



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

Distr.: General  
8 April 2008

Original: English

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## Committee on the Elimination of Discrimination against Women

Fortieth session

14 January-1 February 2008

### Concluding comments of the Committee on the Elimination of Discrimination against Women

#### Saudi Arabia

1. The Committee considered the combined initial and second periodic report of Saudi Arabia (CEDAW/C/SAU/2) at its 815th and 816th meetings, on 17 January 2008 (see CEDAW/C/SR.815 (A) and 816 (A)). The Committee list of issues and questions is contained in document CEDAW/C/SAU/Q/2 and the responses of the Government of Saudi Arabia are contained in document CEDAW/C/SAU/Q/2/Add.1.

#### Introduction

2. The Committee congratulates the State party for ratifying the Convention on the Elimination of All Forms of Discrimination against Women. It expresses its appreciation to the State party for its combined initial and second periodic report, which was well structured and in general followed the Committee guidelines for the preparation of initial reports, although it lacked references to the Committee's general recommendations, as well as some specific data, and was overdue. The Committee also expresses its appreciation for the written replies to the list of issues and questions raised by its pre-session working group and for the oral presentation and responses to the questions posed by the Committee.

3. The Committee commends Saudi Arabia for having sent a large and important delegation, headed by the Vice-President of the Human Rights Commission, which included a high number of women and men representatives from ministries and other governmental bodies with responsibilities for implementation of measures in the areas covered by the Convention, as well as university staff. The Committee expresses its appreciation for the insights into the situation of women in Saudi Arabia provided by the constructive dialogue that took place between the delegation and members of the Committee.

4. The Committee notes that a general reservation has been made by the State party to the Convention whereby in case of a conflict between the provisions of Islamic law and those of the Convention, the State party gives precedence to Islamic law, as well as specific reservations to article 9, paragraph 2, and article 29, paragraph 1, of the Convention.

#### **Positive aspects**

5. The Committee commends Saudi Arabia for its modern infrastructure, and its high standard of basic social services, especially the provision of Government-funded health care and education services to many sectors of society.

6. The Committee congratulates the State party on the establishment of institutional mechanisms for the advancement and the protection of women from violence, in particular the higher national committee specialized in women's affairs and the 13 social protection committees established in 2004. The Committee also notes with satisfaction that Saudi Arabia is currently in the process of drafting new legislation on the implementation of women's rights and that the State party plans to compile, in writing, the provisions of Sharia on personal status.

7. The Committee also notes the establishment by royal decree in 2004 of a human rights commission, which is tasked with the implementation of the human rights commitments of the State party, and a national society for human rights.

#### **Principal areas of concern and recommendations**

**8. While recalling the obligation of Saudi Arabia to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring priority attention between now and the time of submission of the next periodic report. Consequently, the Committee calls upon Saudi Arabia to focus on those areas in its implementation activities and report on action taken and results achieved in its next periodic report. It calls on Saudi Arabia to submit the present concluding observations to all relevant ministries, to the Consultative Council (Shura), and to the Judiciary so as to ensure their full implementation.**

9. The Committee is concerned about the general reservation made upon ratification of the Convention by the State party, which is drawn so widely that it is contrary to the object and purpose of the Convention.

**10. The Committee urges the State party to consider the withdrawal of its general reservation to the Convention, particularly in light of the fact that the delegation assured that there is no contradiction in substance between the Convention and Islamic Sharia.**

11. While the Committee notes with satisfaction that the Basic Law of Governance and domestic regulations provide that any treaty that has been promulgated by royal decree is part of domestic law and that, in practice, international treaties are given precedence over domestic laws, it is concerned about the lack of general awareness of the Convention and its implementation in practice. In particular, the Committee expresses concern that the Convention has not been made fully operational in the State party, as relevant laws remain to be adopted. In that connection, the Committee notes with concern that the State party was not able to provide

information on cases where the provisions of the Convention had been directly invoked in Court.

