



The Kingdom of Saudi Arabia's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women: The Death Penalty

Submitted by **The Advocates for Human Rights**
a non-governmental organization in special consultative status with ECOSOC since 1996

European Saudi Organisation for Human Rights

and

The World Coalition Against the Death Penalty

for the 89th Session of the Committee on the Elimination of Discrimination Against Women

7–25 October 2024

Submitted 9 September 2024

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The European Saudi Organization for Human Rights (ESOHR) is a nonprofit organization establishment, established by a group of activists aiming to strengthen the commitment of human rights principles in Saudi Arabia. ESOHR vision is to expand the area of human rights in all fields in full measure, by working to urge the concerned as legislative or executive to activate it, raise awareness and empower citizens of their rights through education.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. Saudi Arabia has failed to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Convention). In particular, Saudi law does not guarantee equality based on sex or gender and discriminatory legislation is pervasive. Gender-based violence often goes unreported, and people are unaware of the primary law aimed at protecting women from violence. Activists campaigning against gender-based violence express fears of arrest and retaliatory violence. Women migrant workers, particularly domestic workers, are particularly vulnerable, and the absence of legal protections places them at risk of being in conflict with the law when they take action against their abusers. Women migrant workers are at increased risk of being sentenced to death and face many obstacles to securing their fair trial rights. Women and girls who live in shelters and orphanages and who speak out about conditions in those facilities face retaliation. Saudi Arabia's Human Rights Commission lacks independence and fails to speak out against violence targeting women human rights defenders. Saudi authorities have expressed support for expanding women's political participation, but such participation typically does not extend to leadership positions.
2. As discussed in greater detail in the coauthors' report at the List of Issues stage, the Saudi criminal legal system subjects women in conflict with the law to gender-based discrimination, particularly in the context of the death penalty. Saudi authorities continue to sentence women to death and execute them, including most recently on 3 September, when authorities executed a Nigerian national who had been found guilty of a drug-related offense. Saudi authorities have ignored the Committee's request for data regarding women under sentence of death and women who have been executed during the reporting period, and civil society organizations have been unable to obtain complete and accurate data about women and the death penalty.

Saudi Arabia fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

3. Saudi Arabia's legal framework for women's rights includes the following laws and regulations:
 - Protection from Abuse Law (2013): Aimed at protecting individuals, including women, from all forms of abuse and violence. It includes mechanisms for filing complaints and providing immediate protection for victims.
 - Anti-Harassment Law (2018): Punishes all forms of sexual harassment and provides legal protection for women against such behavior.
 - Personal Status Law: Encompasses laws related to marriage, divorce, alimony, and custody. Amendments have been made to improve women's rights in marriage and divorce and to ease restrictions on them.
 - Labor Law: Contains provisions ensuring the rights of working women, including equal pay, leave, and protection from workplace discrimination.
4. Saudi Arabia ratified the CEDAW Convention with reservations on provisions conflicting with Islamic law, as well as the Convention on the Rights of the Child and the Convention

Against Torture. Saudi Arabia has not ratified the Optional Protocol to the CEDAW Convention, the Optional Protocol to the Convention Against Torture, the Convention on Migrant Workers, International Labour Organization Convention No. 189 on Domestic Workers, or the UN Convention on the Nationality of Married Women.

I. Saudi Arabia fails to explicitly guarantee equality based on sex or gender, and discriminatory legislation remains pervasive (List of Issues paragraph 2).

