditional enforcement of the Anti-Trafficking in Persons Law, and ensures that all cases of trafficking in persons, in particular women and girls, are investigated, prosecuted and punished and that the sentences imposed on perpetrators are commensurate with the gravity of the crime. Please also describe efforts to ensure that women who are victims of trafficking and exploitation of prostitution, irrespective of their ethnic, national or social background and legal status, are exempted from any liability and provided with adequate protection and redress, including rehabilitation and compensation, as well as temporary residence permits.

Participation in political and public life

12. In the light of the Committee's previous recommendations (para. 40), please describe measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, put in place to:

- (a) Promote the equal and full participation of women in political and public life and in decision-making at the national and local levels, including the Government, the Shura Council, municipal councils, the judiciary and the diplomatic service;
- (b) Address cultural and practical barriers to the full participation of women as candidates and voters in municipal elections.

Nationality

13. In the light of the Committee's previous recommendations (para. 42), please provide updated information on any specific steps towards:

- (a) Amending the Nationality Law to enable Saudi women to pass on their nationality to their foreign spouses and their children on an equal basis with Saudi men;
- (b) Regularizing the situation of stateless women and ensuring their right to nationality without discrimination;
- (c) Acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Education

14. In the light of the Committee's previous recommendations (para. 44), please provide information on efforts to:

- (a) Specifically address the disproportionately high rates of illiteracy and dropout among migrant girls, girls with disabilities and girls living in rural and remote areas and in poverty;
- (b) Ensure that mandatory, age-appropriate sexual and reproductive health education is incorporated as a separate subject into the curricula;
- (c) Ensure that pregnant girls and young women and mothers are reintegrated into and supported in continuing their education;
- (d) Review the curricula and textbooks at all levels of education in order to eliminate discriminatory stereotypes regarding the roles of women, and provide training for teachers in women's rights and gender equality.

Employment

15. Please clarify whether the State party explicitly prohibits or envisages the prohibition of discrimination based on gender, including in the context of vocational training, promotions or demotions, and terminations. Outline any specific near-term plans to pass legislation that comprehensively prohibits discrimination based on gender at work in all the above-mentioned situations, on the basis of family status, marital status and pregnancy. Please also explain what steps are being taken to address the comparatively high unemployment rate of women as compared to men.

Women migrant workers

16. Please provide further information on the Musaned domestic labour programme, including how many domestic workers have been registered under this programme and how it protects their rights. In the light of the Committee's previous recommendations (para. 38), please also provide information on the steps that have been taken to:

- (a) Enforce the Regulations concerning Domestic Workers and the Like;

- (b) Extend the application of the Labour Code to women migrant domestic workers and adopt a specific law regulating domestic employment, with adequate sanctions for employers engaging in abusive practices;
- (c) Raise awareness among women migrant domestic workers of their rights under the Convention and available remedies to complain about violations of those rights;
- (d) Ensure the right of women migrant domestic workers to change employers legally without being charged with “absconding”;
- (e) Ensure that women migrant domestic workers have effective access to justice;
- (f) Prohibit the confiscation of passports from women migrant workers;
- (g) Carry out regular labour inspections of the workplaces, including private households, and dormitories of women migrant workers;
- (h) Abolish the *kafalah* system in practice;
- (i) Strengthen and make accessible welfare services and assistance to women migrant domestic workers, including those who are undocumented, who are victims of gender-based violence, abuse and exploitation;
- (j) Ensure due process in administrative and judicial proceedings, including detention and expulsion proceedings, for women migrant domestic workers, in particular those who are in an irregular situation;
- (k) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Economic and social benefits

17. Please provide updated and detailed information on measures to:

- (a) Earmark financial resources for increasing access to microcredit, loans and other forms of financial credit for all women and provide capacity-building to empower them economically;
- (b) Involve women’s organizations in designing and implementing national strategies aimed at achieving the Sustainable Development Goals.

Rural women

18. Please provide information on the implementation of policies and activities under the Sustainable Rural Development Programme, referred to in paragraph 169 of the fifth periodic report of Saudi Arabia (CEDAW/C/SAU/5), that are specifically directed at accelerating the achievement of substantive equality for women living in rural and remote areas in all fields in which they are underrepresented or disadvantaged.

Equality before the law

19. Please inform the Committee about any awareness-raising measures in place to ensure that women and men in the State party and all relevant authorities are aware that women can obtain a passport without permission from their father, husband or male guardian. Please also indicate whether any steps are under way to amend the Personal Status Law to ensure that women can travel abroad, including with their children, without the approval of a male guardian. Please also indicate what steps are

being taken to give foreign mothers the right to obtain documents, travel with their children and report births.

Marriage and family relations

20. The Committee has received reports that the new Personal Status Law, issued by royal decree on 8 March 2022, codifies male guardianship, implies a marital right to intercourse and requires a woman to “establish harm” in order to obtain a divorce, thus giving a judge discretion as to how to interpret and enforce the requirement of “harm” while men, in contrast, can unilaterally divorce. In the light of this information, please clarify how the new legislation complies with the Committee’s previous recommendations (para. 64) to remove discriminatory legislative provisions regulating legal capacity, polygamy, divorce, the guardianship system and inheritance. Please also describe efforts to:

(a) Discourage polygamous marriages, in line with general recommendation No. 21 (1994) on equality in marriage and family relations and joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices;

(b) Enable women and girls to exercise their right to inheritance on an equal basis with men and boys and enact legislation to ensure that women have equal rights to property acquired during the marriage upon the dissolution of said marriage;

(c) Adopt a written unified family code based on the principles of equality and non-discrimination and ensure the effective functioning of personal status courts in order to protect women and alleviate their legal, economic and social marginalization.
