



HUMAN  
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## BOXED IN

Women and Saudi Arabia's Male Guardianship System



# **Boxed In**

## **Women and Saudi Arabia's Male Guardianship System**

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### Women and Saudi Arabia’s Male Guardianship System

<b>Glossary</b> .....	<b>i</b>
<b>Summary</b> .....	<b>1</b>
Reforms.....	2
Limitations of Reforms.....	3
The Time is Now.....	5
<b>Recommendations</b> .....	<b>7</b>
Immediate Recommendations .....	7
General Recommendations.....	8
<b>Methodology</b> .....	<b>11</b>
<b>I. The Religious Establishment</b> .....	<b>12</b>
<b>II. The Male Guardianship System</b> .....	<b>15</b>
Transferring Guardianship .....	16
International Law and Guardianship .....	18
<b>III. Restricting Freedom of Movement</b> .....	<b>20</b>
Restrictions on Travel Abroad .....	21
Restrictions on Domestic Movement .....	26
<b>IV. Violence against Women</b> .....	<b>30</b>
Domestic Violence Legislation .....	33
Difficulties Reporting Abuse.....	35
Prioritizing Reconciliation over Protection .....	39
Limited Shelter from Domestic Violence.....	41
Permission to Exit Prisons.....	42
<b>V. Restricting Right to Equality in Marriage, Divorce, and Child Custody</b> .....	<b>47</b>
Restricting the Right to Marry Freely .....	48
Inequality in Divorce .....	51
Inequality in Arrangement for Children after Divorce.....	54

<b>VI. Restricting the Right to Equality before the Law.....</b>	<b>57</b>
Identity Documents .....	57
Difficulty Accessing Government Services .....	60
Discrimination in the Legal System .....	61
<b>VII. Restricting the Right to Employment .....</b>	<b>67</b>
Opening the Labor Market to Women .....	68
Continuing Barriers to Women Working.....	70
<b>VIII. Restricting the Right to Health .....</b>	<b>75</b>
Guardian Consent for Medical Procedures and Emergency Care.....	75
<b>Acknowledgments.....</b>	<b>78</b>
<b>Appendix I: Guardian Permission Form for Woman to Study Abroad on Government Scholarship.....</b>	<b>79</b>
<i>Human Rights Watch Translation of Form .....</i>	<i>79</i>
<b>Appendix II: Guardian Permission Form for Woman to Work in Government Institution.....</b>	<b>81</b>
<i>Human Rights Watch Translation of Form .....</i>	<i>81</i>
<b>Appendix III: Human Rights Watch Letter to the Minister of Interior .....</b>	<b>83</b>
<b>Appendix IV: Human Rights Watch Letter to the Minister of Health .....</b>	<b>86</b>
<b>Appendix V: Human Rights Watch Letter to the Minister of Justice .....</b>	<b>89</b>
<b>Appendix VI: Human Rights Watch Letter to the Minister of Education .....</b>	<b>92</b>
<b>Appendix VII: Human Rights Watch Letter to the Minister of Labor and Social Development .....</b>	<b>95</b>
<b>Appendix VIII: Screenshot from Ministry of Interior Travel Permission Portal .....</b>	<b>99</b>
<b>Appendix IX: Legal Claims Asserting Male Authority Over Female Dependents .....</b>	<b>100</b>

## Glossary

**Adhl**—A man using his legal authority to prevent a woman from marrying.

**Fatwa**—An Islamic legal ruling.

**Faskh**— A form of divorce where a woman must prove fault on the part of her husband.

**Hai'a**—The informal name for the Committee for the Promotion of Virtue and the Prevention of Vice, which employs the religious police.

**Huroob**—A term referring to a woman fleeing her guardian's home.

**'Ifta**—The act of issuing a fatwa by a person or body with authority in matters of Islamic law.

**Inqiyad**—A term meaning submission and obedience, used to refer to the idea that a woman must submit and obey a guardian's authority.

**Khilwa**—A term that traditionally refers to mixing of unrelated members of the opposite sex where no one can see or hear them, but used by the Hai'a to describe men and women mixing more generally.

**Khul'**—A form of divorce where a woman generally must pay back her full dowry.

**Mahram**—A close male relative whom it would be unacceptable to marry.

**Mu'arif**—A male relative able to verify the identity of a woman wearing niqab (a face veil).

**'Uquq**—A term meaning parental disobedience and used to refer to disobedience of either a mother or father by their male or female children.

**Wakil**—A legal proxy.

**Wali al-amr**—A person, including a ruler, in a position of legal authority over a minor or any person not qualified to act in legal matters on his or her own behalf.

**Zina**—A term referring to sexual relations outside marriage.



## Summary

We all have to live in the borders of the boxes our dads or husbands draw for us.

—Zahra, 25-year-old Saudi woman, April 7, 2016

It can mess with your head and the way you look at yourself. How do you respect yourself or how [can] your family respect you, if he is your legal guardian?

—Hayat, 44-year-old former school principal, December 7, 2015

In Saudi Arabia, a woman's life is controlled by a man from birth until death. Every Saudi woman must have a male guardian, normally a father or husband, but in some cases a brother or even a son, who has the power to make a range of critical decisions on her behalf.

As dozens of Saudi women told Human Rights Watch, the male guardianship system is the most significant impediment to realizing women's rights in the country, effectively rendering adult women legal minors who cannot make key decisions for themselves.

Rania, a 34-year-old Saudi woman, said, "We are entrusted with raising the next generation but you can't trust us with ourselves. It doesn't make any sense."

Every Saudi woman, regardless of her economic or social class, is adversely affected by guardianship policies.

Adult women must obtain permission from a male guardian to travel, marry, or exit prison. They may be required to provide guardian consent in order to work or access healthcare. Women regularly face difficulty conducting a range of transactions without a male relative, from renting an apartment to filing legal claims.

The impact these restrictive policies have on a woman's ability to pursue a career or make life decisions varies, but is largely dependent on the good will of her male guardian. In some cases, men use the authority that the male guardianship system grants them to



extort female dependents. Guardians have conditioned their consent for women to work or to travel on her paying him large sums of money.