5. The Committee requested that Saudi authorities “indicate what steps are being taken or envisaged to . . . [i]ntegrate an explicit guarantee of equality based on sex or gender into constitutional legislation” and to “[r]epeal discriminatory legislative provisions.”¹
6. The Saudi Government’s reply asserts that “[t]he Kingdom of Saudi Arabi[a] has mutually reinforcing laws prohibiting . . . any distinction, exclusion, restriction or preference based . . . on the basis of sex.”²
7. In March 2022, Saudi Arabia issued its first Personal Status Law. The Saudi Government’s reply states that this law “aims to maintain the stability of the family” and “provide[s] a framework for relations among family members and protect[s] their rights.”³ The reply further asserts that the law “does not contain any discriminatory provisions that might weaken or dilute recognition of women’s rights and freedoms.”⁴
8. Under this law, male guardianship remains pervasive in all aspects of a woman’s life. Only men can be legal guardians, and women must obtain the consent of a male guardian for marriage to ensure the validity of the marriage contract. Women cannot choose their guardian, with the law designating guardians in order of kinship, starting with the father, then his guardian, then the grandfather, and so on.
9. If a married couple separates, the law does not grant equal rights, automatically appointing the father as the legal guardian without due consideration for the best interests of the child. As the legal guardian, the father holds significantly broader authority regarding child-rearing than the mother. The law restricts women from traveling with their children—a restriction the law does not apply to men. The law discriminates against women in marriage by allowing Muslim women to marry only Muslim men, while Muslim men may marry Christian, Jewish, or Muslim women.

II. Saudi Arabia’s response to gender-based violence against women is inadequate (List of Issues paragraph 10).

10. The Committee requested information about “any specific efforts to raise awareness about gender-based violence and legislation aimed at criminalizing gender-based violence,” as

¹ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the fifth periodic report of Saudi Arabia*, (14 Nov. 2023), UN Doc. CEDAW/C/SAU/Q/5, ¶ 2.

² Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 13.

³ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 29.

⁴ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 29.

well as steps taken to enforce and amend relevant laws, to remove legal obstacles to access to justice for victims, and to strengthen support services for victims.⁵

11. Saudi Arabia's reply contends that Saudi law criminalizes "[v]iolence in all its forms, particularly violence against women and girls."⁶
12. Saudi Arabia enacted the Protection from Abuse Law in 2013. In November 2020, the Public Prosecution began enforcing criminal penalties for those who physically or psychologically abuse women, with penalties ranging from one month to one year in prison, according to Article 13 of the law. Saudi Arabia asserts that this law, in conjunction with other prohibitions against child abuse and harassment, "together form a legal barrier to violence against women and girls."⁷ According to ESOHR, however, these penalties are insufficient given the severity and scale of abuse.⁸
13. Moreover, a 2019 survey by the National Center for Public Opinion Polls in Saudi Arabia revealed that half of the society was unaware of the Protection from Abuse Law, and 61% did not know which authority to contact for abuse reports. Around 49% believed that abused women do not report violence, and 66% of women agreed. Additionally, 83% of respondents felt that there were insufficient programs to empower women, with 87% of women concurring.⁹
14. In March 2019, the Saudi Public Prosecution, Human Rights Commission, and the National Society for Human Rights conducted investigations into the torture of activist L.a-H.¹⁰ but found no supporting evidence. In February 2021, after her conditional release, an appellate court rejected her torture claims. This investigation appeared prompted by the international

⁵ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the fifth periodic report of Saudi Arabia*, (14 Nov. 2023), UN Doc. CEDAW/C/SAU/Q/5, ¶ 10.

⁶ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 57.

⁷ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 57.

⁸ *Protecting Women from Violence in Saudi Arabia: Promises on Paper*, European Saudi Organisation for Human Rights, 25 Nov. 2021, available at [https://www.esohr.org/en/%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D9%85%D8%A7%D9%86-%D8%A7%D9%84%D8%A3%D8%B3%D8%B9%D9%86%D9%81-%D9%81%D9%88%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF/](https://www.esohr.org/en/%D8%AD%D9%85%D8%A7%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D9%85%D8%A7%D9%86-%D8%A7%D9%84%D8%B9%D9%86%D9%81-%D9%81%D9%88%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D9%88%D8%B9%D9%88%D8%AF/) (last visited 28 Aug. 2024).

