



Committee on the Elimination of Discrimination against Women
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
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Re: Saudi Arabia – 69 Pre-Sessional Working Group (24 July 2017 - 28 July 2017)

5 July 2017

Distinguished Committee Members,

We respectfully submit this letter in advance of the Committee on the Elimination of Discrimination against Women's (CEDAW) discussion on Saudi Arabia at its 69th pre-sessional working group from 24 July 2017 - 28 July 2017. The Global Campaign for Equal Nationality Rights is greatly concerned about the gender discrimination against Saudi women who are denied the right to confer nationality on their children and spouses on an equal basis with men under the Nationality Regulation No. (4) dated 25/1/1374 and its related resolutions (the "Nationality Law"), with severe consequences for women and their families. This letter will focus on continued violations of women's nationality rights in Saudi Arabia in direct violation of Articles 2 (policy measures) and 9 (nationality), resulting in further violations of articles 3 (Guarantee of Basic Human Rights and Fundamental Freedoms), 13-a and b (Economic and Social Benefits), and 16-1 b and d (Marriage and Family Life) of the Convention on the Elimination of All Forms of Discrimination against Women.

The [Global Campaign for Equal Nationality¹ Rights](#) mobilizes international action for the removal of gender discriminatory provisions from all nationality laws through its coalition of national and international organizations and activists. [Equality Now](#) is an

¹ Steering Committee members include Equality Now, Equal Rights Trust, the Institute on Statelessness and Inclusion, and Women's Refugee Commission, which houses the Global Campaign.



international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 190 countries.

Nationality

Saudi nationality law includes several provisions that discriminate on the basis of gender.² Article 7 considers a Saudi to be any person born in the Kingdom of Saudi Arabia or abroad to a Saudi father; or to a Saudi mother and a father of unknown nationality or no nationality; or who is born in the Kingdom to unknown parents. Article 8 sets the conditions that must be fulfilled by a person born in the Kingdom to a Saudi mother and a foreign father to be eligible for Saudi Arabian nationality. Those conditions include permanent residence at the time of maturity; good conduct, which includes not being punished for a penal crime or imprisoned for more than six months for a crime against morality; good command of the Arabic language; and submitting his application for nationality within one year of coming of age. Article 16 states that a foreign woman married to a Saudi national is entitled to Saudi citizenship. Article 14 enshrines the right of foreign men who obtain Saudi nationality to confer Saudi nationality on his foreign wife and children. Furthermore, Article 15 states that, “The naturalized person may submit a separate application for acquiring Saudi Arabian nationality for any of the women who are under his legal guardianship, by virtue of a legal document.” As such, the right to confer nationality on spouses and children is also reserved for naturalized Saudi men, a right that is denied Saudi women.

In addition to the Nationality law, Section 8 of the Implementing Regulation of the Saudi Nationality Law, which outlines nationality application regulations, states in Article 3-3:

“For family ties and to ensure the existence of Saudi relatives of the applicant, which total points of no more than (10) points distributed as follows: a. If the

² Available at:

https://www.moi.gov.sa/wps/wcm/connect/121c03004d4bb7c98e2cdfbed7ca8368/EN_saudi_nationality_system.pdf?MOD=AJPERES

father is a Saudi, the applicant gets 3 points; b. If the mother and her father are Saudi, the applicant gets 3 points. If only the mother is Saudi, the applicant will get 2 points.”

Such distinctions in the transmission of citizenship violate the right to equality, and constitute discrimination on the basis of sex in breach of international law.

Saudi Arabia has placed a reservation on Article 9(2). However, we share the view of the Committee that Article 9, among other articles, is “central to the object and purpose of the Convention and that the reservations impact negatively on the enjoyment by women of their rights.” We believe that the maintenance of nationality laws which discriminate on the basis of gender are themselves in conflict with the object and purpose of the Convention and with the general obligation of all State Parties to “agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.” Furthermore, in its recent General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee confirmed that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.

