

SAUDI ARABIA

The 1992 Basic Law of Saudi Arabia does not guarantee gender equality.¹ Article 8 requires that the government be premised on equality in accordance with Sharia law, but under Sharia law, women are considered to be legal minors, under the control of their mahram.² Saudi Arabia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2000, but with the general reservation that the kingdom is under no obligation to observe terms of the treaty that contradict Islamic law.³

1. Discriminatory family code

In Saudi Arabia, Sharia law governs personal status matters.⁴ As there is no written personal status or family law, the interpretation and application of Sharia law is up to individual judges and the Council of Senior Religious Scholars, who have significant discretionary power in deciding cases.⁵ In 2010, proposals to create special family law courts to be staffed partly by women advocates were discussed, but these have yet to be realized. However, in late 2013, four Saudi Arabian women became the first female lawyers to receive legal licenses; previously women with law degrees could work only as legal consultants but were banned from practicing law in courtrooms or from operating law firms.⁶

There is no legally defined minimum **legal age of marriage** in Saudi Arabia.⁷ According to the United Nations, 4% of girls aged 15-19 are married divorced or widowed.⁸ In 2005, the country's top religious authority banned the practice of **early and forced marriages**, but the degree to which women are involved in decisions surrounding their own marriages varies between families.⁹ Customarily, women cannot get married without a male guardian's (*mahram*) permission, and the formal marriage contract is decided upon between the husband-to-be and bride's mahram.¹⁰ Both men and women must obtain permission from the Ministry of Interior if they wish to marry a non-Saudi citizen.¹¹ According to Islamic law, polygamy is legal: Muslim men may take as many as four wives, provided that they can support and treat all wives equally; reliable data on the prevalence of this practice is not, however, available.

¹ Doumato (2010) p.425; World Bank (2013)

² Doumato (2010) p.427

³ Doumato (2010) p.430

⁴ Shehan, C. (2013) p.1062; Human Rights Council (2009) p.20

⁵ Human Rights Council (2009) p.20

⁶ Jurist (2013)

⁷ Human Rights Council (2009) p.20; Equality Now (2012)

⁸ United Nations, Population Division (2013a), data from 2007

⁹ Doumato (2010) p.433

¹⁰ Amnesty International (2010) p.277; Shehan, C. (2013) p.1062

¹¹ Doumato (2010) p.433

When it comes to **parental authority**, children are legally under the sole guardianship of their father. The law also stipulates that the husband is the head of the household (Civil Status System, Art. 91).¹² Women may not enrol their children in school or travel with them without written permission from their father. In the event of divorce, women are normally granted physical custody of daughters until they reach the age of nine and sons until they reach the age of seven, although fathers retain legal guardianship.¹³ Older children are often awarded to the father or the paternal grandparents.¹⁴

Islamic law provides for detailed and complex calculations of **inheritance** shares. Women may inherit from their father, mother, husband or children and, under certain conditions, from other family members. However, their share is generally smaller than that to which men are entitled – the Quran states that daughters should inherit half as much as sons.¹⁵ In rural areas, women are often overlooked in inheritance as they are considered to be dependents of their fathers or husbands. Marrying outside the tribe is also grounds for limiting women’s inheritance.¹⁶

More

Men are able to repudiate (**divorce** unilaterally) their wives, whereas women are only able to obtain a divorce under certain, restricted circumstances.¹⁷ In practice, it is very difficult for women to obtain a divorce this way, as they must prove the grounds for divorce. More broadly, divorce is regarded as highly undesirable and is considered disgraceful, especially if initiated by the wife.¹⁸ A divorce is also only considered legal if the wife’s mahram has given his consent; the mahram may, in addition, dissolve marriages that he deems unsuitable.¹⁹ Women do, however, have the right to obtain a *khula* divorce, whereby they sacrifice their dowry and any financial maintenance.²⁰

The United Nations reports an adolescent fertility rate in Saudi Arabia of 7 per 1,000 women age 15-19.²¹

Data on decision-making over earnings and household purchases is not available, although some research shows that Saudi wives who share the responsibility for family expenses have a greater say in household decisions.²²

2. Restricted physical integrity

Regarding the **domestic violence** law, in mid-2013, Saudi Arabia’s Council of Ministers passed a law criminalizing domestic abuse. Although the law does not detail specific enforcement mechanisms, it does define domestic abuse as “all forms of exploitation, or bodily, psychological, or sexual abuse, or threat of it, committed by one person against another, including if [that person] has authority, power, or responsibility, or [if there is a] a