⁹ Ahmed Mohammed Al-Alami, *Domestic Violence and Women's Empowerment: A Psychological and Social Perspective*, Makkah Al-Mukarramah Newspaper, 30 Jan. 2021, available at <https://makkahnewspaper.com/article/1530215/%D8%A7%D9%84%D8%B1%D8%A3%D9%8A/%D8%A7%D9%84%D8%B9%D9%86%D9%81-%D8%A7%D9%84%D8%A3%D8%B3%D8%B1%D9%8A-%D9%88%D8%AA%D9%85%D9%83%D9%8A%D9%86-%D8%A7%D9%84%D9%85%D8%B1%D8%A3%D8%A9-%D9%85%D9%86%D8%B8%D9%88%D8%B1-%D9%86%D9%81%D8%B3%D9%8A-%D9%88%D8%A7%D8%AC%D8%A9%D9%85%D8%A7%D8%B9%D9%8A> (last visited 28 Aug. 2024).

¹⁰ *Saudi Arabia sentences Loujain al-Hathloul to prison: Human rights advocacy is not a crime*, European Saudi Organisation for Human Rights, 29 Dec. 2020, available at <https://www.esohr.org/en/%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D8%BA%D9%8A%D8%B1-%D9%85%D8%B3%D8%AA%D9%82%D9%84%D8%A9-%D8%AA%D8%B3%D8%AC%D9%86-%D8%A7%D9%84%D9%85%D8%B9%D8%AA%D9%82/> (last visited 28 Aug. 2024).

prominence of L.a-H.’s case, with the Saudi system effectively neutralizing the case’s effectiveness.

15. Many activists on social media express fears that deter them from reporting violence or harassment, including fears of arrest, social and familial ostracization, or retaliatory violence, given the lack of trust in official programs and weak societal awareness.¹¹
16. Cases of abused women frequently surface on social media, with official authorities often claiming to have addressed the issue and ensured the victim’s safety. This raises questions about other cases where victims did not achieve the same public pressure.

III. Saudi laws endanger women migrant workers (List of Issues Paragraph 16).

17. The Committee requested “information on the Musaned domestic labour programme . . . and how it protects the[] rights” of domestic workers.¹² The Committee further requested information regarding steps taken to enforce regulations governing domestic workers and to adopt a specific law regulating domestic employment.¹³ The Committee also requested information regarding measures to raise awareness among women migrant domestic workers of their rights and measures to ensure those workers have effective access to justice.¹⁴
18. The Government of Saudi Arabia responds by asserting that authorities have taken “[n]umerous measures . . . to strengthen and protect the rights of female domestic workers,” such as “awareness-raising measures” and training for “offices and companies” regarding “concluding contracts with migrant workers.”¹⁵ The reply adds that “the Musaned online visa issuance platform . . . facilitates procedures for entering into contracts with domestic workers while preserving the rights of all the parties involved.”¹⁶
19. Reports confirm ongoing abuses against foreign domestic workers in Saudi Arabia, including deprivation of legitimate rights like weekly holidays and work hours, along with violence.¹⁷ Government-promoted measures have not demonstrated tangible improvements in granting domestic workers the right to legal recourse or protection mechanisms. Domestic workers remain excluded from labor law improvements and are

¹¹ *Violence against women in #SaudiArabia*, European Saudi Organisation for Human Rights, YouTube, 16 Nov. 2019, https://www.youtube.com/watch?v=I_sZ8Vl2mC4 (last visited 28 Aug. 2024).

¹² Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the fifth periodic report of Saudi Arabia*, (14 Nov. 2023), UN Doc. CEDAW/C/SAU/Q/5, ¶ 16.

¹³ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the fifth periodic report of Saudi Arabia*, (14 Nov. 2023), UN Doc. CEDAW/C/SAU/Q/5, ¶ 16.

¹⁴ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the fifth periodic report of Saudi Arabia*, (14 Nov. 2023), UN Doc. CEDAW/C/SAU/Q/5, ¶ 16.

¹⁵ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 92.

¹⁶ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 93.