Women's rights activists in Saudi Arabia have repeatedly called on the government to abolish the male guardianship system, which the government agreed to do in 2009 and again in 2013 after its Universal Periodic Review (UPR) at the United Nations Human Rights Council.

Following both hearings, Saudi Arabia took limited steps to reform certain aspects of the guardianship system. But, these changes remain insufficient, incomplete, and ineffective; today, the guardianship system remains mostly intact.

Until the guardianship system is removed entirely, Saudi Arabia will remain in violation of its human rights obligations and unable to realize its Vision 2030, the country's "vision for the future," that declares women—half of the country's population—to be a "great asset" whose talents will be developed for the good of the country's society and economy.

## Reforms

Saudi Arabia has made a series of limited changes over the last 10 years to ease restrictions on women. Notable examples include allowing women to participate in the country's limited political space, actively encouraging women to enter the labor market, and taking steps to better respond to domestic violence.

For example, in 2013, then-King Abdullah appointed 30 women to the Shura Council, his highest advisory body. On December 12, 2015, authorities allowed women to participate in municipal council elections, with women voting and running as candidates for the first time in the country's history. The elections were a significant, symbolic victory for women, particularly as many women had campaigned for this right for more than a decade.

In recent years, Saudi Arabia has also issued a range of decisions significantly increasing women's access to the labor market, as part of a broader economic reform program aimed at decreasing the country's reliance on oil. These include removing language in the labor law that previously restricted women's work to certain fields "suitable to their nature," and no longer requiring that woman have guardian permission to work. Authorities have

provided incentives to employers to hire women and earmark certain positions for women and provided thousands of scholarships for women to study in universities abroad.

Saudi Arabia has also taken steps to better respond to violence against women and to provide women with better access to government services. In 2013, it passed a law criminalizing domestic abuse and, in 2016, established a center specifically tasked with receiving and responding to reports of family violence.

Saudi Arabia has also worked to improve women's access to government services, including enabling women to secure their own ID cards; issuing to divorced and widowed women family cards, which specify familial relationships and are required to conduct a number of bureaucratic tasks; and removing requirements that a woman bring a male relative to identify them in court.

## **Limitations of Reforms**

While the reforms are a step in the right direction, they remain partial and incomplete. The male guardianship system remains largely in place, hindering and in some cases nullifying the efficacy of these reforms.

As Hayat, 44, said, "I don't believe we can change this in small steps. It is what is happening right now. We need a very brave call from the government to remove this [guardianship] and make it equal."

While women now serve on the Shura Council and on municipal councils, these victories remain limited and authorities continue to curb women's ability to participate in public life. Women made up less than 10 percent of the final list of registered voters for the December 15, 2015 elections.

Many women faced barriers linked to the guardianship system when registering to vote, such as a requirement to prove residency in their voting district—a difficult or impossible task for many women whose names are not generally listed on housing deeds or rental agreements—or a requirement to present a family card, often held by a male guardian. In the end, only 21 women were elected to the municipal councils out of 2,106 contested seats. Municipal councils themselves have limited authority and, in January 2016, the

government decreed council meetings would be sex segregated—women councilors must participate via video link. Following the announcement, a woman councilor stepped down.

The guardianship system also impacts women's ability to seek work inside Saudi Arabia and to pursue opportunities abroad that might advance their careers. Specifically, women may not apply for a passport without male guardian approval and require permission to travel outside the country. Women also cannot study abroad on a government scholarship without guardian approval and, while not always enforced, officially require a male relative to accompany them throughout the course of their studies.

Zahra, 25, whose father refused to allow her to study abroad, said, "Whenever someone tells me, 'You should have a five-year plan,' I say I can't. I'll have a five-year plan and then my dad would disagree. Why have a plan?"

If the Saudi government intends to end discrimination against women as it has promised and to further the reforms it has already begun to undertake, it cannot allow restrictions inherent within the guardianship system to continue. For example, the government does not require guardian permission for women to work, but does not penalize employers who do require this permission. The government does encourage employers to hire women, but requires employers to establish separate office spaces for men and women and to enforce a strict dress code on women, policies which create disincentives to hiring women.

The need for substantial, systemic reform is perhaps starkest with regard to the state's response to violence against women. Saudi Arabia has taken steps to better respond to abuse, but has done so within the framework of guardianship. The guardianship system allows men to control many aspects of women's lives and makes it difficult for survivors of family violence to avail themselves of protection or redress mechanisms.

The extreme difficulty of transferring male guardianship from one male to another and the severe inequality in divorce rules make it difficult for women to escape abuse. Men remain women's guardians, with all the associated levers of control, during court proceedings, and until a divorce is finalized. There is deeply entrenched discrimination within the legal system, and courts recognize legal claims brought by guardians against female dependents that restrict women's movement or enforce a guardian's authority over them.

Women who have escaped abuse in shelters may, and in prisons do, require a male relative to agree to their release before they may exit state facilities.

Dr. Heba, a women's rights activist, explained, "The [authorities] keep a woman in jail... until her legal guardian comes and gets her, even if he is the one who put her in jail."

Failing to abolish these and other tools available to male guardians to control and extort female dependents will guarantee that women continue to face tremendous obstacles when trying to seek help or flee abuse by violent guardians or simply to pursue paths different than the ones their guardians have determined best.

## The Time is Now

Saudi officials often argue that the failure to end discrimination against women is not due to state policy, but due to difficulties in implementation, and that the country must move slowly as the government's hands are tied by a conservative culture and a powerful clerical establishment's interpretation of Islamic law.

Deputy Crown Prince Mohammed bin Salman told the *Economist* that women's travel was not entirely restricted, and pointed to social and religious criteria to explain the restrictions that he believed existed. When asked why women's labor force participation was so low, he said, "The culture of women in Saudi Arabia. The woman herself."

Saudi Arabia's imposition of the guardianship system is grounded in the most restrictive interpretation of an ambiguous Quranic verse—an interpretation challenged by dozens of Saudi women, including professors and Islamic feminists, who spoke to Human Rights Watch. Religious scholars also challenge the interpretation, including a former Saudi judge who told Human Rights Watch that the country's imposition of guardianship is not required by Sharia and the former head of the religious police, also a respected religious scholar, who said Saudi Arabia's ban on women driving is not mandated by Islamic law in 2013.