**12. The Committee encourages the State party to amend its legislation to confirm that international treaties have precedence over domestic laws. The Committee calls upon the State party to enact a comprehensive gender equality law and intensify its efforts to raise awareness about the Convention among the general public. The Committee also calls upon the State party to ensure that the Convention becomes an integral part of the legal education and training of judicial officers, including judges and magistrates, lawyers and prosecutors, particularly those working in the family courts, so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex is firmly established in the country. It also invites the State party to enhance women's awareness of their rights through, for example, legal literacy programmes and legal assistance.**

13. The Committee is concerned with the State party's distinctive understanding of the principle of equality, which implies similar rights of women and men as well as complementarities and harmony between women and men, rather than equal rights of women and men. The Committee is concerned that, although articles 8 and 26 of the State party's Basic Law guarantee the principle of equality, neither the Constitution nor other legislation embodies the principle of equality between women and men. It expresses concern that neither contains a definition of discrimination against women, in accordance with article 1 of the Convention, covering both direct and indirect discrimination and extending State responsibility to prohibit acts of discrimination of both public and private actors, in accordance with article 2 of the Convention.

**14. The Committee calls upon the State party to incorporate fully into the legislation the principle of equality between women and men, as well as a definition of discrimination on the basis of sex in line with article 1 of the Convention, and extending State responsibility to acts of discrimination by public and private actors, in accordance with article 2 of the Convention, and to take the appropriate steps in order to implement the principle of formal and substantive equality.**

15. The Committee notes with concern that the concept of male guardianship over women (*mehrem*), although it may not be legally prescribed, seems to be widely accepted; it severely limits women's exercise of their rights under the Convention, in particular with regard to their legal capacity and in relation to issues of personal status, including marriage, divorce, child custody, inheritance, property ownership and decision-making in the family, and the choice of residency, education and employment. It is concerned that the concept of male guardianship contributes to the prevalence of a patriarchal ideology with stereotypes and the persistence of deep-rooted cultural norms, customs and traditions that discriminate against women and constitute serious obstacles to their enjoyment of their human rights. Other practices prevalent in Saudi Arabia, such as the de facto ban of women from driving, which is a limitation of their freedom of movement, also contribute to the maintenance of such stereotypes. The Committee is concerned about the limited efforts by the State party to directly address such discriminatory cultural practices and stereotypes.

**16. The Committee urges the State party to take immediate steps to end the practice of male guardianship over women, including by awareness-raising**

**campaigns. It calls upon the State party to be proactive and to put into place without delay a comprehensive strategy, including clear goals and timetables, to modify or eliminate negative cultural practices and stereotypes that are harmful to and discriminate against women and to promote women's full enjoyment of their human rights, in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee also calls upon the State party to finalize its review of the ban of women from driving. It requests the State party to include in its next periodic report information on the concept of male guardianship and how it affects the application of the Convention in Saudi Arabia.**

17. The Committee is concerned that the State party has not developed a national action plan for the promotion of gender equality, based on the Beijing Declaration and Platform for Action, Beijing+5, and the substantive provisions of the Convention.

**18. The Committee encourages the State party to develop a national action plan with an effective strategy on gender equality, based on the Convention, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and Beijing+5, with the involvement of all sectors of Government and in consultation with relevant non-governmental organizations. It requests the State party to provide information in its next report on the impact of, and results achieved in, its implementation of such a plan. It encourages the State party to seek the technical support of United Nations entities in developing such a plan and also in the collection and analysis of data and training of the national team responsible for its elaboration and implementation.**

19. While noting that the State party is in the process of strengthening its national machinery for the advancement of women, including by creating sections and units within governmental bodies to provide services to women, the Committee is concerned that it did not receive a clear picture of the national machinery on women's rights, its institutional and legal framework and its status, in particular in the areas of decision-making and enforcement.

**20. The Committee calls upon the State party to ensure that the national machinery for the advancement of women has the necessary visibility and decision-making, as well as coordination, powers to enable it effectively to fulfil its mandate in promoting gender equality. It requests the State party to provide in its next report a clearer and more detailed picture of the national machinery, both the central coordinating body and the sectorial units to be created, including its authority, functions, powers and resources. Taking into account that the Human Rights Commission has been tasked with the implementation of the Convention and other human rights treaties, it also recommends that the Commission be comprised of an equal number of female and male staff and board members as well as providing full and easy access to women to claim their rights.**

21. While noting that a domestic violence law is being drafted and social protection committees have been established recently, the Committee is concerned about the incidents of violence against women, the absence of specific laws relating to violence against women, and the lack of prosecution and punishment of perpetrators of violence against women, including domestic violence. It is concerned that social attitudes and the concept of male guardianship over women deter and often prevent victims from reporting cases of violence. The Committee is

also concerned about the lack of information and data in the report on the prevalence of different forms of violence against women, especially data on perpetrators.