¹⁷ *Message from UN Experts: Vietnamese Women are Subjected to Human Trafficking in Saudi Arabia*, European Saudi Organisation for Human Rights, 2 Mar. 2022, available at <https://www.esohr.org/en/%D8%B1%D8%B3%D8%A7%D9%84%D8%A9-%D9%85%D9%86-%D8%AE%D8%A8%D8%B1%D8%A7%D8%A1-%D9%81%D9%8A-%D8%A7%D9%84%D8%A3%D9%85%D9%85-%D8%A7%D9%84%D9%85%D8%AA%D8%AD%D8%AF%D8%A9-%D9%81%D9%8A%D8%A7%D8%AA%D9%86%D8%A7/> (last visited 28 Aug. 2024).

subject to the sponsorship system, which hinders their ability to hold perpetrators accountable and change workplaces without employer consent. Additionally, there are no clear, simple mechanisms in different languages for domestic workers to access official authorities.

IV. Authorities endanger women and girls who live in orphanages and shelters, particularly women and girls who speak out against their treatment in those facilities.

20. In November 2019, the Ministry of Labor and Social Development announced preparations to issue new executive regulations for family protection units and women's shelters.¹⁸ These regulations prohibit forcing women to stay in shelters, whether they are abused or have completed judicial sentences.
21. While activists celebrated this news, reports indicate continued violations in shelters, including forced residence and violence. In August 2022, girls at the Social Education House in Khamis Mushait were violently beaten by security personnel and masked men. Videos shared on social media showed the use of whips and sticks, alongside beatings and hair-pulling.¹⁹
22. According to social media activists, some girls had previously filed complaints against the shelter's director and demanded their rights, only to be met with administrative corruption. When their grievances were ignored, they went on strike, prompting the administration to resort to violence with the involvement of security forces. Activists reported ongoing abuses, including verbal and psychological harm. Investigation results announced by the regional governor remain undisclosed, while reports confirm that authorities have investigated and punished girls who documented the abuse.
23. The European-Saudi Organisation for Human Rights documented the enforced disappearance of A.A-N.,²⁰ following her posting of videos highlighting her rejection by a shelter and subsequent homelessness. A.A-N. had been previously detained for nearly two years for speaking out on social media about her detention in a Qassim shelter, filing complaints with relevant authorities, and sharing information about her abuses, including deprivation of allocated funds.²¹

¹⁸ *Saudi steps to protect women from violence*, Ajel.sa, 25 Nov. 2019, available at <https://ajel.sa/women/yktmsv> (last visited 28 Aug. 2024).

¹⁹ *Saudi Official Violence Persecutes Women in Orphanages*, European Saudi Organisation for Human Rights, 31 Aug. 2022, available at <https://www.esohr.org/en/%D8%A7%D9%84%D8%B9%D9%86%D9%81-%D8%A7%D9%84%D8%B1%D8%B3%D9%85%D9%8A-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A-%D9%8A%D9%84%D8%A7%D8%AD%D9%82-%D8%A7%D9%84%D9%86%D8%B3%D8%A7%D8%A1-%D9%81%D9%8A-%D8%AF/> (last visited 28 Aug. 2024).

²⁰ *After her arrest and displacement: Saudi Arabia hides Aisha Al-Najibani for criticizing violations in care facilities*, European Saudi Organisation for Human Rights, 19 Dec. 2023, available at <https://www.esohr.org/en/%D8%A8%D8%B9%D8%AF-%D8%A7%D8%B9%D8%AA%D9%82%D8%A7%D9%84%D9%87%D8%A7-%D9%88%D8%AA%D8%B4%D8%B1%D9%8A%D8%AF%D9%87%D8%A7-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D8%AA%D8%AE%D9%81%D9%8A-%D8%B9/> (last visited 28 Aug. 2024).

²¹ *After her arrest and displacement: Saudi Arabia hides Aisha Al-Najibani for criticizing violations in care facilities*, European Saudi Organisation for Human Rights, Dec. 19, 2023, <https://www.esohr.org/en/>.

24. The complaints led to the Qassim governorate acting to silence A.A-N. rather than address her issues. The governor sent three letters to different authorities, including one to the Deputy Minister of Interior to impose a travel ban on her for a year, another to the Qassim police chief to refer her to mental health services, and a third to the Public Prosecution to investigate and raise charges against her, resulting in her prosecution for “improper behavior.”²²

V. The Saudi criminal legal system subjects women in conflict with the law to gender-based discrimination, particularly in the context of the death penalty (List of Issues paragraphs 3-4).