The state clearly and directly enforces guardianship requirements in certain areas, including restricting women's ability to travel and requiring guardian consent for a woman to marry. In other areas, there appear to be no written legal provisions or official decrees

explicitly mandating a guardian's consent or presence, but public officials and private businesses ask women for either without fear of sanction.

Saudi Arabia, which acceded to the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 2000, is legally obligated to end discrimination against women without delay, including by abolishing the male guardianship system. As long as it fails to take steps to eliminate the discriminatory practices of male guardianship and sex segregation, the government is undermining the ability of women to enjoy even the most basic rights.

In April 2016, Saudi Arabia announced Vision 2030, which declares that the government will “continue to develop [women’s] talents, invest in their productive capabilities and enable them to strengthen their future and contribute to the development of our society and economy.” The government cannot achieve this vision if it does not abolish the male guardianship system, which severely restricts women’s ability to participate meaningfully in Saudi society and its economy.

In discussing the role of women in Saudi Arabia and the pace of change, Deputy Crown Prince Mohammed bin Salman said in his *Economist* interview, “It just takes time.”

That time is now.

# Recommendations

## Immediate Recommendations

- Ministry of Interior:
  - Abolish ministerial regulations requiring a guardian to apply for or renew a woman's passport, and for guardian permission for a woman to travel abroad.
  - Issue family cards to all women.
  - Eliminate any restrictions on female driving, ensuring that women are afforded the same opportunities to drive and acquire a driver's license as men.
  - Issue clear and explicit directives allowing women to be released from prisons and juvenile detention centers without being released to a male guardian.
- Ministry of Labor and Social Development:
  - Issue clear and explicit directives to all shelters stating that women may leave the shelter independently without the permission of a male guardian and without a requirement that she be released to a male relative.
  - Propose amendments to the Protection from Abuse Law, including to article 1, explicitly stating that no family member has the authority to "discipline" female dependents using violence, that "discipline" is not a legal defense in cases involving family violence, immediately rescinding guardianship from those accused of abuse, immediately rescinding guardianship from those who refuse to agree to a woman's release from prison or her request to leave a shelter, and amending articles in the law that appear to prioritize family reconciliation over protection of the woman or limit shelter options to cases determined to be sufficiently severe by the ministry.
  - Issue clear and explicit directives to all places of employment prohibiting employers from requesting guardian permission from women to work and imposing penalties on any employers that do so.

- Abolish fines and regulations that discriminate between men and women, including those requiring employers to maintain separate office spaces for women and imposing strict dress code requirements specifically on women.
- Ministry of Education:
  - Issue and impose sanctions on educational institutions that delay, hinder, or prevent paramedic access to women’s university campuses and schools.
  - Issue a directive clearly stating that women may study abroad on government scholarships without a male guardian’s permission or accompanied by a male relative.
- Ministry of Health:
  - Issue clear and explicit directives to all hospitals and clinics prohibiting all staff from requesting guardian permission to allow an adult woman to be admitted or receive care of any kind, and establish penalties for institutions that continue to require guardian permission.

## General Recommendations

- King Salman bin Abdulaziz Al Sa’ud:
  - Issue clear and explicit directives to the religious police stating they do not have the authority to impose sex segregation.
  - Issue clear and explicit directives to the Ministries of Health, Education, Interior, Justice, and Labor and Social Development prohibiting staff from requesting a guardian’s presence or permission to allow a woman access to any government service.
  - Promulgate by royal decree a prohibition on any form of discrimination against women in practice, policy or regulation and the dismantling of the legal guardianship system for adult women, guaranteeing that women are considered to have reached full legal capacity at 18 years of age.
  - Task the Social Affairs, Family and Youth Committee in the Shura Council with monitoring the implementation of CEDAW and Saudi laws, royal decrees, and ministerial decisions that advance women’s rights, including decisions that limit a guardian’s authority. Require an annual report on progress be delivered to the king and made public.

- Lift reservations made upon acceding to CEDAW, which violate the object and purpose of the treaty, and sign and ratify the Optional Protocol to CEDAW.
- Ministry of Interior:
  - Establish separate units within police stations focused on domestic violence and ensure that all police stations employ female officers.
  - Issue guidelines to police on how to deal with domestic violence cases, including penalties for officers who do not allow women to file a complaint, refuse to enter a residence without male approval when abuse is reported, fail to refer cases to the Ministry of Labor and Social Development, or who share case details with a guardian in a manner that violates privacy or may expose a woman to violence.
  - Support proposed amendments to the Civil Status Law to allow women to obtain all forms of identification available to men and to register themselves, their marital status, and births and deaths of family members with Civil Status offices.
- Ministry of Justice:
  - Ensure women are afforded the same rights as men to file a case and testify in court on all matters, and enforce penalties for court officers who fail to accept a woman's identification card and allow her to access court without a male relative identifying her.
  - Undertake a thorough review and issue guidance to judges prohibiting them from enforcing a guardian's authority over a woman through the legal system.
  - Abolish the right to file legal claims against women based on '*uquq*' (parental disobedience), *inqiyad* (submission to a guardian's authority), or leaving the marital or guardian's home. Remove these claims from the ministry's electronic complaint system.
  - Issue a directive to the Board of Grievances to hear cases of discrimination against women by state bodies or officials.
  - Support a new family law code that ensures men and women have equal rights in family matters, including establishing 18 as the minimum age of marriage, ensuring all adults have the right to freely enter into marriage, that which parent a child should live with is determined on the basis of the best interests of the child in line with international standards, and that during a marriage and



following divorce, parents have equal rights to open bank accounts, enroll in school, make health decisions or travel with children.

## Methodology

This report is based on interviews conducted with 61 Saudi individuals, including 54 women and seven men. A Human Rights Watch researcher conducted eight interviews in person with individuals based outside Saudi Arabia and 43 interviews by phone, Skype, or other electronic communication between September 2015 and June 2016.