¹² World Bank (2013)

¹³ Human Rights Council (2009) p.21

¹⁴ Doumato (2010) p.434

¹⁵ World Bank (2013)

¹⁶ Shehan (2013) p.1062

¹⁷ Idem; Shehan (2013) p.1062

¹⁸ Shehan (2013) p.1062

¹⁹ Human Rights Council (2009) pp.11, 15; Doumato (2010) p.434

²⁰ Doumato (2010) p.434; Shehan (2013) p.1062

²¹ United Nations, Population Division (2013b), data from 2007

²² UNICEF (2007) p.32

family, support, sponsorship, guardianship, or living dependency relationship between the two [individuals].”²³ Under the law, offenders face fines and prison time up to one year, unless Sharia law provides for a harsher sentence. Penalties may be doubled for repeat offenders.²⁴

Incidents of domestic violence are, however, rarely reported or talked about publicly; women may fear damaging their own reputation and their family’s honour.²⁵ There are no statistics available as to the number of women affected, but prevalence is thought to be high.²⁶ The Ministry of Social Affairs reported that in 2011, there were 931 cases of family violence incidents against women.²⁷ Police have, however, generally been reluctant to intervene and cases have been noted where women were prevented from reporting domestic violence because officials erroneously believed that they needed the permission of their *mahram* to do so (while in many cases, the *mahram* is the perpetrator).²⁸ Saudi women who report violations may also face counteraccusations of fornication, leaving them open to criminal prosecution.²⁹ The new law, however, gives those who report abuse the right to remain anonymous. In addition to recent legislation, the government has established a National Programme for Family Safety (NPFs), which aims to prevent violence through training, awareness raising and the provision of services to victims, family protection centres in hospitals, and a national registry of cases of violence against women and children.³⁰ While these services provide some assistance to women who are experiencing abuse, they often also encourage women to return to their husbands or families, in the interests of upholding family unity.³¹

While the above law defines abuse as bodily, psychological, or sexual, it does not specifically address **rape** or criminalise marital rape.³² Rape remains a taboo issue that is not discussed openly; very few cases are reported, as victims fear societal reprisal or punishment by the court for illegal “mixing of genders”.³³ In one notorious case, a young woman and her male companion who were both gang-raped by a group of men were themselves sentenced to 200 lashes and a six-month prison term, for being alone in the company of a person of the opposite sex who was not a relative.³⁴ There is no available data on prosecutions or convictions.

There are no specific laws addressing **sexual harassment**, nor is sexual harassment addressed in other legislation, although employers in many sectors maintain separate male and female workspaces where feasible.³⁵ There is very little media reporting and no government data on sexual harassment, such that information on prevalence is not available.³⁶

²³ Human Rights Watch (2013)

²⁴ Idem

²⁵ Doumato (2010) p.436

²⁶ Human Rights Watch (2013); US Department of State (2012)

²⁷ US Department of State (2012)

²⁸ Human Rights Council (2009) p.12; Doumato (2010) p.436

²⁹ Human Rights Watch (2013)

³⁰ US Department of State (2012)

³¹ Human Rights Council (2009) p.19

³² Human Rights Watch (2013)

³³ Human Rights Council (2009) p.13; US Department of State (2012)

³⁴ Doumato (2010) p.437

³⁵ US Department of State (2012)

³⁶ Idem

Female genital mutilation (FGM) is not a general practiced in Saudi Arabia, although there are indications that it does occur among Shia Muslims in the Eastern Province, and possibly among some Bedouin groups.³⁷ Data on the percentage of women who have undergone FGM are not available.

More

So-called '**honour crimes**' reportedly occur in Saudi Arabia, typically involving cases in which a woman is punished or even killed by male family members for having brought "shame" on the family honour. However, data on prevalence is not available.³⁸

Most health facilities and hospitals require women to be accompanied by or provide written consent from their *mahram* before they can obtain medical treatment, which may constrain their access to reproductive healthcare.³⁹ According to UNFPA, 24% of women reported using some form of **contraception**.⁴⁰ Recent data on the prevalence of modern contraception is not available nor is information on the proportion of women who have an unmet need for family planning.