Saudi Arabia’s combined third and fourth periodic reports to CEDAW disregard the Committee’s previous concluding observations, which called on the government 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.”³ Instead,

³ Concluding observations, Paragraph 27 and 28

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSAU%2fCO%2f2&Lang=en. The call for State parties to consider removing reservations was reiterated in General Comment No. 20: CEDAW General Recommendation No. 20: Reservations to the Convention: 1. The Committee recalled the decision of the fourth meeting of States parties on reservations to the Convention with regard to article 28.2, which was welcomed in General recommendation No. 4 of the Committee. 2. The Committee recommended that, in connection with preparations for the World Conference on Human Rights in 1993, States parties should: (a) Raise the question of the validity and the legal effect of reservations to the Convention in the context of reservations to other human rights treaties; (b) Reconsider such reservations with a view to strengthening the implementation of all human rights treaties; (c) Consider introducing a procedure on reservations to the Convention comparable with that of other human rights treaties.

the government reiterated its position, also stated in its combined initial and second periodic reports, that Saudi Arabia's Nationality Law ensures gender equality on the grounds that children of a Saudi mother and foreigner father can apply for Saudi citizenship according to Article 8. The reports neglect to acknowledge that, even if those children meet the requirements, Saudi nationality may be denied by authorities. Furthermore, the requirements themselves deny Saudi women the right to confer nationality on children on an equal basis with men who can automatically transmit nationality to their children.

As detailed below, in addition to contravening Articles 2 and 9, Saudi Arabia's Nationality Law and related regulations violate, Articles 3 (Guarantee of Basic Human Rights and Fundamental Freedoms)⁴, 13-a and b (Economic and Social Benefits)⁵, and 16-1 b and d (Marriage and Family Life)⁶.

Gender discrimination in the Saudi Nationality Law results in significant human rights violations and hardships faced by Saudi women married to foreign men and their families. Gender discrimination in the Nationality Law jeopardizes families' stability and can affect foreign spouses' and children's residency, education, healthcare, and financial privileges, and can render affected persons stateless. Furthermore, these consequences inhibit women's ability, in practice, to freely choose a spouse in violation of Article 16. Women's inability to equally confer nationality on spouses also further entrenches traditional stereotypes regarding the primacy of the male spouse's legal identity. Women have expressed anxiety about being separated from their children on any disagreement with their foreign husbands and families have suffered through lack of access to social services and equal economic opportunities, such as scholarship programs that are

⁷ "Saudi women married to foreigners urge govt to solve their problems," *Arab News*, 6 March 2015, available at: <http://www.arabnews.com/saudi-arabia/news/714426>

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reserved for Saudi citizens.⁷

This discrimination against Saudi women in the Nationality Law results in gender-based violence as defined in CEDAW General Comment No. 19. Preventing those women from family stability, and their children from citizenship, stable residency, right to education and healthcare, and financial privileges on equal basis with Saudi men is a form of legally-sanctioned gender-based violence, depriving Saudi women of equal protection under the law.⁸ We therefore respectfully request the Committee explore further with the State Party any harmful impacts of its sex discriminatory nationality law.

Suggested Questions for the State Party's List of Issues

We would respectfully urge the Committee to raise with the Saudi government in its State Party's List of Issues the following questions with regard to violations of the Convention on the Elimination of All Forms of Discrimination against Women addressed in this letter:

- What steps is the government taking and within what timeframe to amend the nationality law to ensure that all women citizens have the same rights as men to confer nationality on their children and non-national spouses?
- What actions is the Government taking to ensure that families can access their rights under naturalization laws or regulations until the Nationality Law is revised?
- What further proposals are being considered by the Government to alleviate the effects of the discrimination in the Nationality Law, including violations of economic and social rights, until it can be fully amended?
- What support might be needed, if any, to further this process?

⁷ "Saudi women married to foreigners urge govt to solve their problems," *Arab News*, 6 March 2015, available at: <http://www.arabnews.com/saudi-arabia/news/714426>

⁸ See Comm. on the Elimination of All Forms of Discrimination against Women, General Recommendation No. 19, Violence against Women, Paragraph 1, 4, 6, 7-e and f, and 8 (11th session, 1992)



Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

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