Interviews included Saudi women from a range of professional and socioeconomic backgrounds. Most individuals were from Jeddah or Riyadh, but some individuals were from the Eastern Province (Dammam, Al-Khobar, Qatif, and Dhahran), central Saudi Arabia (Riyadh, Al-Kharj and Shaqra), southern Saudi Arabia (al-Abha), and the Hijaz (Jeddah and Mecca). Three individuals from the Shia minority community and one LGBT woman were interviewed. Human Rights Watch developed recommendations following discussions with 12 Saudi women's rights activists. The report also includes research from Human Rights Watch press releases published between 2010 and 2015. Human Rights Watch published another report on the male guardianship system in Saudi Arabia in 2008.<sup>1</sup>

All participants were informed of the purpose of the interview, the ways in which the data would be used and given assurances of anonymity. This report uses pseudonyms for all interviewees and withholds other identifying information to protect their privacy and their security. Saudi terrorism regulations criminalize harming the reputation of Saudi Arabia, and the government has imprisoned human rights activists who have shared information with foreign organizations. None of the interviewees received monetary or other incentives for speaking with Human Rights Watch. All interviews were conducted in English or Arabic.

Human Rights Watch was unable to conduct fact-finding inside Saudi Arabia for this report, despite sending official visa requests to the Saudi government in October 2015. The government has not issued official visas to Human Rights Watch staff since 2008. In May 2016, Human Rights Watch sent letters to the Ministries of Health, Interior, Justice, Labor and Social Development, and Education requesting meetings to discuss the report findings prior to publication. Human Rights Watch received no response.

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<sup>1</sup> Human Rights Watch, *Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia* (New York: Human Rights Watch, 2008), [https://www.hrw.org/sites/default/files/reports/saudiArabia0408\\_1.pdf](https://www.hrw.org/sites/default/files/reports/saudiArabia0408_1.pdf).

# I. The Religious Establishment

The role and rights of women in Saudi Arabia are disproportionately affected by the views of the Wahhabi religious establishment, which largely opposes the empowerment of women and follows what is often considered the most restrictive interpretation of Islam.<sup>2</sup>

Originating, developing, and spreading from Najd in central Arabia, it does not—according to numerous scholars—reflect the true diversity of views within the country regarding the role of women or the state’s role in enforcing Islamic law.<sup>3</sup>

Saudi Arabia applies this interpretation of Sharia as the law of the land, elevates the Quran and the Prophet’s traditions to the status of a constitution, and has institutionalized the religious establishment and its perceptions of women into governance structures.<sup>4</sup>

The religious establishment largely controls education, the all-male judiciary, and policing of “public morality” through the religious police, or the Commission for the Promotion of Virtue and the Prevention of Vice, informally known as the *Hai’a*.<sup>5</sup>

The Council of Senior Religious Scholars, the highest religious body that acts as a forum for regular consultation with the king, who created the council in 1971, has consistently promoted opinions that restrict women’s rights.<sup>6</sup> The General Presidency for Scholarly Research and *Ifta*, the official institution entrusted with issuing Islamic legal opinions, has also consistently limited women’s ability to make independent decisions in its fatwas.<sup>7</sup>

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<sup>2</sup> See, e.g., David Commins, “From Wahhabi to Salafi,” in *Saudi Arabia in Transition: Insights into Social, Political, Economic and Religious Change*, ed. Haykel, Hegghamer & Lacroix (New York: Cambridge University Press, 2015), pp. 151-166; Madawi al-Rasheed, *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia* (New York: Cambridge University Press, 2013), p. 44.

<sup>3</sup> Ibid.

<sup>4</sup> Basic Law of Governance, Umm al-Qura Newspaper (Mekka), issue 3397, March 6, 1992, art. 1.

<sup>5</sup> The religious establishment in Saudi Arabia consists of clerics whom the government officially appoints and employs, as well as individuals who belong to religious organizations that receive state support.

<sup>6</sup> The Council of Senior Religious Scholars is headed by Grand Mufti Shaikh Abd al-‘Aziz Al al-Shaikh who issues the official interpretations of Islamic law in Saudi Arabia with the consent of the king. For more information on the council and the role of religion in Saudi Arabia, see Nabil Mouline, “Enforcing the State’s Islam: The Functioning of the Committee of Senior Scholars in Saudi Arabia,” in *Saudi Arabia in Transition: Insights into Social, Political, Economic and Religious Change*, ed. Haykel, Hegghamer & Lacroix (New York: Cambridge University Press, 2015), p. 48-70.

<sup>7</sup> The members of the General Presidency are drawn from the Council of Senior Religious Scholars.

The General Presidency's website lists dozens of *fatwas* on women, many of which reinforce men's authority over women and restrict their ability to move, work, and study. For example, the General Presidency stated that women cannot serve in leadership positions over men because of their "deficient reasoning and rationality, in addition to their passion that prevails over their thinking."<sup>8</sup>

In another ruling, it stated, "A woman should not leave her house, except with her husband's permission." If he does, "She should go out unadorned so that she does not attract men's attention.... Her husband can prevent her from going out if she insists on displaying her beauty."<sup>9</sup>

Islamic scholars who support the imposition of male guardianship do so based on an ambiguous verse in the Quran. The verse states, "Men are the protectors and maintainers of women, because God has given the one more [strength] than the other, and because they support them from their means" (Quran 4:34).<sup>10</sup>

Other Islamic legal experts have argued that male guardianship as interpreted by Saudi Arabia misinterprets fundamental Quranic precepts and that male scholars have elevated guardianship over Quranic concepts like equality and respect between the sexes.<sup>11</sup>

Professors, Islamic feminists and a former Saudi judge also told Human Rights Watch that the way in which Saudi Arabia imposes guardianship over women is not required by Islamic law. Sura, 62, a retired university lecturer, said: "We are living

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<sup>8</sup> Portal of the General Presidency of Scholarly Research and 'Ifta, Fatwa no. 11780, Fatwas of the Permanent Committee for Scholarly Research and 'Ifta, <http://alifta.net/Fatawa/FatawaSubjects.aspx?language=en&View=Page&HajjEntryID=0&HajjEntryName=&RamadanEntryID=0&RamadanEntryName=&NodeID=4660&PageID=6300&SectionID=7&SubjectPageTitlesID=6352&MarkIndex=19&0#Inwhichwomenareprohibitedto>, Publication date unknown.

