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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined third and fourth periodic reports of Saudi Arabia*

1. The Committee considered the combined third and fourth periodic reports of Saudi Arabia (CEDAW/C/SAU/3-4) at its 1582nd and 1583rd meetings (see CEDAW/C/SR.1582 and 1582), held on 27 February 2018. The Committee's list of issues and questions is contained in CEDAW/C/SAU/Q/3-4 and the responses of Saudi Arabia are contained in CEDAW/C/SAU/Q/3-4/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined third and fourth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by Mr. Bandar Al-Aiban, Chairperson of the Saudi Human Rights Commission. The delegation also included representatives of the Ministries of Foreign Affairs, Justice, Health, Education, Interior, Labour and Social Development, Economy and Planning, Islamic Affairs, Dawah and Guidance, Culture and Information, the Public Prosecutor's Office, the Expert Advisory Panel at the Council of Ministers, the Supreme Council of Justice, the General Authority for Statistics, the National Family Safety Program, the General Sport Authority, the King Salman Humanitarian Aid and Relief Centre and the Saudi Human Rights Commission, and the Permanent Mission of Saudi Arabia to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2008 of the State party's combined initial and second periodic reports (CEDAW/C/SAU/2) in undertaking legislative reforms, in particular the adoption of:

(a) Supreme Order of 26 September 2017, which allows the issuance of driving licences on equal terms to women and men;

(b) Supreme Order No. 33322, in 2017, which instructs, *inter alia*, all government entities to refrain from requiring a woman to obtain a guardian's permission for them to access services and procedures, except where justified by law;

* Adopted by the Committee at its sixty-ninth session (19 February-9 March 2018).

- (c) The Child Protection Act, in 2014;
- (d) The Protection from Abuse Act, in 2013, which criminalizes domestic violence, including physical, psychological and sexual violence;
- (e) Royal Decree No. M/28, in 2013, on the amendment of article 67 of the Civil Status Act, which makes it mandatory for a woman to obtain a national identity card;
- (f) The Criminal Procedures Act, in 2013.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of Saudi Arabia's Vision 2030, in 2016, and the Tenth Development Plan, 2015-2019, which aim, *inter alia*, at empowering women and enhancing their contribution to the economic and social development of the State party;

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

- (a) ILO Convention No. 138 concerning Minimum Age for Admission to Employment, in 2014;
- (b) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2011, and on the sale of children, child prostitution and child pornography, in 2010;
- (c) The Arab Charter on Human Rights, in 2009;
- (d) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2008.

Sustainable Development Goals

7. The Committee notes with satisfaction the engagement of the State party to implement the Sustainable Development Goals and the establishment of a new mechanism to reach these objectives. The Committee recalls the importance of the goal 5.1.1 and notes the positive efforts of the State party to implement sustainable development policies.

C. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Consultative (*Shura*) Council, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

D. Principal areas of concern and recommendations

Withdrawal of reservations

9. Notwithstanding the explanations given by the delegation, the Committee remains concerned about the State party's reluctance to withdraw its general reservation, whereby precedence is given to the sharia in case of any conflict between the provisions of the Convention and those of the sharia, as well as its reservation to article 9 (2), which constitute an obstacle to the implementation of the Convention as a whole.

10. **The Committee reminds the State party that its general reservation is incompatible with the object and purpose of the Convention and is thus impermissible under article 28 of the Convention (see the statement by the Committee on reservations, adopted at its nineteenth session, in 1998). The Committee recommends that the State party review its general reservation, as well as its reservation to article 9 (2) of the Convention, in consultation with leaders of**

religious communities, religious scholars and women leaders, with a view to their withdrawal within an established time frame, taking into consideration best practices of countries that are members of the Organization of Islamic Cooperation with similar cultural and religious backgrounds and legal systems in countries.

Amendment to article 20 (1) of the Convention

11. The Committee notes that the State party intends to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee. However, it notes that, at present, the State party has not yet taken the necessary steps to formally accept the amendment.

12. The Committee recommends that the State party accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Legislative framework

13. The Committee notes with concern the State party's understanding of the principle of equality as implying complementarities and harmony rather than equal rights of women and men. It is also concerned about the lack of comprehensive non-discrimination legislation and the absence of the grounds of sex and gender in the equality guarantee under article 8 of the Basic Law of Governance.