**22. The Committee requests the State party to give high priority to comprehensive measures to address all forms of violence against women and girls, recognizing that violence is a form of discrimination against women and constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including a comprehensive law on domestic violence, to ensure that violence against women is a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and that perpetrators are prosecuted and punished. The Committee recommends that the State party implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health-care providers, social workers, community leaders and the general public, to ensure that they understand that all forms of violence against women, including violence in the home, are unacceptable. It encourages the State party to make full use of the Committee's general recommendation 19 in such efforts and of the in-depth study of the Secretary-General on all forms of violence against women (A/61/122 and Add.1 and Add.1/Corr.1) and his recently launched worldwide multi-year campaign to eliminate it. The Committee requests the State party to provide information in its next report on the laws, policies and programmes in place to deal with all forms of violence against women, in particular the approach of the 13 social protection committees, and on the impact of such measures, as well as statistical data and trends concerning the prevalence of various forms of violence.**

23. The Committee notes with concern that the State party did not provide sufficient information and statistical data on the situation of non-Saudi Arabian women residing in the State party. It is especially concerned about the status and situation of female domestic migrant workers, in particular as they are not yet covered by the current labour code, often are not aware of their rights, and, in practice, cannot easily file complaints and gain redress in cases of abuse. The Committee also expresses concern with regard to the rights of the children of these women, in particular in relation to residency and access to health services and education. While appreciating the State party's efforts to combat the trafficking of women and girls, including its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), the national plan to combat trafficking, and the draft law on combating the trafficking of human beings, the Committee is concerned about the persistence of trafficking and the economic and sexual exploitation and ill-treatment of young migrant girls employed as domestic servants.

**24. The Committee urges the State party to provide full details on the situation of non-Saudi women, in particular domestic workers, in its next report and on their enjoyment of the rights established by the Convention. It calls upon the State party to grant in law and practice female domestic migrant workers, including their children, the rights provided for in the Convention and to implement measures aimed at informing them about these rights. It also urges the State party to adopt a labour law concerning domestic workers as a priority. The Committee also urges the State party to fully implement article 6**

**of the Convention, including by speedily enacting specific and comprehensive national legislation on the phenomenon of trafficking that ensures that victims are adequately protected and assisted. It also recommends that the State party increase prevention efforts, by addressing the root causes of trafficking through bilateral and/or multilateral cooperation with the countries of origin so as to eliminate the vulnerability of women and girls to being trafficked into Saudi Arabia, as well as the provision of assistance and support to these trafficking victims, using the Office of the High Commissioner for Human Rights Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1).**

25. The Committee expresses concern that, while there has been visible improvement regarding the number of women participating in the workforce, especially in the public sector, the level of representation of women in public and political life, at the local, national, and international levels and in particular in decision-making positions, is very low. It is further concerned that women were excluded from the first municipal elections in Saudi Arabia. While noting the role of some women as advisers, the Committee is also concerned that women do not participate in the country's Consultative Council (Shura).

**26. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 23 and 25, and to establish concrete goals and time frames to accelerate the increase in the participation and representation of women in the Shura and other elected and appointed bodies in all areas and at all levels of public and political life. It recommends that the State party conduct training programmes on leadership and negotiation skills for current and future women leaders. It calls upon the State party to undertake awareness-raising about the importance of women's participation in decision-making for society as a whole.**

27. The Committee notes with concern that certain provisions of the Saudi Arabian Nationality Code contradict article 9 of the Convention and continue to discriminate against Saudi Arabian women married to non-Saudi nationals. It is also concerned that children of such marriages do not have an equal right to nationality as children of Saudi men married to non-Saudi women.

**28. The Committee requests the State party to amend the Nationality Code so as to bring it in conformity with article 9 of the Convention and to withdraw its reservation concerning article 9, paragraph 2.**

29. While acknowledging the significant progress made in the area of women's education and appreciating the efforts of the State party to revise school curricula to remove stereotyped images of women and men, the Committee is concerned about the high rate of illiteracy among women, which demonstrates a pattern of direct and indirect discrimination under article 10. It is also concerned about the discrimination against women in relation to their access to certain fields of studies. The Committee also expresses concern that the number of women in higher studies is still low compared to their male counterparts. It regrets that the State was not able to provide sufficient information and statistical data regarding the levels of education and access to education by women and girls from rural areas, and non-Saudi nationals.