<sup>9</sup> Portal of the General Presidency of Scholarly Research and 'Ifta, Fatwa no. 3429, Fatwas of the Permanent Committee for Scholarly Research and 'Ifta, <http://alifta.net/Fatawa/FatawaSubjects.aspx?language=en&View=Page&HajjEntryID=0&HajjEntryName=&RamadanEntryID=0&RamadanEntryName=&NodeID=4660&PageID=6500&SectionID=7&SubjectPageTitlesID=6552&MarkIndex=0&0#Whatistherulingonthesalary>, Publication date unknown.

<sup>10</sup> A. Yusuf Ali, *The Holy Qur'an: Text, Translation and Commentary* (Maryland: Amana Corp., 1983), p. 190.

<sup>11</sup> Musawah, *Men in Charge: Rethinking Authority in Muslim Legal Tradition*, ed. Ziba Mir-Hosseini, Mulki Al-Sharmani and Jana Rumminger (London, 2015).

in a male society; that is for sure. Religion is being interpreted through a male perspective for the sake of the man.”<sup>12</sup> The former judge explained:

According to the Sharia, there is no need for any guardian [for women], except when she travels in a risky situation.... All the Sharia schools consider that women after adulthood ... should be considered as an independent human being.... royal orders and ministry orders talking about the permission of the guardian against the women ... aren't rooted in Sharia law.<sup>13</sup>

The state itself has actively imposed restrictions on women or failed to take measures to halt discriminatory cultural or social practices. As Madawi Al-Rasheed, a prominent Saudi academic, said: “The interaction between the state, religious nationalism, and social and cultural forms of patriarchy” has led to the continued restriction of women’s rights in Saudi Arabia.<sup>14</sup>

Respected Saudi commentators and prominent women’s rights activists have argued and continue to argue forcefully that women in Saudi Arabia are not only ready for the guardianship system to be reformed and ultimately abolished, but that these reforms are necessary in order to provide women the respect, and the rights, that they deserve.<sup>15</sup>

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<sup>12</sup> The names of all interviewees quoted in this report have been changed to protect their privacy and security. Human Rights Watch telephone interview with Sura, December 6, 2015 and December 14, 2015.

<sup>13</sup> Human Rights Watch telephone interview with former judge, January 4, 2016.

<sup>14</sup> Madawi al-Rasheed, *A Most Masculine State: Gender, Politics and Religion in Saudi Arabia* (New York: Cambridge University Press, 2013), p. 19.

<sup>15</sup> Hatoon Al-Fassi, “Travel Permission!!” «!إن بالسفر», *Al-Riyadh*, April 26, 2016, <http://www.alriyadh.com/1150050> (accessed May 19, 2016); Hatoon Al-Fassi, “Vision of the Prince and Vision of the People: Vision of the Nation,” رؤية الأمير، *Al-Riyadh*, May 2, 2016, <http://www.alriyadh.com/1151606> (accessed May 19, 2016); Hala Dosari, “Family Identification Documents for Saudi Women: An Identity Dilemma,” AGSIW, March 2, 2016, <http://www.agsiw.org/family-identification-documents-for-saudi-women-an-identity-dilemma/>, (accessed March 3, 2016); “My Guardian Knows What’s Best For Me,” *Saudi Woman Blog*, September 3, 2009, <https://saudiwoman.me/2009/09/03/my-guardian-knows-whats-best-for-me/> (accessed May 19, 2016).

## II. The Male Guardianship System

My son is my guardian, believe it or not, and this is really humiliating... My own son, the one I delivered, the one I raised, he is my guardian.

—Sura, 62, retired university lecturer, December 14, 2015

Every Saudi woman, regardless of her age, is under the authority of a male relative, her *wali al-amr*, or legal guardian. A woman's legal guardian has the authority to make a range of critical decisions on her behalf.

A woman's other male relatives are also granted authority over her, although to a lesser extent than her legal guardian. A *mahram*, a male relative who it would be unacceptable to marry, has the authority to accompany a woman on a government scholarship abroad or to receive her when she leaves a domestic violence shelter. Courts or other government services may ask a woman to be accompanied by a *mu'arif*, a male relative who can verify a woman's identity while she is wearing a face veil. In practice, individuals and government officials may ask women to be accompanied by a male relative in order for her to conduct a range of important tasks, from co-signing a lease to filing a police complaint. A woman's legal guardian can also serve as a *mahram* or *mu'arif*.

In this report, the terms “male guardianship system” and “guardianship rules” refer to the panoply of formal and informal barriers women in Saudi Arabia face when attempting to make decisions or take action without the presence or consent of a male relative.

Many aspects of the guardianship system are not codified in law but stem from informal practice—both by private actors and government officials. As such, women's experience of guardianship restrictions varies widely based on a range of factors such as socioeconomic status, education level, and place of residence.

Zeina, a Saudi businesswoman in her 40s, told Human Rights Watch that women's experience with guardianship is closely related to social class. In her experience, wealthier families, including male guardians, tend to be more open to women working and traveling, whereas families in lower socioeconomic classes are generally more conservative. Wealthier women, she explained, can also afford to pay some of the costs associated with

women’s rights restrictions, like male driver’s fees. As she said, “As you go up the social ladder it becomes easy; as you go down it becomes almost impossible.”<sup>16</sup>

A woman’s experience in Saudi Arabia remains dependent on the good will of her male guardian. Dozens of women told Human Rights Watch they were fortunate to have supportive male guardians who allowed them to work, study, travel and marry, but said that they should not require permission to make these choices in the first place.

Dr. Zahra, who treats domestic violence cases in the hospital where she works, said that her husband had always been kind to her but “in the back of [your] brain, [you know], if he wants to be mean, he could be mean. And the law would protect him. I don’t want to live my life with this in the back of my mind... I want my rights.”<sup>17</sup>

## Transferring Guardianship

Initially, a woman is under the legal guardianship of her father. When she marries, her husband becomes her new guardian. When a guardian dies or a woman divorces, a new guardian is appointed, generally, the next oldest *mahram*.<sup>18</sup> Guardianship authority may revert to a woman’s younger brother or son if she does not have older male relatives.<sup>19</sup> As Mara explained, “I am divorced, so I resort back to my brothers. It happens immediately. If there is a father, I go back to my father. It is like I am property.”<sup>20</sup>

Women may transfer legal guardianship to another male relative, but it is an extremely difficult legal process. Four activists told Human Rights Watch that it is very difficult to transfer guardianship outside of cases of severe abuse or if a woman can otherwise prove the guardian is incapable, for example due to old age. Even then, it can only be done through a court order and can be difficult to establish the requisite level of proof.<sup>21</sup> Aisha, a

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<sup>16</sup> Human Rights Watch telephone interview with Zeina, December 3, 2015.