25. The Committee requested information on measures to address gender stereotypes in the judiciary, as well as “any steps taken towards imposing a moratorium on the death penalty with a view to abolishing it.” The Committee also requested “data for the past five years on women on death row,” disaggregated by the crime of conviction, age, nationality and ethnicity, existence of any dependents, and disability, as well as information regarding whether the death penalty applies to women acting in self-defense, and whether there are any procedures to institutionalize legal aid that is responsive to the needs of women, including non-citizens.²³

26. The Saudi Government’s reply asserts without further explanation that “women have the right of recourse to the courts and access to remedies on an equal footing with men,” and that “[l]egal provisions in force in the Kingdom do not discriminate against women. Men and women are equal before the law. Under the Islamic sharia, any legal testimony is subject to various rules and conditions, whether the witness is a man or a woman, and subject to the discretion of the court, like any other evidence.”²⁴

27. Regarding the death penalty, the reply contends that “Saudi Arabia adheres to international standards regarding the application of the death penalty, which is imposed only for the most serious crimes.”²⁵ It further states that self-defense may “negat[e] the criminality of an act entirely where conditions are met,” but does not provide any information regarding whether women have successfully invoked this defense.²⁶ The reply ignores the Committee’s request for disaggregated data concerning women under sentence of death.²⁷

²² *After her arrest and displacement: Saudi Arabia hides Aisha Al-Najibani for criticizing violations in care facilities*, European Saudi Organisation for Human Rights, Dec. 19, 2023, <https://www.esohr.org/en/>.

²³ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the fifth periodic report of Saudi Arabia*, (14 Nov. 2023), UN Doc. CEDAW/C/SAU/Q/5, ¶¶ 3-4.

²⁴ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶¶ 36, 38.

²⁵ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 39.

²⁶ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 41.

²⁷ See Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶¶ 39-41.

28. The reply states that authorities provide legal aid but makes no mention of whether such aid is responsive to the needs of women, including non-citizens.²⁸
29. At the List of Issues stage of this review, the coauthors submitted a comprehensive report addressing a variety of issues of concern relating to women and the death penalty in Saudi Arabia.²⁹ The coauthors provide brief updates in this report.
30. From January 2020 to the end of July 2024, Saudi Arabia executed 11 women, comprising Saudi, Ethiopian, Yemeni, Guinean, and Bangladeshi nationals. Human rights organizations were unable to monitor these cases before execution due to significant human rights violations against detained foreigners and foreign workers sentenced to death. Currently, the lack of transparency makes it impossible to determine the number of women sentenced to death, the charges they face, or their nationalities.
31. On 3 September 2024, Saudi Authorities executed F.B.A., a woman who was a Nigerian national and who had been sentenced to death for allegedly smuggling cocaine into the country.³⁰ In announcing the execution, the Interior Ministry expressed the government's desire "to protect the security of citizens and residents from the scourge of drugs, and to impose the most severe penalties stipulated by the system on their smugglers and promoters."³¹ Drug-related offenses fall within the *ta-zir* (discretionary) category, as discussed in greater detail in the coauthors' List of Issues report.

VI. Saudi Arabia's Human Rights Commission lacks independence and fails to speak out against violence targeting women human rights defenders (List of Issues paragraph 6).

32. The Committee requested information "on specific steps taken or envisaged to establish an independent national human rights institution with a robust mandate to promote and protect human rights, including women's rights and gender equality."³²
33. The Saudi reply asserts without evidence that "the Human Rights Commission enjoys complete independence in the exercise of its functions."³³
34. Established in 2005, the Saudi Human Rights Commission aims to protect and promote human rights within the kingdom. It handles complaints, participates in legislative work,

²⁸ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 39.