Abortion is legal in cases where the mother's physical or mental health is in danger.⁴¹

3. Son bias

The male/female **sex ratio** for the working age population (15-64) 2013 is 1.29 while the sex ratio at birth is 1.05.⁴² Analysis of sex ratio data across age groups provides evidence that Saudi Arabia is a country of concern in relation to **missing women**.

More

Figures given in the 2014 UNICEF report indicate that under-five mortality rates are slightly higher for boys than girls.⁴³ Gender-disaggregated statistics regarding immunisation rates are not available, but overall, immunisations appear to be nearly universal (98-99%, depending on the vaccine).⁴⁴

According to UNICEF, gross primary enrolment ratios are equal for boys and girls (females as % of males: 100%) while the gross enrolment ratio for secondary school is somewhat lower (88%).⁴⁵ These figures seem to indicate that Saudi Arabia is not a country of concern with respect to son preference with regard to early childhood care, but that son preference may a factor in access to education.

³⁷ Doumato (2010) p.437

³⁸ Devers and Bacon (2010)

³⁹ Idem, p.447

⁴⁰ United Nations, Population Division (2012), data from 2007

⁴¹ UNDP (2010)

⁴² Central Intelligence Agency (2013)

⁴³ UNICEF (2014) p.33

⁴⁴ Idem, p.45

⁴⁵ Idem, p.75

4. Restricted resources and assets

Women (married and unmarried) in Saudi Arabia have the legal **right to own land and non-land assets** (Basic Law, Arts 7, 17, and 18).⁴⁶ Upon marriage, women retain control and ownership of any property that they may already own; the default marital property regime is separation of property (Basic Law, Arts 7 and 23).⁴⁷

Other laws or social norms, however, largely restrict these rights.⁴⁸ More specifically, a law requiring physical separation of unrelated men and women in all public areas limits women's ability to independently own and manage any kind of assets.⁴⁹ This and other restrictions on freedom of movement mean that it is difficult for women to physically **access banks and other financial services**.⁵⁰

However, legislation that required women wishing to establish their own businesses to hire a male manager in order to receive a commercial license was abolished in 2005, as were regulations stating that women needed permission from their *mahram* to start a business or take out a bank loan.⁵¹ In 2009, the Ministry of Commerce (but not other ministries) stopped requiring women to conduct ministerial business through a male representative.⁵² Generally, however, the de facto practice remains that women must get approval of male guardians – fathers, husbands, or sons – in order to carry out business.⁵³

5. Restricted civil liberties

Women's freedom of movement and **access to public space** is severely restricted in Saudi Arabia. Legally, women need permission to leave their homes, and are forbidden from leaving their local neighbourhood without the company of their *mahram*.⁵⁴ Women are also not allowed to drive cars, although protests against this law are becoming increasingly vocal.⁵⁵ Certain public services may be accessed only if accompanied by a *mahram*, and women need to be accompanied by a male relative when travelling inside or outside the country.⁵⁶ In order to obtain a passport, women need to provide the name and national ID number of their guardian, and the guardian is in turn required to sign the form. While national ID cards are optional for women, they are compulsory for men over the age of 15.⁵⁷

Saudi Arabia also applies rules of strict gender segregation: women are forbidden to be in physical contact with unrelated males, and unrelated men and women are separated in all public places. Mosques, most ministries and some public streets are reserved for men.⁵⁸ Women have only limited access to parks, museums and libraries, which they can only visit at certain times.⁵⁹ The Commission for the Promotion of Virtue and the

⁴⁶ World Bank (2013)

⁴⁷ Idem

⁴⁸ Doumato (2010) p.438

⁴⁹ Idem

⁵⁰ Cotula (2002 [2007]) p.131

⁵¹ Human Rights Council (2009) p.7

⁵² Human Rights Watch (2012)

⁵³ Aljazeera (2013)

⁵⁴ Amnesty International (2010) p.277; Duomato (2010) p.431

⁵⁵ Human Rights Watch (2012); CNN (2013); Freedom House (2013)

⁵⁶ World Bank (2013); Freedom House (2013)

⁵⁷ Idem

⁵⁸ Idem

⁵⁹ Idem

Prevention of Vice (CPVPV) police are responsible for maintaining gender segregation in public places, and reportedly are often arbitrary and vindictive in their interpretation of laws relating to contact between men and women, and other aspects of 'morality', often harassing and physically abusing women who they deem to be breaking the law.⁶⁰