14. The Committee recommends that the State party amend its Basic Law of Governance and adopt and effectively implement comprehensive anti-discrimination legislation that includes a definition of discrimination against women and encompassing both direct and indirect discrimination in the public and private spheres and in all areas covered by the Convention, in line with article 1 of the Convention.

Discriminatory laws

15. The Committee notes with appreciation that a number of regulations, royal orders and Cabinet decisions on women's rights have recently been promulgated or amended. It remains, however, concerned about the persistence of discriminatory laws in the State party, in particular the legal provisions relating to personal status, the Civil Status Code, the Labour Code, the Nationality Act and the system of male guardianship, which subjects women's enjoyment of most of their rights under the Convention to authorization by a male guardian. While noting that the State party's legislation is derived from Islamic law, the Committee considers that diversity of opinions and juridical concepts exist within the Muslim jurisdiction to enable legislative reform and address discriminatory provisions.

16. The Committee draws the attention of the State party to its obligation to ensure that traditions, religion and culture are not used to justify discrimination against women and violations of the rights enshrined in the Convention. It recommends that the State party:

(a) **Open a participatory national dialogue, engaging women, on women's human rights in Islam with a view to examine 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 a jurisprudence allowing for Islamic legislation to be adapted to the current context of women;**

(b) **Expedite a comprehensive review of its legislation to ensure compatibility with the Convention;**

(c) **Accelerate its efforts to repeal all remaining discriminatory provisions in its national legislation, in particular legal provisions that require a male guardian's authorization for women's exercise of their rights, in line with articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere.**

Women, peace and security

17. The Committee is concerned at credible and consistent information that the State party, through the military operation in Yemen, is responsible for violations of Yemeni women's and girls' rights. In particular, the Committee expresses its deep concern at information that:

(a) A large number of women and girls have been killed and injured as a result of indiscriminate air strikes by the State party-led coalition on civilian areas and camps for internally displaced persons;

(b) Many women and girls in Yemen face life-threatening levels of malnutrition and thousands are currently at risk of dying from diseases owing to the dire humanitarian crisis and the imposition by all belligerents of obstacles to the delivery of humanitarian assistance.

18. **The Committee urges the State party to:**

(a) **Put an end to its military operations in Yemen and resort to peaceful means to resolve the conflict between the rival factions;**

(b) **Ensure respect for the rules of international humanitarian law that are applicable to women in armed conflict;**

(c) **Ensure prohibition of attacks against civilians and civilian objects, and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need (see A/HRC/33/38, paras. 71 (b) and (d));**

(d) **Respond to the call of the United Nations High Commissioner for Human Rights for the establishment of an international, independent investigative body to carry out comprehensive investigations of allegations of violations of international humanitarian and international human rights law in Yemen (see A/HRC/33/38, para. 74 (a));**

(e) **Ensure that women affected by the conflict have effective access to justice, redress and assistance, including psychological assistance;**

(f) **Promote the meaningful inclusion and participation of women in formal and informal peace negotiations and in the prevention, management and resolution of conflicts, in line with Security Council resolution 1325 (2000) on women and peace and security and subsequent resolutions on the subject, as well as the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, in particular with regard to the extraterritorial obligations of States parties.**

Access to justice

19. The Committee notes the measures taken to reduce impediments to women's access to justice and the various complaint mechanisms accessible to women who are victims of discrimination or gender-based violence. It is concerned, however, about persisting barriers to women's access to justice, in particular:

(a) The slow implementation of the measures taken to facilitate women's access to justice;

(b) The lack of coordination among existing complaints mechanisms;

(c) Women's limited knowledge of their rights and existing complaints mechanisms, and their fear of reprisals and stigmatization;

(d) The lack of adequate legal aid services;

(e) The lack of knowledge and sensitivity with regard to women's rights on the part of law enforcement officials and legal practitioners;

(f) The fact that women and girls are often required to obtain the authorization of a male guardian to file complaints.

20. **The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

- (a) **Speed up the implementation of the measures taken to facilitate women's access to justice;**
- (b) **Strengthen coordination among existing complaints mechanisms;**
- (c) **Enhance women's awareness of their rights and their means of enforcing them;**
- (d) **Encourage women victims of gender-based discrimination to report their cases, including by protecting them against any forms of reprisals and by destigmatizing them;**
- (e) **Institutionalize legal aid that is accessible, sustainable and responsive to the needs of women;**
- (f) **Take immediate steps, including capacity-building and training programmes on the Convention and women's rights, for justice system personnel, and ensure that all the courts harmonize their sharia norms, procedures and practices with the Convention and other international human rights standards;**
- (g) **Ensure that women and girls can file complaints without the authorization of a male guardian.**

National machinery for the advancement of women

21. The Committee notes with appreciation the ambitious project Vision 2030 and considers it as a unique opportunity to strengthen women's human rights. It also notes the creation, in 2016, of the Council for Family Affairs, which is the supervisory and coordinating body concerned with policymaking for the family, women, children and older persons. It is concerned, however, about the lack of information on the legal framework defining the mandate and authority of the Council and regulating its relations with relevant ministries and entities, including women's units; the human, technical and financial resources allocated from the national budget for its functioning; and its presence at the governorate and local levels. The Committee is also concerned that the State party has not yet developed and adopted a national strategy to support gender equality and the empowerment of women.

22. **The Committee recommends that the State party:**

- (a) **Ensure the coherence between the 2030 Vision and the Sustainable Development Goals in order to accelerate the realization of women's rights and empowerment;**
- (b) **Provide detailed information on the mandate, status and authority of the Council for Family Affairs and its relationship with relevant Ministries and women's non-governmental organizations; 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;**
- (c) **Expediently develop and adopt a national strategy to support gender equality and the empowerment of women, as well as a plan of action that clearly defines the competencies of national and local authorities regarding its implementation and that is supported by a comprehensive data collection and monitoring system.**

National human rights institution

23. The Committee notes that the National Human Rights Commission monitors and receives complaints from women alleging violations of their human rights. It is, however, concerned that the State party has not yet established an independent national human rights institution in line with the Paris Principles.

24. **The Committee recommends that the State party expeditiously establish an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles; General Assembly resolution 48/134; 1993), and ensure that it has a specific mandate to promote and protect women's rights and gender equality and has sufficient human, technical and financial resources.**

Civil society and non-governmental organizations

25. The Committee notes the adoption, in 2015, of the Associations and Foundations Act, as well as the increase in the number of civil society organizations in the State party. It remains, however, concerned that:

(a) There is a lack of vibrant, autonomous and diversified civil society, as reflected by the lack of alternative reports received by the Committee from national non-governmental organizations on the implementation of the Convention in the State party;

(b) Women's freedom of association is impeded by lengthy registration procedures, subject to approval by the Ministry of Labour and Social Development, and excessive supervision, and that associations, including women's organizations, are prohibited from working on political and human rights issues.

26. **The Committee recommends that the State party amend the Associations and Foundations Act 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.**

Stereotypes and harmful practices

27. The Committee notes the State party's efforts to address discriminatory stereotypes on the roles and responsibilities of women and men in society and in the family. It remains concerned, however, about the persistence of discriminatory stereotypes in the State party, focusing primarily on the roles of women as mothers and housewives.

28. **The Committee recommends that the State party put in place, without delay, a comprehensive strategy and an action plan to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women, in collaboration with civil society, the media and community and religious leaders, to educate and raise awareness with regard to the equal roles and responsibilities of women and men in the family and in society.**

29. The Committee is concerned about the persistence of a number of harmful practices, including child and/or forced marriage and the compulsory dress code for women.

30. **In the light of 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 (2014) on harmful practices, the Committee recommends that the State party:**

(a) **Undertake a national study on the prevalence of harmful practices and continue to take measures to eliminate all harmful practices, including child and/or forced marriage, especially in rural and remote areas;**

(b) **Ensure women's right to choose their dress, free of coercion, including by taking effective measures to protect women from violence, threats, or coercion by the religious police and their male guardian;**

(c) **Strengthen support measures, such as shelters, counselling and rehabilitation services, for victims of harmful practices and raise awareness of their many negative consequences, targeting in particular parents, teachers, religious and community leaders and health and education professionals.**

Gender-based violence against women

31. The Committee notes the enactment, in 2013, of the Protection from Abuse Act, which criminalizes domestic violence and the establishment of shelters across the country. It notes with concern, however:

(a) The prevalence in the State party of gender-based violence against women, in particular domestic and sexual violence, which remains largely underreported and undocumented;

(b) The non-criminalization of rape, including marital rape, sexual assault, sexual harassment and economic violence in the Protection from Abuse Act;

(c) The absence of comprehensive legislation to criminalize all forms of gender-based violence against women;

(d) That male relatives can bring legal claims against “disobedient” female dependents who flee domestic violence;

(e) The persistent use by male guardians of physical violence to discipline women and children under their guardianship;

(f) That police officers sometimes require women to file a complaint with or through a guardian or another male relative;

(g) The low prosecution and conviction rates and the lenient penalties imposed on perpetrators of gender-based violence against women;

(h) The frequent recourse to reconciliation in cases of domestic violence, leading to re-victimization, and the frequent forceful return by law enforcement officials of fleeing women to their abusers;

(i) The lack of support services for women victims of gender-based violence and the fact that they are not allowed to leave State-run shelters without their guardian’s consent.

32. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Enforce the Protection from Abuse Act and enhance its efforts 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, non-penetrative forms of sexual assault and sexual harassment; and expedite the adoption of the bill on harassment;**

(c) **Review and repeal all legal provisions that exculpate perpetrators of domestic violence, including male guardians;**

(d) **Amend its legislation to ensure that women victims of domestic violence who flee their home are not convicted for disobedience;**

(e) **Remove all current legal obstacles to access to justice, redress and reparation for women and girls victims of gender-based violence, including the requirement to obtain the authorization of a male guardian to lodge complaints; and allocate adequate human, technical and financial resources to the reception centre for domestic violence complaints to ensure that it is fully operational;**

(f) **Encourage victims of gender-based violence against women to report their cases, including by destigmatizing victims, and 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 gender-sensitive investigation of such cases;**

(g) **Ensure that reports of gender-based violence against women, including domestic violence, are duly investigated and prosecuted, that perpetrators are**

adequately punished and that victims have access to appropriate redress, including compensation;

(h) Strengthen support services for women who are victims of gender-based violence, including by establishing additional shelters throughout the State party and ensuring the availability of psychosocial rehabilitation and reintegration programmes, and issue clear and explicit guidelines that women may leave such shelters without being released to a male guardian.

33. The Committee is concerned that women and girls who are victims of sexual abuse risk facing criminal proceedings if they press charges, since the reporting of rape or sexual assault, if not proved, can be considered a confession of sexual relations outside of marriage (*zina*) or adultery, which are punishable by flogging or stoning and, in some instances, death in the State party.

34. The Committee recommends that the State party amend its legislation to ensure that victims of sexual abuse are not punished if they press charges that later cannot be proved, and immediately release and compensate women and girls who have been convicted of and are serving sentences for *zina* or adultery offences, especially migrant women who are victims of sexual violence and abuse.

Trafficking and exploitation of prostitution

35. The Committee notes the adoption of the Anti-Trafficking in Persons Offences Act, in 2009, the National Plan for Combating Trafficking in Persons Offences, 2017-2020, and the establishment of the Standing Committee for Combating Trafficking in Persons. The Committee is, however, concerned about:

(a) The limited enforcement of the Anti-Trafficking Act, as reflected by the low prosecution and conviction rates in cases of trafficking in women and girls;

(b) The lack of information on the resources allocated to the Standing Committee for Combating Human Trafficking and on its capacity to coordinate and monitor the action of the Government in combating trafficking;

(c) The lack of adequate mechanisms to identify and refer to the appropriate social services victims of trafficking or exploitation of prostitution who are reportedly sometimes arrested, detained and deported for acts committed as a consequence of having been trafficked;

(d) The lack of systematically organized rehabilitation and reintegration measures, including access to counselling, medical treatment, psychological support and redress, including compensation, for victims of trafficking.

36. The Committee recommends that the State party:

(a) Ensure the effective enforcement of the Anti-Trafficking Act, including by providing mandatory training to judges, prosecutors, border police, immigration authorities and other law enforcement officials on its gender-sensitive application;

(b) Investigate, prosecute and punish all cases of trafficking in persons, especially women and girls, and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime;

(c) Ensure that the Standing Committee for Combating Trafficking in Persons is provided with adequate human, technical and financial resources to implement the National Plan for Combating Trafficking in Persons Offences, 2017-2020, and to ensure inter-agency coordination between government security, justice and social services entities to combat trafficking, and strengthen their cooperation with civil society;

(d) Adopt adequate mechanisms for the early identification and referral of victims of trafficking;

(e) Ensure that women 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;

(f) Pursue international, regional and bilateral cooperation efforts with countries of origin, transit and destination, including through information exchange and harmonization of procedures, to prevent trafficking and bring perpetrators to justice.

Women migrant domestic workers

37. The Committee notes with appreciation the various measures taken by the State party to protect the rights of women migrant domestic workers, in particular the adoption of the Regulations concerning Domestic Workers and the Like, in 2013. It notes with concern, however:

(a) That women migrant domestic workers continue to be subjected to economic and physical abuse and exploitation, the confiscation of passports by employers, and the de facto persistence of the kafalah system, which further increases their risk of exploitation and makes it difficult for them to change employers even in cases of abuse;

(b) The limited protection provided by the Regulations concerning Domestic Workers and the Like, the exclusion of domestic workers from the ambit of the Labour Code, and that domestic workers still cannot change their employer without facing charges of “absconding”;

(c) Obstacles impeding access to justice for women migrant domestic workers, including fear of detention and deportation while legal proceedings are pending;

(d) The lack of regular labour inspections to monitor the working conditions of women migrant domestic workers in their workplaces;

(e) The insufficient enforcement of existing monitoring mechanisms for work contracts of women migrant domestic workers;

(f) The inadequate conditions in State-run shelters for women migrant domestic workers victims of abuse and exploitation, as they are often overcrowded, provide insufficient support services and restrict freedom of movement.

38. **The Committee, in line with its general recommendation No. 26 (2008) on women migrant workers, recommends that the State party:**

(a) **Strictly enforce the Regulations concerning Domestic Workers and the Like;**

(b) **Extend the application of the Labour Code to domestic workers and adopt a specific law regulating domestic employment, with adequate sanctions for employers engaging in abusive practices;**

(c) **Continue to raise awareness among women migrant domestic workers of their rights under the Convention and available remedies to complain about violations of those rights, including in a language that they can understand, and monitor the activities of employment agencies, including by establishing an enforcement mechanism to ensure that the same contracts are used in the State party and in workers’ countries of origin;**

(d) **Enforce the right of domestic workers to change employers legally without having to face charges of absconding and ensure that women migrant domestic workers have effective access to justice, including by guaranteeing their safety and granting temporary residence permits while legal proceedings are pending;**

(e) **Strictly enforce the prohibition of passport confiscation and ensure regular labour inspections of workplaces and dormitories of women migrant workers, including private households;**

(f) **Strengthen the welfare services and assistance provided to women migrant domestic workers victims of abuse and exploitation, including legal assistance, medical and psychosocial care and adequate shelters, and ensure that such services and assistance are gender-responsive and accessible to all women migrant domestic workers, including those who are undocumented;**

(g) **Ensure that in administrative and judicial proceedings, including detention and expulsion proceedings, women migrant domestic workers, particularly those in an irregular situation, are guaranteed due process before the courts;**

(h) **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.**

Participation in political and public life

39. The Committee welcomes the appointment of women on the Consultative Council, in line with the 20 per cent quota, and the adoption of the Municipal Councils Act, in 2014, which entitles women to vote and to be elected to municipal councils. It is concerned, however, about the very low participation of women at all levels of decision-making, including within the Government, the Consultative Council, municipal councils, the judiciary and the diplomatic service, and the lack of measures taken to address the underlying causes, including prevailing social and cultural attitudes.

40. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) **Adopt 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, such as increasing quotas and setting benchmarks with specific time frames, in order to promote equal and full participation of women in political and public life and in decision-making at both the national and local levels, including in the Government, the Consultative Council and municipal councils, the judiciary and the diplomatic service;**

(b) **Address cultural and practical barriers that impede the full participation of women as candidates and voters in municipal elections, including the requirement to obtain their guardian's consent, the lack of identity documents, the lack of knowledge on the voting procedures, and the lack of offer financial support and further training and mentoring programmes on leadership skills and political campaigning for current and future women leaders.**

Nationality

41. The Committee notes Cabinet Decision No. 406 to grant children of Saudi mothers and foreign fathers some "privileges". The Committee remains concerned, however, about:

(a) The strict conditions placed under article 8 of the Nationality Act on a Saudi mother married to a foreigner who wishes to transmit her nationality to her children, which may lead to statelessness, as well as the discriminatory provisions with regard to the naturalization of foreign spouses of Saudi women;

(b) The absence of progress made to address the situation of the thousands of stateless (*bidun*) women who remain deprived of their basic right to Saudi nationality and related rights.

42. **The Committee recommends that the State party:**

(a) **Amend the Nationality Act to enable Saudi women to transmit their nationality to their foreign spouses and their children on an equal basis with Saudi men;**

(b) **Regularize the situation of stateless women and ensure their right to nationality without discrimination;**

(c) **Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Education

43. The Committee notes with appreciation the high rates of enrolment of girls at all levels of education, as well as the measures taken to reduce school dropout and illiteracy rates among girls and boys. However, the Committee notes with concern that:

(a) Access to education for disadvantaged groups of girls, especially migrant girls, girls with disabilities and girls living in rural and remote areas and in situations of poverty, remains limited, and that illiteracy and school dropout rates are still high among those girls;

(b) Age-appropriate education on sexual and reproductive health and rights has not been included in school curricula;

(c) Teachers lack training on women's rights and gender equality, and traditional images of women's roles and responsibilities in school textbooks perpetuate the disadvantaged status of girls and women;

(d) Career guidance encouraging women and girls to choose non-traditional career paths remains limited, in particular in the fields of science and technology;

(e) The number of women and girls engaging in sports and physical activities and in vocational training remains limited.

44. **In line with the general recommendation No. 36 (2017) on the right to education for women and girls, the Committee draws attention to target 4.1 of the Sustainable Development Goals and recommends that the State party ensure that all girls and boys complete free, equitable and high-quality primary and secondary education. It also recommends that the State party:**

(a) **Continue to improve the accessibility and quality of education for all children, in particular disadvantaged groups of girls, and address the disproportionately high illiteracy and dropout rates among migrant girls, girls with disabilities and girls living in rural and remote areas and in situations of poverty;**

(b) **Ensure that mandatory, age-appropriate sexual and reproductive health education, including education on responsible sexual behaviour, is integrated as a separate subject into school curricula;**

(c) **Ensure that pregnant girls and young women and mothers are reintegrated into and supported in continuing their school education;**

(d) **Continue to review curricula and textbooks at all levels of education to eliminate discriminatory stereotypes on the roles of women, and enhance training for teachers on women's rights and gender equality, with a view to changing existing stereotypes on the roles of women and men in the family and in society;**

(e) **Step up efforts to provide girls with career counselling on non-traditional career paths and non-stereotypical fields of study that correspond to market demands;**

(f) **Continue to promote sports and physical activities as well as vocational training for women and girls.**

Employment

45. The Committee welcomes the various measures taken to promote women's employment, in particular the adoption of the 2012 ministerial decree stipulating that women no longer need a guardian's permission to work and their admission to law practice since late 2013. The Committee is concerned, however, about:

(a) The insufficient measures to promote the concept of shared family responsibilities and to combat the difficulties that women face in combining work and family responsibilities;

(b) The lack of clarity regarding access to paid maternity leave in the private sector;

(c) The low participation of women compared with men in the labour market, especially in the private sector, and the significant discrepancy between women's and men's unemployment rates;

(d) The lack of enforcement of the 2012 ministerial decree, as many employers continue to require a guardian's permission for a woman to work;

(e) The persistent horizontal and vertical occupational segregation and the sex segregation in the workplace, as well as the concentration of women in low-paid jobs;

(f) The persistent gender wage gap in both the public and private sectors.

46. The Committee recommends that the State party:

(a) **Promote the equal sharing of family and domestic responsibilities between women and men, including by introducing compulsory paternity or shared parental leave following childbirth and by providing more and improved childcare facilities;**

(b) **Ensure access to paid maternity leave in both public and private sectors;**

(c) **Take measures, including temporary special measures, in order to enhance women's access to the formal labour market;**

(d) **Enforce the 2012 ministerial decree, including by issuing clear directives to all employers and prosecuting or fining those who continue to require such permission;**

(e) **Adopt effective measures, including skills training and incentives, with a view to encouraging women to choose non-traditional career paths and eliminating occupational segregation, both horizontal and vertical, in the public and private sectors; and adopt legislative measures to prohibit sex segregation in the workplace;**

(f) **Effectively implement Minister of Labour Decision No. 2370/1 in order to narrow and ultimately close the gender wage gap.**

Health

47. The Committee notes with satisfaction that health indicators for women have improved significantly in recent years. The Committee is concerned, however, about:

(a) The limited access for women and adolescent girls, in particular nomadic women, to sexual and reproductive health services;

(b) The criminalization of abortion, except when the life of the pregnant woman or girl is at risk, and the fact that this compels women to resort to unsafe abortions;

(c) The limited access to contraceptives, in particular modern contraceptives, especially in rural and remote areas, and the increasing risk of sexually transmitted diseases for women.