²⁹ The Advocates for Human Rights, the World Coalition Against the Death Penalty, European Saudi Organisation for Human Rights, et al., *The Kingdom of Saudi Arabia's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women: Suggested List of Issues Relating to the Death Penalty*, 11 Sept. 2023, available at <https://www.theadvocatesforhumanrights.org/Res/AHR%20WCADP%20Saudi%20Arabia%20CEDAW%20LOI%20Final.pdf>.

³⁰ *Implementation of the death penalty as a discretionary punishment against one of the perpetrators in the Makkah Al-Mukarramah region*, Saudi Press Agency, 3 Sept. 2024, available at <https://www.spa.gov.sa/N2164953> (last visited 6 Sept. 2024).

³¹ *Ibid.*

³² Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the fifth periodic report of Saudi Arabia*, (14 Nov. 2023), UN Doc. CEDAW/C/SAU/Q/5, ¶ 6.

³³ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 46.

and monitors detention places. However, it has never sought accreditation from the Global Alliance of National Human Rights Institutions (GANHRI), despite Saudi authorities' previous promises to ensure compliance with the Paris Principles.

35. The Commission's independence is compromised by reporting directly to King Salman, with members appointed by the king, many of whom have close ties to the government. In recent years, the commission has provided an inaccurate portrayal of the human rights situation in Saudi Arabia, failing to denounce the crackdown on civil space and opposition since Crown Prince Mohammed bin Salman came to power, and overlooking enforced disappearances, torture, and arbitrary detention.
36. This denial of abuses is evident in women's rights issues. In November 2018 and January 2019, commission members visited L.a-H., who testified about being tortured by senior officials but received no redress. Similarly, S.a-S., imprisoned for 27 years for tweeting about women's rights reforms, met with commission members in June 2023, including current president Hala al-Tuwaijri, who ignored S.a-S.'s plea for protection.

VII. Saudi Arabia's commitment to expanding women's political participation does not extend to leadership positions (List of Issues paragraph 12).

37. The Committee requested information about measures to “[p]romote the equal and full participation of women in political and public life and in decision-making at the national and local levels.”³⁴
38. Saudi Arabia's reply indicates that the Ministry of Human Resources and Social Development has established a Department for the Empowerment of Women, which is responsible for “develop[ing] and implement[ing] projects to support women in the Saudi Arabian workplace.”³⁵ The reply adds that the Ministry's Women's Empowerment Initiative “envisages women assuming senior structural leadership positions,” among other objectives.³⁶
39. Since the launch of Vision 2030, the Kingdom has witnessed a notable expansion in women's political participation. However, appointments have not extended to leadership positions such as ministry, governorate, or judicial positions. Appointed roles often carry limited authority and decision-making power, leaving key decisions to male counterparts. Women in elected roles are sometimes subject to administrative restrictions and societal pressures that limit their influence. Furthermore, obstacles remain in equal representation within consultative bodies, affecting women's ability to influence policy effectively.
40. While women are appointed to roles such as deputy ministers, there remains a disparity in decision-making power. For instance, women hold 20% of the Shura Council seats, but their influence remains limited by overall council dynamics and political structure. This

³⁴ Committee on the Elimination of Discrimination Against Women, *List of issues and questions in relation to the fifth periodic report of Saudi Arabia*, (14 Nov. 2023), UN Doc. CEDAW/C/SAU/Q/5, ¶ 12(a).

³⁵ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 73.

³⁶ Committee on the Elimination of Discrimination Against Women, *Replies of Saudi Arabia to the list of issues and questions in relation to its fifth periodic report*, (14 May 2024), UN Doc. CEDAW/C/SAU/RQ/5, ¶ 73.

imbalance affects their ability to shape significant policies that directly impact women's rights and societal progress.

VIII. Suggested recommendations for the Government of Saudi Arabia

41. The coauthors request that the Committee make the following recommendations to the Government of Saudi Arabia:

- Abolish Male Guardianship:**

Repeal all provisions within the Personal Status Law that grant men guardianship over women so that women have full autonomy to make personal, financial, and social decisions without the need for a guardian's approval.

- Amend Discriminatory Child Custody Provisions:**

Amend discriminatory provisions related to child custody in the Personal Status Law to ensure that decisions are made based on the best interest of the child, and that no parent is treated differently with respect to custody and care rights on account of their sex or gender.