30. **The Committee encourages the State party to raise awareness of the importance of education as a human right and as the basis for the empowerment of women. It recommends that the State party implement measures to ensure equal access for girls and women to all levels and fields of education and ensure the retention of girls in school. The Committee calls on the State party to make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education, and through adult education and training. The Committee requests the State party to provide detailed information and statistics in its next report on the education of women and girls, including those from rural areas, and non-Saudi nationals.**

31. While appreciating the positive steps taken with regard to labour legislation, including the repeal of the provision on sex segregation at the workplace, the Committee is concerned that the participation of women in the workforce is still very low. The Committee notes with concern the gaps in the data provided on women's employment. While noting that a study on a maternity leave law for the private sector is being finalized, the Committee is concerned that paid maternity leave is currently only provided for in the public sector. It also expresses concern regarding impediments to women's employment, such as the lack of adequate childcare facilities in the private sector and de facto workplace segregation of women and men.

32. **The Committee requests the State party to take immediate and more targeted steps to increase women's participation in the workforce, in particular by ensuring the implementation of the laws enacted for the advancement of women. It also urges the State party to prioritize the adoption of a law regarding maternity leave in the private sector and calls upon the State party to remove impediments to women's employment, including by abolishing de facto workplace segregation of women and men and by ensuring that there are adequate childcare facilities in all areas. It also requests the State party to provide in its next report more information and more detailed data on women in employment, including incidents of sexual harassment and the positions held by women in the private and public sector.**

33. While commending the efforts made by the State party to improve the health-care infrastructure, the Committee expresses concern about the lack of information and data on health problems unrelated to maternity, as well as the access by women and girls from rural areas and non-Saudi nationalities to adequate health-care services. The Committee further expresses concern that women may require the permission of their male guardian to access health facilities.

34. **The Committee calls upon the State party to take all necessary measures to improve women's access to health care and health-related services and information, within the framework of the Committee's general recommendation 24. The Committee further recommends that special attention is paid to the health needs of women from rural areas and non-Saudi nationalities. The Committee also recommends training for hospital staff on the rights of women regarding health care and the implementation of a system of supervision to ensure that staff respects these rights.**

35. The Committee is concerned that there is no legally prescribed minimum age of marriage for girls and boys. The Committee expresses concern that legal

provisions relating to personal status, in particular concerning marriage, divorce, the custody of children and inheritance, do not provide for equal rights for women and men.

**36. The Committee urges the State party to prescribe and enforce a minimum age of marriage of 18 years for both women and men, in accordance with article 16, paragraph 2, of the Convention and the Convention on the Rights of the Child, and to introduce legislative reforms to provide women with equal rights in marriage, divorce, the custody of children and inheritance. It calls upon the State party to end the practice of polygamy, in accordance with the Committee's general recommendation 21, on equality in marriage and family relations.**

37. The Committee is concerned that the State party's report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention, and disaggregated by factors such as age and rural and urban areas. The Committee is also concerned about the lack of information on the impact of measures taken and results achieved in the implementation of the various provisions of the Convention.

**38. The Committee calls upon the State party to include in its next report more detailed statistical data and analysis on the situation of women, disaggregated by sex, age and rural and urban areas. The Committee also requests to include information on the impact of measures taken to implement the Convention and the results achieved in the practical realization of women's substantive equality.**

**39. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

**40. The Committee encourages the State party to enhance collaboration and coordination with civil society organizations, in particular women's associations, to strengthen implementation of the provisions of the Convention, and to engage in consultations with such organizations when preparing its next report.**

**41. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

**42. The Committee also emphasizes that the full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**



43. The Committee notes that States' adherence to the nine major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Saudi Arabia to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.

44. The Committee requests the wide dissemination in Saudi Arabia of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, and the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in appropriate and suitable forms, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

45. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which is due in October 2009, and its fourth periodic report, which is due October 2013, in a combined report in 2013.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities.