

# KINGDOM OF SAUDI ARABIA



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The colour codes indicate whether the laws comply with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women, and recommendations of the country's Universal Periodic Review.

## Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

### YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

### NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

### Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

## Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Saudi Arabia ratified CEDAW in 2000, with reservations relating to the norms of Islamic law and that the Kingdom does not consider itself bound by Article 9(2) (nationality) and Article 29(1) (dispute resolution).

## Constitution

The Basic Law of Governance does not include a provision on gender equality or prohibition of discrimination based on sex or gender. The Basic Law of Governance guarantees the principle of equality in general. Article 8 states: "Government in the Kingdom of Saudi Arabia is based on the premise of justice, consultation and equality in accordance with the Islamic Sharia." Article 47 states: "The right to litigation is guaranteed to citizens and residents of the Kingdom on an equal basis."

## NATIONALITY LAW

### NATIONALITY

Women do not have the same rights as men to pass nationality to their children or to a foreign spouse. The Council of Ministers Resolution No. 406 of 12/11/2012 addresses the situation of children of Saudi women married to a foreign man, including that the State is to bear their residence fees and allows them to work in the private sector. The children of Saudi women can also benefit from the Citizen's Account Program, which provides entitlements to cash payments.

## CRIMINAL LAWS

### Domestic violence

Women and girls are protected by the Law on Protection from Abuse 2013. It creates criminal penalties for acts of domestic violence and establishes a process for people to lodge complaints and receive protection. It could be improved by clarifying if the law criminalizes marital rape as a form of abuse.

### Abortion for rape survivors

Abortion is generally prohibited under Sharia law, including in the case of rape. Abortion is legal to save the woman's life or if the pregnancy is less than four months old and continued pregnancy gravely endangers the mother's health.

### Female Genital Mutilation / Cutting (FGM/C)

There is no legal prohibition. It is not practiced.

### Marital rape

Marital rape is not criminalized. Rape of a wife by a husband was not traditionally subject to punishment in Sharia courts, but a husband is under a general obligation not to harm his wife.

### Sexual harassment

Sexual harassment was criminalized in 2018. The law defines "harassment" as any word, act, or sign with a sexual connotation by a person to any other person that harms their body or modesty by any means, including through modern technology.

### Human trafficking

The Anti-Trafficking in Persons Law of 2009 prohibits human trafficking and there are prevention and protection measures. A Royal Decree specifies the responsibilities of the Anti-Trafficking in Persons Commission to include: research, information, media campaigns and social and economic initiatives to prevent and combat trafficking in persons. The Human Rights Commission launched a national plan to combat trafficking in persons from 2017 to 2020. An awareness campaign was launched to combat human trafficking.

### Rape (other than of a spouse)

Rape is a criminal offence under Sharia law with a wide range of penalties, including flogging and execution.

### Femicide: Mitigation of penalty (so called 'honour' crimes)

Leniency for perpetrators of 'honour' crimes against women is not codified in Saudi law. Sentencing of men who commit such crimes is at the discretion of the court. No cases of interventions have been recorded for so-called 'honour' crimes.

### Sex work and anti-prostitution laws

Prostitution is prohibited by Sharia law.

### Exoneration by marriage

There is no provision that acquits a rapist from punishment if he marries his victim. The regulations in force in Saudi Arabia stipulate that a person convicted of a rape crime is punishable in any case.

### Adultery

Adultery is criminalized by Sharia law (zina offence).

### Sexual orientation

Homosexual conduct between consenting adults is criminalized by Sharia law.

## PERSONAL STATUS LAWS

### Minimum age of marriage

Article 16/3 of the Executive Regulations of the Child Protection Law affirms that marriage under the age of 18 years shall not take place except with the permission of a court. Before concluding the marriage contract, it is necessary to ensure that the marriage of persons under 18 years of age "shall not be prejudicial, and achieves their best interests, male or female." The Ministry of Justice, in its Ministerial Decision 1630368/40 dated 28/5/1440 Hegira, confirmed the application of this Article and the requirement to verify the best interests of both parties to the contract in the case of requests for marriage of persons under 18 years.

### Guardianship of children

Fathers are the guardians of their children and make decisions about important matters such as health care and education. Mothers also have a role in making decisions for their children. The care of a child's financial affairs can be provided by either the father or mother, as stipulated in the Royal Decree No. M/134 dated 27/11/1440 (30 July 2019), including amendment of Article 33 to grant women equal rights with men in registering births. Article 50 grants both husband and wife the right to request the family registration from the Department of Civil Status, and Article 91 has been amended to read: "the head of the family in the application of this system shall be the father or mother of the children."

### Male guardianship over women

Women require the consent of a male guardian to marry. Early marriage is not allowed except with the court's permission. Supreme Decree No. 33322 of 2017 terminated government entities from requiring women to obtain the permission of their guardian in order to receive government services. Resolution No. 684 of 2019 ended the requirement to obtain permission of a guardian to travel abroad. Royal Decree No. M/134 dated 27/11/1440H (30 July 2019) provides equality between men and women in the requirements for obtaining passports.

### Custody of children

After divorce, the mother has custody of children up to a specified age, but she loses custody if she remarries. A decree was issued to regulate custody matters by the President of the Supreme Council of the Judiciary No. 1049/C dated 20/06/1439 AH, in relation to proof of custody of the mother, and custody is up to the age of 15 years.

### Marriage and divorce

Under Sharia principles, the husband is required to financially support his wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul'a divorce without grounds if she forgoes financial rights.

### Polygamy

Polygamy is permitted.

### Inheritance

Sharia rules of inheritance apply. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

## LABOUR LAWS

### Right to equal pay for the same work as men

The Labour Law prohibits discrimination against women in hiring or wages based on amendments made by Royal Decree No. 684 of 27/11/1440 H (30 July 2019), including Article 2, which changes the definition of the worker as "any person - male or female - who works for the benefit of an employer and under his management or supervision for a fee, even if he is away from his sight". Article 3 has been amended to state "citizens are equal in the right to work without any discrimination on the basis of sex, disability, age or any other form of discrimination, whether during the performance work or when hiring or advertising." Article 34 provides model mechanisms prohibiting wage discrimination between men and women workers for work of equal value.

### Domestic workers

Domestic workers are not covered by the full protections of the Labour Law. A Ministerial Decree No. 310 dated 7/9/1434 H (2013) was issued for the Regulation of Domestic Workers. The Decree regulates the employment of domestic workers and sets out minimum entitlements. Employers are required to treat domestic workers with dignity and to ensure their safety.

### Dismissal for pregnancy

Under Article 155 of the Labour Law employers are prohibited from dismissing a woman because she takes maternity leave.

### Paid maternity leave

Women are entitled to 10 weeks of maternity leave, which is fully paid by the employer. This is less than the ILO standard of 14 weeks.

### Legal restrictions on women's work

The Labour Law prohibits employment of women in hazardous operations or harmful industries. The Minister prescribes occupations and jobs that are deemed harmful to women. The law also prohibits women from working at night, except in situations determined by the Minister.