48. The Committee, in line with its general recommendation No. 24 (1999) on women and health, recommends that the State party:

(a) **Provide comprehensive health services, in particular sexual and reproductive health services, including antenatal, delivery and postnatal services, in all governorates, taking into account the special needs of nomadic women;**

(b) **Amend relevant legal provisions to legalize abortion in case of risk to the health of the pregnant woman, rape, incest and severe impairment of the foetus,**

and decriminalize it in all other cases, and increase women's access to safe abortion and post-abortion care services;

(c) Ensure the availability and accessibility of affordable modern forms of contraception and reproductive health services to all women and men and adolescent girls and boys, and strengthen prevention of sexually transmitted infections, including HIV/AIDS, in particular by encouraging protection of sexual relations.

Economic and social benefits

49. The Committee notes the recent decision to allow women to launch their own business without the consent of their male guardian and welcomes the specific encouragement to women in the business sector. It also welcomes the participation of Saudi women in the Olympic Games for the first time in 2012. Nevertheless, it is concerned about:

(a) The fact that women received only 21 per cent of social development loans and 15 per cent of bank loans in 2014;

(b) The lack of information on the coverage of pension and social protection schemes for women living in poverty, migrant women, women living in rural and remote areas and women with disabilities;

(c) The lack of information on whether women's organizations are involved in designing and implementing national strategies to achieve the Sustainable Development Goals.

50. The Committee recommends that the State party:

(a) Allocate additional earmarked financial resources for increasing access to microcredit, loans and other forms of financial credit for all women and provide capacity-building aimed at empowering them economically;

(b) Take measures, including temporary special measures, to expand the coverage of pension and social protection schemes for women, in particular as regards women living in poverty, migrant women, women living in rural and remote areas and women with disabilities;

(c) Ensure that women's organizations participate in planning and implementing national strategies to achieve the Sustainable Development Goals.

Women living in rural and remote areas

51. The Committee notes with appreciation the various initiatives in support of women living in rural and remote areas. It remains concerned, however, about the disadvantaged position of women in rural and remote areas who face poverty, difficulties in gaining access to health care, education, income-generating activities, land and other property, and their limited participation in decision-making processes at the community level.

52. The Committee, in line with its general recommendation No. 34 (2016) on the rights of rural women, recommends that the State party Develop and implement policies to accelerate the achievement of substantive equality for women living in rural and remote areas in all fields in which they are underrepresented or disadvantaged.

Gender and climate change

53. The Committee notes that the State party has adopted a climate action plan. However, it notes the lack of information on how women participated in the development of the plan and how a gender perspective was applied in the identification of adaptation and mitigation measures. It is also concerned about the damage inflicted to the environment in Yemen by the military operation.

54. The Committee draws attention to its general recommendation No. 37 (2018) on gender-related dimensions of disaster risk reduction in the context of climate

change and recommends that the State party, under its extraterritorial obligations, assess the impact of the military operation on the environment in Yemen. It also recommends that the State party provide, in its next periodic report, information on:

(a) The participation of women in the development and implementation of the climate action plan;

(b) Measures taken to incorporate a gender perspective in adaptation and mitigation efforts.

Women human rights defenders

55. The Committee is particularly concerned about the fact that women human rights defenders have reportedly been subjected to various forms of harassment, violence and intimidation by law enforcement officials, as well as detention and ill-treatment for their civic engagement.

56. **The Committee recommends that the State party:**

(a) Refrain from any reprisals against women human rights defenders and their relatives;

(b) Ensure that any sanctions against women who peacefully exercise their right to freedom of expression and association are immediately discontinued and that they are compensated and rehabilitated;

(c) Ensure that women activists are able to exercise their rights to freedom of expression and association and that the 2014 Counter-Terrorism Act, the 2007 Cyber Crime Act and the 2011 Web Publishing Act are not invoked abusively to criminalize women human rights defenders.

Refugee and asylum-seeking women

57. The Committee is concerned about:

(a) The lack of an adequate legal and policy framework to address the precarious and insecure living conditions of refugee and asylum-seeking women;

(b) The fact that refugee and asylum-seeking women are often deprived of basic services and are at a heightened risk of gender-based violence, labour and sexual exploitation, as well as arbitrary arrest, detention and refoulement.

