

Musawah Oral Statement: SAUDI ARABIA

69TH Session of the CEDAW Committee

Monday, 26TH February 2018

Thank you, Madam Chair.

I would first like to read some points on behalf of Saudi women's rights advocates who have contributed to the Musawah shadow report.

We, a group of Saudi women's rights advocates, would like to highlight the following issues as priorities:

- *The discriminatory male guardianship framework perpetuates systematic restrictions imposed on women, whereby men are granted wide authority over women and their children.*
- *In April 2017, a Royal Decree was issued instructing government agencies to no longer require a guardian's permission to provide government services, except where justified by law.*
- *We acknowledge this as a positive step forward; however, discrimination against women persists in many forms, including requiring a guardian's permission for a woman to enter marriage, travel, obtain a passport, or study abroad on a state scholarship. Little has changed to ensure treatment of women as equal citizens, despite the Royal Decree.*

On violence against women:

- *While we acknowledge that the State has enacted a Law on Protection from Abuse, which criminalizes violence against women, we are concerned with inadequate enforcement. State officials continue to prioritize maintenance of family ties over the safety of women and accountability of perpetrators.*
- *Lack of State protection for victim-survivors of domestic violence have forced many women to run away from their homes. State officials often attempt to return women forcibly to their male guardians, and women who flee are legally punished under charges of disobedience.*
- *We are also concerned that women in state-operated shelters are treated similarly to women held in correctional facilities, and can only be released to the custody of their guardians, in violation of these women's right to choose their residence freely.*

On marriage and family:

- *Numerous areas of discrimination remain throughout the Saudi legal system. Child marriage, forced polygamy, unequal right to divorce and child custody, and obedience to male guardians, for example, continue to be issues of concern. There is no codified family law.*

- *The State should address inequalities in the current system and codify provisions to ensure women's full autonomy to enter or leave marriage, protection from child and forced marriages, including forced polygamy, and equal rights to divorce, custody, and guardianship of children.*
- *We believe that codifying a family law without addressing these issues in the current system poses the risk of institutionalizing inequalities between men and women.*

On women's rights advocacy:

- *Civil society space in Saudi Arabia is heavily restricted. The State must ensure that women's rights activists are able to register their own civil society organizations and conduct their advocacy without intimidation or harassment.*
- *Finally, the State must provide transparent, accurate, and disaggregated data on women's access to all services and resources, in order to inform policy-making and public activism.*

Musawah joins Saudi women activists in raising these concerns. Given the State party's effort to end discrimination against women in some areas of public life, we urge the CEDAW Committee to recommend that it moves forward to extend this to the family, by taking steps to end the current discriminatory practices and codify an egalitarian family law based on the principles of justice and equality.

It is said that the advent of Islam granted women revolutionary rights. This was the beginning of a trajectory of reform which, if carried forward, to reflect changing times and context, should lead to the elimination of the legal logic of male guardianship and to gender equality in all areas of the law. With this spirit, Saudi Arabia as a leader of the OIC (Organisation of Islamic Cooperation) should be at the forefront of the movement for Muslim women's rights today.

Laws or amendments introduced in the name of *Shari'ah* and Islam must reflect the values of equality, justice, compassion, and mutual respect among all human beings. These values exist in the Qur'an and the Muslim legal tradition, and they correspond with contemporary human rights principles, including CEDAW obligations.

Saudi Arabia can and must engage with the diverse tools and concepts of Islamic jurisprudence, and recognize progress made in scholarship, activism, and legal reform in the rest of the Muslim world.

With strong political will, commitment to gender equality, and encouragement and engagement of a growing civil society, Saudi Arabia has the opportunity to usher in a new era of equality for Saudi women.

Thank you.