Amend the Personal Status Law to ensure that all women are free to marry without distinction based on the religion of their intended spouse.

- Strengthen Protection Against Gender-based Violence Against Women:**

Enhance and enforce the mechanisms within the Protection from Abuse Law to encourage women to report cases of violence without fear of retaliation. These enhancements should include strong legal protections, as well as psychological and social support for survivors of violence.

In collaboration with civil society organizations run by women, undertake a nationwide public awareness-raising campaign regarding the Protection from Abuse Law, including protections under the law, how to report abuse, and available social and economic supports for women fleeing gender-based violence.

Establish a national mechanism for systematic collection and publication of data regarding gender-based violence, including all reports of gender-based violence, status of any investigations of such reports, charges resulting from such investigations, and status of any proceedings against alleged offenders.

Strengthen protections for activists and survivors reporting gender-based violence or harassment by establishing anonymous reporting mechanisms, enhancing legal safeguards against retaliation, and conducting public awareness campaigns to build trust in official programs and reduce societal stigma.

- Enhance protections and safeguards for women migrant workers:**

Reform the labor laws to include full legal protections for foreign domestic workers, abolish the Kafala system, and establish accessible, multilingual complaint and support mechanisms to ensure domestic workers can report abuse and seek legal recourse without fear of retaliation.

- Independent Investigations into Custodial Violence Cases:**

Ensure that all reported cases of violence within official facilities, including

orphanages, shelters, and prisons, are subject to independent and thorough investigations, ensuring transparency and accountability. Independent bodies, including international and local human rights organizations, should be granted unrestricted access to these facilities to monitor conditions, meet privately with women and girls living in those facilities, and provide recommendations for improvements.

- **Institute a formal moratorium on executions and take concrete measures to ensure non-discrimination against women in conflict with the law:**

On at least an annual basis, publish data about all women under sentence of death and executed, disaggregated by crime of conviction, relationship to any victims or codefendants, age, nationality and ethnicity, existence of any dependents, and disability (if any).

Institute a formal moratorium on executions with a view to abolishing the death penalty.

In the interim, prohibit the death penalty for any offense in which the defendant did not kill, as well as for any offense in which the defendant did not intend to kill, and commute the sentences of any persons under sentence of death for such offenses.

Undertake a study of the defense of self-defense in capital murder cases to identify whether the defense was invoked, whether the defense was successful, and whether the court considered any evidence related to gender-based violence perpetrated by the victim against the defendant, disaggregated by the sex of the defendant and any relationship between the defendant and the victim.

Implement legislative reforms to prevent application of the death penalty when women who experience gender-based violence act against their abusers.

Codify gender-specific defenses and mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, human trafficking, and family caretaking responsibilities.

In collaboration with civil society organizations specializing in gender-based violence and coercive control, provide comprehensive training on gender-based violence, gender-specific defenses, and gender-specific mitigation to legal aid professionals and defense attorneys representing women in conflict with the law to ensure that legal services are responsive to the needs of women, including non-citizens.

Establish mandatory trainings for judges on gender-based discrimination, domestic violence, gender-based violence, and tactics of coercive control that can lead to women committing death-eligible offenses.

Ensure that all prison authorities adopt gender-sensitive policies in relation to women's detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated.

- **Enhance the Independence of the Saudi Human Rights Commission:**

Take concrete steps toward ensuring the independence of the Saudi Human Rights Commission, including by ensuring compliance with the Paris Principles, and

encourage the Commission to submit an application for GANHRI accreditation within the next two years.

- **Promote Women’s Participation in Political and Leadership Roles:**

Remove all barriers that prevent women from accessing political and leadership positions and ensure that these roles are not conditional on specific political stances or subject to any form of discrimination.

Establish a commission of women holding leadership positions in politics to identify barriers to their meaningful leadership and making recommendations to overcome those barriers and ensure that lawmakers conduct hearings on the findings to consider and adopt concrete measures to implement priority recommendations.