

## Maat for Peace's LOI to the Committee on the Elimination of Discrimination against Women (CEDAW) regarding the Kingdom of Saudi Arabia (September 2023)

### General Comment:

The Kingdom of Saudi Arabia (KSA) (hereinafter referred to as the “State Party”) signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the “Convention”) on September 7, 2000, and submitted its 5<sup>th</sup> periodic report under Article 18 of the Convention, on March 7 2023, to the Committee on the Elimination of Discrimination against Women (CEDAW) (hereinafter referred to as the “Committee”), nearly one year later than the scheduled date for presenting its national report on March 31, 2022.

Generally speaking, women's rights in KSA have witnessed radical reforms; many laws, regulations and legal foundations were issued and amended to ensure the promotion of women's rights on an equal basis with men, and to establish a number of institutions concerned with women's rights; such as the Family Affairs Council, the National Observatory for Women's Participation in Development, and the Gender Balance Center, in addition to the Kingdom adoption of a number of noteworthy measures that have contributed to enhancing women's rights and empowerment. Kingdom 2030 Vision has contributed to enhancing women's empowerment; the Kingdom achieved 80 points out of 100 in the World Bank's “Women, Business and Law” assessment indicator for 2022, with an increase of 20 points over 2020. In mid-2022, HM King Salman bin Abdul-Aziz Al-Saud appointed Dr. Hala Al-Tuwaijri as head of the Human Rights Commission (HRC) with the rank of minister. The HRC granted both women and men the right to submit reports in accordance with the requirements, in addition to many procedures to empower women in recent years, including allowing them to drive vehicles and conscription into military service<sup>1</sup>.

On the other hand, we have concerns about the Kingdom's continued general reservation on the Convention, which it believes does not affect the purposes and objectives of the contained therein. Besides, KSA expressed its reservation on Paragraph (2) of Article (9) of the Convention, which grants women the same rights enjoyed by men in terms of transferring the nationality of children, in addition to reports of psychological violence practiced against Saudi women by their husbands, as well as the

<sup>1</sup> Women Empowerment, GOV.SA, Available at: <https://cutt.us/o6y6a>

small number of homes/shelters to shelter and rehabilitate for victims of human trafficking, and the continued risks of forced labor with regard to female domestic workers.

Based on the above, **Maat for Peace, Development and Human Rights** would like to draw the attention of the CEDAW in this report, in the context of the KSA's subjection to the Committee during the preliminary session of Session No. (88), to several specific issues, such as gender-based violence against women (Article 5), preventing and combating trafficking in persons and exploitation in prostitution (Article 6), and the right to work (Article 11) of the Convention.

### First: Gender-Based Violence against Women - Gender-Based Violence - (Article 5)

We welcome and commend the mechanisms established by the State party, which aim to combat gender-based violence against women. The State Party has adopted a system to combat the crime of harassment, as Royal Decree No. (M/96) was issued in May 2018, to combat the crime of harassment, prevent it from occurring, apply punishment to its perpetrators, and protect the victim, in order to preserve the individual's privacy, dignity, and personal freedom guaranteed by the provisions of Islamic Sharia and regulations. The system also required the relevant authorities in the government and private sectors to put in place the necessary measures to prevent and combat harassment within the framework of the work environment in order to provide a work environment free of harassment for both genders. The "We Are All Safe" application and reporting lines were also established to report any crime of harassment; the system has guaranteed complete confidentiality of information and identity of the victim<sup>2</sup>.

In a related context, the Protection from Abuse System was approved, issued by Royal Decree No. (M/52) in September 2013, and amended by Royal Decree No. (M/72) on March 9, 2022, which requires providing protection from abuse of all kinds, and providing assistance, treatment, shelter, and social, psychological, and health care for its victims, holding the perpetrator accountable and punishing him, and emphasizing spreading awareness about the concept of abuse and its effects. The new amendments have added special paragraphs to the procedures related to reporting cases of abuse. A paragraph has been added to Article (7), which stipulates that the person who has been subjected to abuse, or his representative, be able to enter his residence, obtain his identification papers, and take his personal property. The amendments to Article (12) indicate that cases of abuse shall be followed up after the court has decided upon them for a period of not less than 6 months, and Article (13) has been amended, where the penalty is doubled if the person subjected to abuse is a person with a disability, a parent, or someone over sixty. year, or the pregnant woman if this results in the miscarriage of her fetus, and it will also be doubled if the harm occurs in the workplace, study, or worship, or is committed by those entrusted with implementing the provisions of this law, or occurs in conjunction with the use of an arm<sup>3</sup>.