58. **In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) Expedite the adoption of a gender-sensitive asylum policy and legislative framework to guarantee the security and protection of refugee and asylum-seeking women;

(b) Ensure that the principle of non-refoulement is upheld for all women and girls in need of international protection;

(c) Increase refugee and asylum-seeking women's and girls' access to basic services, and ensure that they are not subjected to gender-based violence and sexual and labour exploitation;

(d) Accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

Women belonging to religious minorities

59. The Committee is concerned about the lack of legislation that prohibits discrimination and hate speech based on religion. However, it notes that there is a pending bill on combatting discrimination and hatred. More specifically, it is concerned about the persistent disadvantaged situation of Muslim Shiite women in many fields, including education, employment, health and the media.

60. **The Committee calls upon the State party to expedite the adoption of the bill on combatting discrimination and hatred and issue the regulations to implement it in order to address, *inter alia*, the inequalities faced by Shiite women, which are compounded by the intersecting forms of discrimination to which they are subjected.**

Equality before the law and civil matters

61. The Committee welcomes the various measures taken to limit the scope of the male guardianship system, including the lifting of the de facto driving ban on women. It is concerned, however, about the persistence of the male guardianship system, in particular for woman to obtain a passport and travel outside the country, study abroad on a government scholarship, choose their residency, access health-care services and leave detention centres and State-run shelters. The maintenance of the guardianship system underscores the subordination of women to their male guardian and undermines the rights and capacity of women and girls to develop their personal abilities and make free choices about their lives and life plans.

62. **The Committee recommends that the State party take all necessary measures to:**

(a) **Abolish practices of male guardianship and adopt implementing regulations to enforce Supreme Order No. 33322 and ensure that it entitles all women to obtain a passport and travel outside the country, study abroad on a government scholarship, choose their residency, access health-care services and leave detention centres and State-run shelters without having to seek their guardian's consent;**

(b) **Strictly enforce Supreme Order of 26 September 2017 lifting the de facto ban on women from driving once it comes into force in June 2018;**

(c) **Ensure that claims of disobedience by guardians are not used to subject women to arbitrary detention.**

Marriage and family relations

63. The Committee remains concerned about:

(a) The use of the sharia as an explanation for the lack of progress on family law reform and the continued application of discriminatory legal provisions relating to personal status, in particular the requirement for a woman to obtain her guardian's permission to marry, the maintenance of polygamy and the limited grounds available to women to seek divorce while men may unilaterally divorce their wife for any reason;

(b) The fact that there is still no legally prescribed minimum age of marriage, and that a high proportion of girls continue to marry before the age of 18 years;

(c) Persistent discrimination against women and girls in inheritance law, custody matters, marriage and divorce;

(d) The lack of a written unified personal status law.

64. **The Committee recommends that the State party, in line with general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, review all discriminatory provisions relating to personal status within a specific time frame with a view to:**

(a) **Remove discriminatory provisions regulating legal capacity, polygamy, divorce, the guardianship system and inheritance;**

(b) **Discourage polygamous marriages, in line with its general recommendation No. 21 (1994) on equality in marriage and family relations and joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices;**

(c) **Prescribe and enforce a legal minimum age of marriage of 18 years for both women and men;**

(d) **Intensify its efforts to enable women and girls to exercise their right to inheritance on an equal basis with men and boys and enact legislation to ensure that, upon the dissolution of marriage, women have equal rights to property acquired during marriage;**

(e) **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.**

Data collection and analysis

65. The Committee takes note of the information provided by the State party on the current efforts towards the creation of a database on women, but regrets that the data disaggregated by sex remain insufficient to enable proper monitoring of all areas covered by the Convention.

66. **The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location and socioeconomic status, and the use of measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention, in particular gender-based violence against women, trafficking and women migrant domestic workers.**

Optional Protocol to the Convention

67. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

Beijing Declaration and Platform for Action

68. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

69. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

70. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.**

Technical Assistance

71. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

72. **The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

Follow-up to the concluding observations

73. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (a), 26, 32 (b), 62 (a) above.**

Preparation of the next report

74. **The Committee requests the State party to submit its fifth periodic report, which is due in March 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

75. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

¹ 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.