

REFERENCE: BJ/follow-up/SaudiArabia/78

5 March 2021

Excellency,

In my capacity as Rapporteur on follow-up on concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined third and fourth periodic reports of Saudi Arabia, at the Committee's sixty-ninth session, held in March 2018. At the end of that session, the Committee's concluding observations ([CEDAW/C/SAU/CO/3-4](#)) were transmitted to your Permanent Mission. You may recall that in paragraph 73 on follow-up to the concluding observations, the Committee requested Saudi Arabia 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) of the concluding observations.

The Committee welcomes the follow-up report received in April 2020 ([CEDAW/C/SAU/FCO/3-4](#)) under the CEDAW follow-up procedure. At its seventy-eighth session, held remotely due to the ongoing COVID-19 pandemic in February 2021, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 16 (a)** of the concluding observations, urging the State party to **“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”**:

The Committee takes note of the information provided by the State party on the organization of national dialogues by different national stakeholders to address relevant laws and regulations with a view to correct misconceptions by developing awareness on the rights of women and to dissociate the concepts and practices derived from religion from those falling within the scope customs and traditions. The Committee notes the information that as a result of these dialogues and seminars, laws and regulations have been amended, such as; the Personal Status Act, the Travel Documents Act, the Labour Act and the Social Security Act.

Nevertheless, the Committee is concerned about the lack of information on the engagement and inclusion of women in such dialogues, the details pertaining to the ambit of laws and regulations reviewed, as well as the specific efforts undertaken to dissociate the provisions deriving from religion from those falling within the scope of traditions and customs. The Committee finds that the State party took some steps to implement the recommendation, but that it needs to take further action to implement all measures recommended by the Committee. It, therefore, considers that the recommendation has been **partially implemented**.

His Excellency Mr. Abdulaziz M.O. Alwasil  
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The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 16 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Continue its efforts to organize national dialogues 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, develop jurisprudence allowing for Islamic legislation to be adapted to the current context of women and that women's rights under the Convention are duly upheld by States party, and promote the participation of women human rights defenders and women's non-governmental organizations and associations in these dialogues.**

In relation to the recommendation made in **paragraph 26** of the concluding observations, urging the State party to **“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.”**:

The Committee notes the information that steps are taken to review the Law on Associations and Foundations in light of the obligations of the State party under international human rights standards. However, as per other alternative sources, under the current legal framework, only organisations for educational and charitable purposes meet the criteria to operate while human rights organisations fail to fall within the permissible scope. Also, prohibition of operation of foreign foundations and associations as well as the use of vagueness of wordings in the law such as ‘acting contrary to public morals’ and ‘breaching national unity’ continue to hinder enabling environment for civil society organizations. Furthermore, the Committee is deeply concerned about information received regarding the status of a restricted environment for civil society organizations, intimidation and reprisals against women human rights defenders since mid-2018.

As per the latest information received, the Committee welcomes the release of woman human rights defender Ms. Loujain Al-Hathloul from prison on 10 February. However, the Committee regrets that the State party detained Ms. Al-Hathoul for two years and eleven months and subsequent to her recent release, she is still placed under three-year probation along with a five-year travel ban. It refers to the reports of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights, as well as its two statements, issued in November 2020 and February 2019, where it expressed concerns about her treatment and conditions of detention.

The Committee considers that the State party has taken no steps to implement the recommendation, reinforcing the Committee's concerns. It considers that the **measures taken are contrary to the recommendation**.

The Committee notes that the information provided by the State party is vague and incomplete. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 26** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Accelerate its efforts to amend the Law on Associations and Foundations and to fully guarantee the rights of women human rights defenders, particularly their rights to**



**freedom of expression, assembly and association and freedom of movement, without harassment or other undue restrictions;**

**Release women human rights defenders from detention, which has been prolonged, ensure their right to a fair trial without further delay, with full respect for the procedural guarantees established by international human rights law, and free from gender bias, and protect their right to liberty and security at all times.**

With regard to the recommendation made in **paragraph 32 (b)** of the concluding observations, urging the State party to “**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;**”:

The Committee welcomes the information on the adoption of the Anti-Harassment Law in May 2018. However, the Committee remains concerned that the State party did not take any steps to adopt a comprehensive legislation to define and criminalize all forms of gender-based violence against women and rape, including marital rape, sexual assault, and economic violence. Furthermore, the Committee is also concerned about the status of implementation of its legislation to combat gender-based violence against women. As per the reports, obstacles persist in relation to access to justice, laws on evidence with burden of proof on the victims (which make it difficult for women to prove the violation of their rights), redress and reparation for women and girls who are victims of rape and gender-based violence. Thus, the Committee considers that the State party took some steps to implement the recommendation, but that it needs to take further action to implement all measures recommended by the Committee. It considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 32 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

**Accelerate the adoption of the bill criminalizing all forms of gender-based violence against women, in particular economic violence, rape, including marital rape, and non-penetrative forms of sexual assault.**

Regarding the recommendation made in **paragraph 62 (a)** of the concluding observations, urging the State party 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**”

The Committee welcomes the adoption of the Royal Decree in July 2019 to amend several laws and regulations, such as the Personal Status Act, the Travel Documents Act, the Labour Act and the Social Security Act, to allow women exercise their rights freely in these aspects. It further notes the developments regarding the equal access of women to sport facilities, holding senior positions and custodial guarantee of the children. Despite these developments, the Committee regrets that women still cannot leave detention centres and State-run shelters without having to seek a male guardian’s consent. While some legal amendments in the Acts have been made towards abolishing male guardianship, the Committee remains concerned about the actual practices and its persistence due to the applicability of other legal provisions. Reportedly, for example, despite the new entitlement for women to apply for travel document, the male guardian



can still stop her from ever leaving the country if he files a case of absconding (*huroob*) or an act of disobedience, which is still defined as a crime under the State party's legislative framework. Furthermore, the Committee is concerned about reports that women who are not Saudi nationals face restrictions regarding their rights to obtain a passport, travel with their children or report births, and they must still justify and seek the approval of a judge to be granted a termination of the marriage. The Committee considers that the State party has taken some actions towards the implementation of the recommendation, but that these actions fail to respond fully to the recommendation. It therefore considers that the recommendation has been **partially implemented**.

The Committee notes that the information received from the State party is thorough and extensive, and that it relates directly to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 62 (a)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

**Continue its efforts to abolish practices of male guardianship by adopting implementing regulations to enforce Supreme Order No. 33322 to ensure that it entitles all women to the right to study abroad on a government scholarship, gain access to health-care services and leave detention centres and State-run shelters without having to seek a male guardian's consent.**

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Louiza Chalal

Rapporteur on follow-up

Committee on the Elimination of Discrimination against Women