In addition, we welcome the establishment of the "Receiving Reports Center" by the State Party on March 20, 2016, which is affiliated with the Ministry of Human Resources and Social Development and operates 24 hours a day to receive all reports of domestic violence through a unified number and the National Center for Security Operations. Protection teams have also been formed in all regions and

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<sup>2</sup> The system of harassment is criminalized in the Kingdom in accordance with the provisions of Islamic Sharia, and the system for combating it to prevent it from occurring, punish its perpetrators, and protect the victims, Ministry of Interior - Kingdom of Saudi Arabia, Rabi' al-Awwal 2, 1445. <https://cutt.us/hj4Jg>

<sup>3</sup> Protection against Harming, Human Resource and Social Development, Available at: <https://cutt.us/MYmnE>

governorates to receive reports of domestic violence<sup>4</sup>. We welcome the launch of the “National Family Safety Program” by the State Party, which aims to protect the family from violence by providing prevention and support programs, spreading awareness, and building professional partnerships with specialists, governmental and civil institutions, and international organizations to provide a safe family environment<sup>5</sup>. In this regard, we must point out that the State Party has established shelters/centers for women survivors of violence and their children. The State Party was keen that the workers in the shelters are highly educated, and these shelters provide training for the male/female workers on how to deal with women survivors of violence and their children, or how to understand the impact of domestic abuse<sup>6</sup>.

But on the other hand, we noticed that there are forms of psychological abuse against married women by their husbands. Statistics showed that a large number of women in the state party continued to be subjected to violence, and some pregnant women were subjected to beatings. According to statistics, 37% of husbands oppress their wives and children, in addition to depriving women of visiting their families. Also, according to a study conducted on 400 married women aged between 19 and 65 years old in Riyadh attending outpatient clinics, the lifetime incidence of sexual violence was found to be 44.8%, including physical abuse 18.5%, emotional abuse 25.5%, sexual abuse 19.2%, and financial violence and abuse 25.3%<sup>7</sup>. The percentages may be much higher in reality, because victims are reluctant to reveal their experiences due to stigma, societal culture, humiliation, economic constraints, lack of understanding of available resources, and fear of retaliation. Moreover, victims of sexual violence also have difficulty accessing health care, have low hopes of receiving help, and believe that symptoms of abuse are rarely taken seriously<sup>8</sup>.

### **Suggested Questions:**

- **What measures has the State party taken to remove all current cultural and legal obstacles that prevent women victims of violence from resorting to justice and benefiting from reparation and compensation?**
- **What protection mechanisms does the State party intend to introduce to eliminate domestic violence, especially violence by partners against their wives?**
- **Does the State party intend to increase the number of shelters/centers for survivors of domestic violence?**

### **Second: Preventing and Combating Trafficking in Persons and Exploitation in Prostitution (Article 6)**

We note that the State party has recently demonstrated increased efforts to eliminate human trafficking. The State Party strengthened its awareness and educational efforts regarding the danger of trafficking in persons during the first quarter of 2023, by launching several awareness campaigns aimed

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<sup>4</sup> Reporting domestic violence, Ministry of Human Resources and Social Development, is available through the following link. <https://cutt.us/2WYte>

<sup>5</sup> The National Prisoner Safety Program, an important website, is available through the following link. <https://cutt.us/7WJma>

<sup>6</sup> Shelters for women survivors of violence: their availability and accessibility in the Arab region, ESCO-United Nations, available through the following link. <https://cutt.us/7Ckpc>

<sup>7</sup> Nurses' experiences of perceiving violence and abuse of women in Saudi Arabia: A phenomenological study, Wiley, 4 July 2023. <https://cutt.us/s3Vvv>