Freedom of expression, association and assembly are all restricted in Saudi Arabia. Political activists are frequently detained and police aggressively disperse protests.⁶¹ Organised assemblies of any type require a government permit and it is a crime to participate in political protests or unauthorised public assemblies.⁶² Law does not provide for freedom of association and the government prohibits the establishment of political parties or groups considered in opposition or challenging to the regime.⁶³ The government tightly controls domestic media content and journalists are banned from publishing articles considered offensive to the religious establishment or the ruling authorities; violations can result in fines, prison sentences, and forced closure.⁶⁴ While women's rights activists and organisations are active in Saudi Arabia, especially in attempts to reduce domestic violence, increase political participation, and protest the ban on female driving, they have faced threats and intimidation.⁶⁵

There is no national-level elected legislature in Saudi Arabia. Women did not have the right to vote in Saudi Arabia's municipal council elections, first held in 2005 and again in 2011.⁶⁶ A Royal Decree was issued in late 2011 that allows Saudi women to vote and run for office in the next municipal elections, scheduled for 2015.⁶⁷ As for **quotas**, there are some reserved seats at national level: a January 2011 Royal Order amended the composition of the previously all-male 150-member Consultative Council by reserving 20% of its seats for women members.⁶⁸ While these changes provide greater political rights to women, voter participation in municipal elections have to date been limited, and municipal councils have very little authority.⁶⁹ Women may also now serve on the Shura council, the 150-member formal advisory body that drafts laws, debates major issues and provides advice to the king. A royal decree in 2013 granted women thirty appointed seats on the council and a second decree stipulates that women should henceforth make up 20% of the council.⁷⁰ There are currently, however, no female ministers in the cabinet and women remain segregated within the council, entering through a separate door and sitting in their own seating area.⁷¹ Overall, women's representation in decision-making remains very low, and they are entirely excluded from all leadership positions within the country's religious institutions.⁷²

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⁶⁰ Human Rights Council (2009) p.14; Freedom House (2013)

⁶¹ Freedom House (2013)

⁶² US Department of State (2012)

⁶³ Idem

⁶⁴ Freedom House (2013)

⁶⁵ Freedom House (2013); Duomato (2010) p.446

⁶⁶ Doumato (2010) pp.426, 444

⁶⁷ Human Rights Watch (2012)

⁶⁸ The Quota Project (2014)

⁶⁹ Middle East Voices (2012)

⁷⁰ New York Times (2013)

⁷¹ Idem

⁷² Doumato (2010) pp.431

There is no legislation in place to protect women against discrimination in **employment**. Pregnant women are, however, entitled to 10 weeks' paid **maternity leave** (financed by the employer), and organisations that employ more than 50 women are required to provide childcare facilities.⁷³ Women need permission from their *maharm* in order to be able to work.⁷⁴ The new Labour Code (introduced in 2005) implies that gender segregation in the work place is no longer a legal requirement, but the law is unclear and segregation is often still practiced, limiting women's full participation in the work place.⁷⁵ Some professions are closed to women: a loosely defined group of activities that are deemed unsuitable to women's 'nature' and potentially detrimental to their health.⁷⁶ However, younger men are increasingly supportive of their wives having careers and employment outside the home, not least as their income helps cover increased living costs in Saudi Arabia.⁷⁷ Women have been able to study law since 2007, and since 2013 can receive legal licenses allowing them to practice law in courtrooms and operate law firms. In addition, the government has taken steps to encourage women's employment opportunities, for instance by obliging all government agencies to have women's sections, and new opportunities for women are opening up in the private sphere (such as women-only manufacturing and shopping centres).⁷⁸ But women's participation in the labour market remains low, at 18%.⁷⁹

Saudi women cannot confer **citizenship** to children born to a non-Saudi Arabian father.⁸⁰ Women are, however, now able to check into hotels or rent apartments on their own, and a women-only hotel opened in Riyadh in 2008.⁸¹

⁷³ ILO (2010); World Bank (2013)

⁷⁴ Doumato (2010) p.431

⁷⁵ Human Rights Council (2009) p.7;

⁷⁶ Doumato (2010) p.439

⁷⁷ Financial Times (2014)

⁷⁸ Doumato (2010) pp.426, 444

⁷⁹ World Bank (n.d) 'Data: Labor participation rate, female

⁸⁰ World Bank (2013)

⁸¹ Doumato (2010) p.432

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