<sup>17</sup> Human Rights Watch telephone interview with Dr. Zahra, November 30, 2015.

<sup>18</sup> Human Rights Watch spoke with a woman who, following the death of her husband, was able to appoint a younger *mahram* as her new guardian, but, according to a women’s rights activist, women may struggle to convince the authorities that the *mahram* of their choice should be granted guardian authority rather than the oldest male relative. Human Rights Watch telephone interview with Dr. Heba, December 23, 2015 and Sura, December 6, 2015 and December 14, 2015.

<sup>19</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

<sup>20</sup> Human Rights Watch telephone interview with Mara, October 7, 2015.

<sup>21</sup> Human Rights Watch telephone interviews with Reema, October 13, 2015 and with Dr. Abeer, December 20, 2015, and interview with Fatima, activist, (location withheld), August 30, 2015, and September 24, 2015, and email correspondence with Basma, June 22, 2015.

woman’s rights activist, said she was aware of some cases where women successfully transferred guardianship, but that many women were unsuccessful.<sup>22</sup>

### **“As Long As He is Not Beating You, He Can Do Whatever He Wants”**

Zahra, 25, told Human Rights Watch that her father beat her and her sister when they were children. When Zahra was 12, her father beat her so severely that she temporarily lost her vision. She thought she was going blind. Zahra’s mother took her to the hospital. The doctor told her she was lucky the damage was not permanent.

Zahra’s parents divorced. The girls lived with their mother, but their father remained their legal guardian and threatened to force them to live with him if they disobeyed him.

In 2011, the government awarded Zahra’s sister a scholarship to study abroad, but Zahra’s father refused to let her go. Zahra also wanted to pursue a master’s degree abroad in a field not available in Saudi Arabia. Her father refused. She said, “I am lost in my career because that was my goal. Whenever someone tells me, ‘You should have a five-year plan,’ I say I can’t. I’ll have a five-year plan and then my dad would disagree. Why have a plan?”

Zahra and her sister sought help from a charity, but the organization told them that denial of travel or education abroad was not a sufficient basis to transfer guardianship. According to Zahra, she and her sister told the charity that their father physically abused them when they were children, but the organization said it could not intervene unless the physical abuse was ongoing. Zahra’s sister, who was one of the top students in her university, fell into depression, pulled out of school and remained at home for a year.

In 2015, Zahra, who now needed to travel for work, called five lawyers to ask for help transferring guardianship away from her father. Each lawyer told her that denial of travel or forcing her to quit her job was not a sufficient basis for transferring guardianship. According to Zahra, the lawyers told her, “As long as he is not beating you, he can do whatever he wants.” When asked if she felt being unable to travel held her back in her career, Zahra said, “Definitely.” Her father remains her guardian.<sup>23</sup>

Human Rights Watch spoke with women who said their friends or family members sought to marry to escape strict, conservative, or abusive fathers and brothers.<sup>24</sup> Tala, in her late 20s, told Human Rights Watch:

The guardianship system is always a nightmare. I don’t want to get married because I don’t want a stranger to control me... Basically, it is slavery. My sister married this guy to get away from my brother... If I have to go back to

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<sup>22</sup> Human Rights Watch telephone interview with Aisha, October 9, 2015 and October 22, 2015.

<sup>23</sup> Human Rights Watch interview with Zahra, (location withheld), April 7, 2016.

<sup>24</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015.



Saudi, I am going to be just like the other Saudi girls and get married to get away from my brother.”<sup>25</sup>

## International Law and Guardianship

The practice of male guardianship in its many forms impairs and in some cases nullifies women’s exercise of a host of human rights, violating the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which Saudi Arabia ratified in 2000, and other human rights conventions. CEDAW obliges Saudi Arabia “to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.”<sup>26</sup> Numerous other treaties and treaty bodies acknowledge women’s equal right to men to travel, work, study, access health care, and marry without discrimination.

CEDAW explicitly acknowledges social and cultural norms as the source of many women’s rights abuses and obliges governments to take appropriate measures to address such abuses.<sup>27</sup> In 2008, the UN Committee on Discrimination Against Women expressed concern that the concept of male guardianship over women in Saudi Arabia “severely limits women’s exercise of their rights under the Convention” and called on Saudi Arabia to “take immediate steps to end the practice of male guardianship over women.”<sup>28</sup>

Saudi Arabia has failed both to end state practice premised on the inferiority of women and to take sufficient measures to tackle discriminatory customary practices. The UN

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<sup>25</sup> Human Rights Watch interview with Tala, (location withheld), October 19, 2015.

<sup>26</sup> CEDAW, art.1.2. Saudi Arabia’s accession to the convention was formalized through the adoption of Royal Decree No. 25 of 28/5 [Concerning the country’s accession to the Convention on the Elimination of All Forms of Discrimination against Women] on 28 August 2000. The Saudi government entered a general reservation upon ratification of CEDAW stating that the country is not obliged to observe terms of CEDAW that contradict “the norms of Islamic law.” Reservations that are incompatible with the object and purpose of a treaty violate international law and are unacceptable because they would render a basic international obligation meaningless. See art. 19(c), Vienna Convention on the Law of Treaties, adopted May 23, 1969, entered into force on January 27, 1980. United Nations, Treaty Series, vol. 1155, p. 331. The Committee on Discrimination against Women expressed concern about Saudi Arabia’s general reservation, noting it “is drawn so widely that it is contrary to the object and purpose of the Convention” and called on Saudi Arabia “to consider the withdrawal” of the reservation. See Committee on the Elimination of Discrimination against Women, “Concluding comments of the Committee on the Elimination of Discrimination against Women,” UN. Doc. CEDAW/C/SAU/CO/2, April 8, 2008, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSAU%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSAU%2fCO%2f2&Lang=en) (accessed May 19, 2016), paras. 9-10.