<sup>8</sup> It has become a societal custom.. Saudi Arabia faces domestic violence with deterrent penalties, Al-Khaleej Online, March 2023. <https://khaleej.online/EpA3mz>

at raising awareness of the rights and duties of workers in establishments and domestic workers. During the first quarter of 2023, the monitoring teams of the Ministry of Human Resources and Social Development carried out more than (1,500) monitoring tours as part of the joint campaign to combat trafficking in persons, while the number of reports received by the Department for Combating Crimes of Trafficking in Persons reached 539 reports, centered on “labor disputes, abuse, sexual assault, cases of pre-emptive inspections in shelter homes, and forced labor, in violation of labor regulations.” The reports received were also treated with complete confidentiality and referred to the competent authorities, while suspected cases of trafficking in persons for which support and protection services were provided reached 49 cases<sup>9</sup>.

In a related context, 16 workshops were held for more than 565 employees of: call centers, field monitors, employers and workers, and shelter homes, during which they were trained on indicators of trafficking in persons, the legal dimensions and means of protection, and how to deal with reports of trafficking in persons and refer them to the competent authority. The Ministry also issued its approval to establish the first association specialized in combating trafficking in persons as part of its role in activating the role of the non-profit sector. It held several workshops with the sector to raise awareness and support victims, and a number of programs and initiatives were launched to combat trafficking in persons, such as an initiative to improve the contractual relationship, the wage protection program, the contract documentation program, activating the electronic friendly settlement service, and the Musaned platform, in addition to the Ministry launching the labor attaché program in labor-exporting countries, which aims to raise workers’ awareness of the Kingdom’s systems and recruitment policies. The Ministry provided a number of different channels to enable target groups to communicate, including the call center, which is provided in multiple languages, in addition to receiving complaints through social media sites and the Ministry’s unified application, and called on everyone to submit any report that may be suspected of indicating indicators of human trafficking crimes through these channels for the necessary action to be taken by the Ministry in the State Party<sup>10</sup>.

On the other hand, we note with concern that despite the great efforts made by the State party to combat human trafficking, it does not fully meet the minimum standards for eliminating human trafficking, as domestic workers still lack adequate labor law protections equal to those enjoyed by other private sector workers, and have been excluded from recent kafala reforms, which led to the continued high risks of forced labor. The government also did not refer most victims to services or care, did not have shelters for male victims or female victims in addition to domestic workers, and did not continuously screen vulnerable population groups for indicators of trafficking, which may led to inappropriate punishment of some victims for illegal acts committed as a direct result of being trafficked, such as migration violations or prostitution<sup>11</sup>.

### **Suggested Questions:**

- **What legislative and institutional measures does the State party intend to take to meet the minimum standards for the complete elimination of human trafficking?**
- **What protection mechanisms does the State party intend to provide to domestic workers to ensure that they do not fall victim to human trafficking or be exploited in prostitution?**

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<sup>9</sup> 4 axes, programs and international activity... 90 days of the Kingdom’s efforts to combat human trafficking, Sabq, July 30, 2023. <https://cutt.us/QE2Yn>

<sup>10</sup> The same previous source

<sup>11</sup> 2023 Trafficking in Persons Report: Saudi Arabia, U.S Department of State, Mar 2023. <https://cutt.us/GU2tE>

- **Does the State party have any future plans to increase the number of shelters for victims of human trafficking?**

### Third: Right to Work (Article 11)

The State Party has taken a number of special measures to expand and increase opportunities for women's participation in the State Party in the labor market. The State Party has launched a leadership training program for women to develop training and guidance programs aimed at improving the skills of working women and increasing the proportion of women working in leadership positions. The initiative has trained 506 working women in the State Party, they were divided into two categories including female leaders (260) and managers (246), and this was presented in the form of projects such as the remote work strategy in the civil service, child hospitality centers in the workplace, achieving gender balance in the civil service, and empowering female leaders in decision-making positions, the national platform for Saudi women leaders, as well as the introduction of modern work patterns, such as remote work, self-employment, and flexible work. The number of contracts for women in the remote work program reached 91% of the total contracts, with a total number of 80,662 female contractors, and the percentage of documents issued by the platform to women reached 59.09% of the total documents, with a total number of 1,187,945 work documents within the self-employment program. With regard to the flexible work program, the percentage of flexible work contracts for women reached 41.40% of the total contracts, with a total number of 68,448 contracting women<sup>12</sup>.

