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NGOS CALL ON SAUDI ARABIA TO IMPROVE WOMEN'S RIGHTS UNDER THE SCRUTINY OF THE CEDAW COMMITTEE

On October 9, 2024, the UN Committee on the Elimination of Discrimination against Women (hereafter referred to as “the Committee”) examined Saudi Arabia’s record during its fifth periodic review. Following its review of Saudi Arabia, the Committee issued its Concluding Observations on the country’s record regarding the protection of women’s rights on October 29, 2024, identifying more than twenty principal areas of concern with regards to Saudi Arabia’s implementation of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which it ratified in 2000. The Committee issued recommendations regarding the targeting of women human rights defenders, use of the death penalty, lack of protection for women migrant domestic workers, the persistence of a de facto male guardianship system and other issues related to safeguarding women’s rights in Saudi Arabia.

Notably, the Committee urged the State party to adopt a moratorium on the death penalty, halt the execution of all women currently on death row, and consider commuting all death sentences into prison terms. These recommendations were raised in light of Saudi Arabia’s continued retention of the death penalty in its law and practice and the execution of at least 11 women of different nationalities between January 2020 and July 2024.

The Committee also urged Saudi Arabia to guarantee that women human rights defenders and activists, in particular those advocating for the abolition of the male guardianship system, can carry out their legitimate work and exercise their rights without being subjected to harassment, surveillance, arbitrary arrest and prosecution. It also highlighted the misuse of the Counter-Terrorism Law (2017) and the Anti-Cyber Crime Law (2007) to target women human rights defenders in retaliation for exercising their freedom of expression, subjecting them to arbitrary arrest, lengthy prison sentences, and punitive measures such as lengthy travel bans.

Saudi authorities did not address issues related to the prosecutions of women human rights defenders during the review and instead stated that more than 50 legislative, institutional, judicial and procedural reforms or measures were devoted to women’s rights and empowerment during the reporting period, including the adoption of a new Personal Status Law.

Revealing a much different picture in their Concluding Observations, the Committee noted with concern that several legislations violate the CEDAW and the fact that domestic law does not provide a definition of discrimination against women in accordance with articles 1 and 2 of the CEDAW. They also noted with concern that the Personal Status Law requires wives to obey their husband in a “reasonable manner”, allows husbands to make his financial support “contingent on a wife’s obedience”, and authorizes the marriage of girls under 18 in certain cases.

In fact, discrimination against women and girls continues to be perpetrated through the male guardianship system. Although Saudi authorities have implemented reforms to the male guardianship system in recent years, such as allowing women to obtain passports, obtain a family record and travel without the permission of a male guardian, various aspects of the system remain effective in law and practice. The Committee noted that ‘women still require a male guardian’s permission to access health services, including sexual and reproductive health services and that different aspects of women’s marriage and family life remained dependent on a male guardian’s permission, which facilitates domestic violence and limits women’s access to justice.

In stark contrast with the Saudi delegation’s claim that there is “no restriction on the freedom of movement of any individual, except by law or judicial sentence”, human rights organizations have documented Saudi Arabia’s use of arbitrary and unofficial travel bans imposed on human rights defenders and their families, sometimes without a court order. For example, Loujain al-Hathloul was sentenced to a travel ban of two years and ten months after being released from prison in 2021 as part of her conviction. While her travel ban formally ended on November 13, 2023, she attempted to travel in February 2024 and was told at the border that she remained under a permanent travel ban. Her family is also subject to a travel ban from 2018 without any judicial order.

The Committee recommended that Saudi Arabia “lift the travel bans currently imposed on women human rights defenders and activists, and ensure that HRDs, in particular those advocating for the abolition of the male guardianship system and travel bans, can freely [...] exercise their rights to freedom of expression.”

Lastly, the Committee underscored its concern about the lack of protection for women migrant domestic workers, who are explicitly excluded from protections under the Labour Law, including on key issues related to maximum working hours, overtime pay, annual leave, and medical leave. It also highlighted that migrant domestic workers are governed by the sponsorship (kafala) system that still links their legal status to their employers, putting them at risk of economic and physical abuse, trafficking and exploitation. The Committee urged Saudi Arabia to amend its Labour Law to extend its protection to all migrant workers. It also asked the State party to establish confidential and independent complaint mechanisms for women migrant workers to report abusive employment contracts and conduct regular labour inspections of workplaces and dormitories of women.

It is worth noting that during this review, the Saudi delegation to the CEDAW review was headed by the Saudi Human Rights Commission (SHRC). While the Commission presents itself as an independent national human rights institution (NHRI), it was also sent as the head of a governmental delegation to defend the state position. Such practice undermines the SHRC's independence and contravenes the Paris Principles, which stipulate that "NHRIs should not participate as part of a government delegation during the Universal Periodic Review, during periodic reviews before the Treaty Bodies, or in other international mechanisms where independent participation rights for NHRIs exist." In its Concluding Observations, the Committee urged Saudi Arabia to ensure the independence of the SHRC from the government.

The CSOs participating in the review emphasized that the SHRC upholds a "favourable and progressive" image of women's rights advancement that fails to acknowledge the harsh reality of human rights abuses and gender-based discrimination that women face in Saudi Arabia.

CIVIL SOCIETY PARTICIPATION

Ahead of the review, the Committee received submissions from local, regional and international civil society organizations to provide information on how to assess Saudi Arabia's compliance with the CEDAW. During the pre-sessional phase, civil society actors had also been invited to deliver information orally to members of the Committee in both public and closed meetings. For instance, Lina al-Hathloul, a Saudi human rights defender, delivered a public oral statement, where she reminded the Committee that her sister, Loujain, had participated in Saudi Arabia's last review in 2018 and was subsequently arrested for her participation. Although her sister had been released since then, she remains under an arbitrary unlawful permanent travel ban as a reprisal to restrict her human rights work, expression and freedom of movements.

SIGNATORIES

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