<sup>27</sup> CEDAW, art. 5(a).

<sup>28</sup> Committee on the Elimination of Discrimination against Women, “Concluding comments of the Committee on the Elimination of Discrimination against Women,” UN. Doc. CEDAW/C/SAU/CO/2, April 8, 2008, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSAU%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSAU%2fCO%2f2&Lang=en) (accessed May 19, 2016), paras. 15-16.

Committee on Discrimination Against Women and the UN Committee on the Rights of the Child have called on states to pursue targeted policies “of an immediate nature” to combat traditional harmful practices and noted that they “cannot justify any delay on any grounds, including cultural and religious grounds.” Moreover, the committees noted that states are:

[O]bligated to take all appropriate measures.... to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either sexes or on stereotyped roles for men and women.<sup>29</sup>

In 2009 and again in 2013, Saudi Arabia agreed to abolish the male guardianship system and all discrimination against women following its universal periodic review at the UN Human Rights Council.<sup>30</sup>

Since making these promises, Saudi Arabia has taken steps to lessen guardians’ control over women, including, for example by no longer requiring women to provide guardian permission to work or to bring a male relative to identify them in court, but has failed to abolish the system or adequately combat deeply entrenched discrimination, failing in its duty “to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.”<sup>31</sup>

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<sup>29</sup> Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, UN Doc.: CEDAW/C/GC/31-CRC/C/GC/18, November 14, 2014, (para. 31) [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/31/CRC/C/GC/18&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/31/CRC/C/GC/18&Lang=en) (accessed May 19, 2016).

<sup>30</sup> Saudi Arabia rejected recommendations on concrete steps needed to do so, such as ending male guardianship through a royal decree. “UN Human Rights Council: Adoption of the UPR Outcome of Saudi Arabia,” Human Rights Watch news release, March 19, 2014, <https://www.hrw.org/news/2014/03/19/un-human-rights-council-adoption-upr-outcome-saudi-arabia>.

<sup>31</sup> CEDAW, art. 1.

### III. Restricting Freedom of Movement

It is very hard to say you live, you just survive... The simple freedom of opening your door and going out for a walk... I have to call a driver to get my coffee. What if I want to walk in peace and get my coffee and come back?

—Rania, 34-year-old Saudi woman, November 17, 2015

No country restricts the movement of its female population more than Saudi Arabia. Women cannot apply for a passport or travel outside the country without guardian approval and women are barred from driving. In practice, some women are prevented from leaving their homes without their guardian's permission and guardians can bring legal claims requesting that judges order a female dependent to return to the family home.

Restrictions imposed on women's freedom of movement violate article 15(4) of CEDAW.<sup>32</sup> The Universal Declaration of Human Rights also provides: "Everyone has the right to freedom of movement and residence within the borders of each state... [and] to leave any country, including his own, and to return to his country."<sup>33</sup>

These restrictions also inhibit the effectiveness of other reforms Saudi Arabia has undertaken, such as in the labor sector, by making it more difficult for enterprising women to attend business conferences or pursue academic studies outside the country, or to travel to and from work inside the country. As Maysa, a Saudi woman who struggled to convince her father to allow her to work and study abroad, said "Freedom of movement ... is one of the basic human rights and that is what I really want to change."<sup>34</sup>

The ability to control a woman's movement is a powerful tool for male guardians to exploit female dependents. Guardians have conditioned consent for a woman to travel on payment of money or dropping a court case against them.

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<sup>32</sup> CEDAW, art.15(4).

<sup>33</sup> UDHR, art.13.

<sup>34</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015.



## Restrictions on Travel Abroad

Saudi authorities deny women the right to acquire a passport without a guardian's permission. According to Ministry of Interior regulations, a guardian must apply for and collect a passport for women and minors.<sup>35</sup> The government's electronic portal requires a male guardian to make the actual application for or renewal of a woman's passport.<sup>36</sup>

Reema, 36, told Human Rights Watch she went to renew her passport when she was separated from her husband. The women's section refused her request. Reema offered to have her father sign the paperwork, but officials insisted her husband, her guardian, must

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<sup>35</sup> General Directorate of Passports, Saudi Arabia Ministry of Interior, "Important Instructions for Saudi Passports," undated, <http://www.gdp.gov.sa/sites/pgd/ar-SA/Procedures/SaudiProcedures/SaudiPassportInstructions/Pages/default.aspx> (accessed January 3, 2016), para. 1.

<sup>36</sup> General Directorate of Passports, Saudi Arabia Ministry of Interior, "Procedures for Obtaining or Renewing a Saudi Passport Through the Electronic Portal 'Absher,'" undated, <http://www.gdp.gov.sa/sites/pgd/ar-SA/Procedures/SaudiProcedures/الاجاز%20%إصدار/Pages/default.aspx> (accessed January 3, 2016), para. 3,6.

sign. Because she was unable to renew her passport, Reema had to cancel a number of workshops and meetings abroad that she had planned to attend.<sup>37</sup>

In addition to requiring a guardian's approval to receive or renew a passport, the Ministry of Interior prohibits Saudi women from traveling outside the country without the approval of their male guardian.<sup>38</sup> One woman said that her 64-year-old widowed mother had to seek her 27-year-old son's permission to travel.<sup>39</sup>

Khadija, 42, a former journalist, said, "My dad passed away, [so for] my mom and myself, my brother is our guardian. It is really ridiculous. If she wants to travel, she needs the permission of her son. Why? Come on, why would an elderly woman need the permission of her son or even grandson to travel or to do anything?"<sup>40</sup>

In 2011, the Ministry of Interior set up an electronic portal, "Absher," where male guardians can issue passports to female dependents and approve their travel.<sup>41</sup> The site allows guardians to provide permission for a single trip, for multiple trips or until the passport expires.<sup>42</sup> Khadija told Human Rights Watch:

This is sort of progress in a way where the system allows for the guardian to give an open permission, rather than for every trip... but that is not the point. I am old enough to travel when I want to travel. I don't need someone else's permission.<sup>43</sup>

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<sup>37</sup> Human Rights Watch telephone interview with Reema, October 13, 2015.