In the same previous context, the Women's Empowerment Initiative was launched within the framework of implementing the "Kingdom's Vision 2030", with the aim of increasing the percentage of women's participation in all government sectors, a baseline has been set for the indicator of the percentage of Saudi women in the civil service of 39.8%, and the percentage of Saudi women in the civil service reached 42% by the end of 2022, and one of the most prominent projects that were worked on in this initiative is the project to achieve gender balance, which aims to launch a guide to achieving that. In this regard, it must be noted that the unemployment rate among Saudi women decreased from 33% in the first quarter of 2017, to 21% in the first quarter of 2021, in addition to the launch of the "Qurrah" program to support the hospitality service for the children of working women, and "Wusool" program to support the transfer of working women, in addition to the "Self Employment Support" program, which expands the circle of opportunities to increase women's income according to their skills, and the "Partial Work" and "Remote Work" programs, which enable women to achieve a balance between work and family, as well as enabling women in rural and remote areas to engage in the labor market. The number of female beneficiaries of the "Qurrah" program reached (9,528) until the end of 2022 and (62,166) female beneficiaries of the "Wusool" program until the end of 2022. The number of female beneficiaries also reached 46,308 female beneficiaries of the initiatives of the Human Resources Development Fund "Hadaq". The number of female beneficiaries of social security programs through training, employment and project financing tracks has reached 117,144 beneficiaries, since the launch of the Social Security Beneficiaries Empowerment Program in 2016<sup>13</sup>.

However, on the other hand, we have concerns about reports of violations of the right to work with regard to foreign domestic workers. Despite the State party's launch of the "Improving the

<sup>12</sup> Women Empowerment, GOV.SA, Available at. <https://cutt.us/BR50i> And: CEDAW - Convention on the Elimination of All Forms of Discrimination against Women, UN Treaty Body Database, State party's report, List of issues and Reply to List of Issues, Available at. <https://cutt.us/fHRmA>

<sup>13</sup> Ibid.



Contractual Relationship” initiative, which aims to improve the labor market and increase employment rates, the category of female domestic workers is excluded from the protection of the Saudi Labor Law and the following reforms, as female domestic workers are still constantly subjected to exploitation, economic and physical abuse. According to reports, female domestic workers in the state party are subjected to a number of verbal and physical abuse, which often amounts to sexual assault, torture and rape, in addition to long working hours, low, delayed or non-existent wages, and lack of nutrition. Although the regulations regarding ministerial decisions regarding domestic work obligate the employer to provide food and appropriate health care, and prohibit the employer from employing a domestic worker outside his home and is entitled to a paid day off and at least 9 hours of weekly rest, these regulations are rarely implemented, and passports are often confiscated, wages are stolen, and domestic workers are forced to engage in sex or forced labor for long hours. In addition, the testimonies of domestic workers in the state party show widespread violations of these laws, which reflects on the weakness of the mechanisms for regulating and promoting the rights of migrant domestic workers, especially with regard to promoting and guaranteeing the right to work in the State party<sup>14</sup>.

### **Suggested Questions:**

- **What measures will the State party take in the coming period to increase the proportion of women participating in the labor market, especially in leadership, parliamentary, judicial and diplomatic positions?**
- **How does the State party intend to promote and protect the right to work for female migrant workers who work as domestic workers? What are the developed mechanisms to achieve this?**
- **What is the percentage of women, including domestic workers in the state party, who have been subjected to harassment or harassment in the labor market? How many cases have been involved, and what sentences and punishments have been applied to the perpetrators? What means of redress, reparation and compensation are provided to the victims, whether citizen women or migrant domestic workers?**

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<sup>14</sup> “If my husband touches you I will kill you”, Rape, abuse, neglect, and death threats: the lives of Kenyan women returning from Saudi, Migrant-Rights, 8 Aug 2022. <https://cutt.us/1tLh> And: USING ISLAM TO PROTECT THE RIGHTS OF MIGRANT WORKERS: Bringing Kafala into Sharia Compliance in Saudi Arabia, scholarship, 2023. <https://cutt.us/2V6dT>