<sup>38</sup> In cases where a woman's original guardian is deceased, another male relative with the appropriate legal authority may apply for a passport or travel permission on behalf of a woman. If there is no such relative, a woman must turn to the courts for a legal document certifying that there is no appropriate guardian and seek permission from the governor or director of the passport office for a passport or travel permission. Clause 2, General Directorate of Passports, "Procedures and conditions for travel outside the Kingdom of Saudi Arabia", <http://www.gdp.gov.sa/sites/pgd/ar-SA/Procedures/SaudiProcedures/TravelConditionsProcedures/Pages/default.aspx> (accessed November 15, 2015); Human Rights Watch telephone interview with Aisha, October 9, 2015 and October 22, 2015.

<sup>39</sup> Human Rights Watch telephone interview with Mara, October 7, 2015.

<sup>40</sup> Human Rights Watch telephone interview with Khadijah, November 20, 2015.

<sup>41</sup> Previously, Saudi authorities issued a travel permission card for Saudi women planning to leave the country indicating a guardian's consent. General Directorate of Passports, Saudi Arabia Ministry of Interior, "Procedures and conditions for travel outside the Kingdom of Saudi Arabia," undated, <http://www.gdp.gov.sa/sites/pgd/ar-SA/Procedures/SaudiProcedures/TravelConditionsProcedures/Pages/default.aspx> (accessed November 15, 2015), para. 1; Fahd Al-Louaihaq, "Prince Mohammed bin Nayef inaugurates Absher for passports," Al-Riyadh, April 24, 2011 (accessed February 7, 2016), <http://www.alriyadh.com/626430>.

<sup>42</sup> See Appendix VIII, Screenshot from Ministry of Interior Travel Permission Portal, p. 99.

<sup>43</sup> Human Rights Watch telephone interview with Khadijah, November 20, 2015.

After Saudi authorities launched “Absher,” they began to notify male guardians about the entry and exit of their female dependents to and from Saudi Arabia via an automatic text message. In 2012, women began to vocally critique the text message alerts on Twitter. By early 2014, the authorities announced that they suspended text notifications.<sup>44</sup> Maysa, 25, said, “You would think the government would use technology to move forward but instead they are moving backwards.”<sup>45</sup>

Human Rights Watch spoke with multiple women whose guardians had threatened to or in fact refused to allow them to travel abroad. Rania, 34, came back to Saudi Arabia to visit her family after living abroad for many years. When she sought to leave, her brothers, acting as her guardians, refused to renew her travel permission. Rania said she had to resort to some drastic measures, including refusing food, until her brothers finally relented and allowed her to travel again.<sup>46</sup> Layla, also in her 30s, told Human Rights Watch that her father used to take her travel permission slip away after fights.<sup>47</sup>

### Tala and Travel Permission

Tala, in her late 20s, recently completed a Master’s degree outside Saudi Arabia. Tala told Human Rights Watch that she wanted to return to visit her family but had not done so for more than three years over threats from male family members that they would prevent future travel. For example, after seeing some of Tala’s posts on Twitter where she questioned her religion in 2012, her brother threatened to rip up her passport if she came back to Saudi Arabia. Tala’s father also threatened to call the Saudi embassy, ask them to force her to come back, and to not renew her passport or her travel permission once she had. Neither Tala’s father nor brother followed through on their threats, but Tala, whose passport was set to expire in a few months at time of writing, said she did not know what to do. She told Human Rights Watch, “I can’t go back because I am constantly afraid that my brother and my dad will prevent me from coming back [abroad]. They have all the authority to do so.”<sup>48</sup>

Men occasionally extort female dependents for travel permission. Zeina, a successful businesswoman, told Human Rights Watch that her friend who works as an instructor at a university abroad “still struggles with the fact that her guardianship is completely

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<sup>44</sup> P.K. Abdul Ghafour, “Women on Cloud Nine as Travel Notification Halted,” *Arab News*, January 14, 2014, (accessed November 15, 2015), <http://www.arabnews.com/news/508841>; Marwa Haddad, “Passport Department’s SMS notifications on traveling dependents criticized,” *Arab News*, December 2, 2012 (accessed February 8, 2016), <http://www.arabnews.com/passport-department%E2%80%99s-sms-notifications-traveling-dependents-criticized>.

<sup>45</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015.

<sup>46</sup> Human Rights Watch telephone interview with Rania, November 17, 2015.

<sup>47</sup> Human Rights Watch interview with Layla, (location withheld), October 22, 2015.

<sup>48</sup> Human Rights Watch interview with Tala, (location withheld), October 19, 2015.

controlled by her father with whom she has zero connection.” Zeina said her friend had to hire a lawyer to negotiate with her father, who was seeking financial compensation in return for granting his daughter travel permission.<sup>49</sup>

Requiring guardian permission for women to travel makes it difficult for women exposed to family violence to escape abuse. Human Rights Watch spoke with women who felt their only safe option was to leave the country after male family members abused and threatened them, but who were unable to convince their fathers to allow them to travel.<sup>50</sup> Guardians revoking or withholding travel permission may also seriously hamper a woman’s professional advancement. Over eight years, the guardians of at least two of Dr. Heba’s colleagues prevented them from pursuing advanced degrees abroad.<sup>51</sup> Maysa, 25, said that when she wanted to complete an advanced degree abroad, her parents initially refused. Regardless, she applied to a foreign university. Following her acceptance, her father continuously changed his mind—agreeing to let her go and then revoking his consent—until two days before the flight. As Maysa said, “Even though he is educated, he thinks it is one of his rights to not allow his daughter to continue her education.” She went on to explain, “My other friends are hopeless. I know that they do want to go and explore the world, but for them they know there is no way out unless they get married.” She noted that not all of her friends’ new husbands met their expectations of greater freedoms.<sup>52</sup>

### *Mahram for Scholarships Abroad*

The government has paid for thousands of women’s education abroad through the King Abdullah Scholarship Program, instituted in 2005.<sup>53</sup> According to Ministry of Education statistics, 62.3 percent of program participants were women between 2009 and 2014.<sup>54</sup> Multiple women told Human Rights Watch that the scholarship program had been incredibly helpful in letting them pursue opportunities for higher education.<sup>55</sup> Hanan, 36,

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<sup>49</sup> Human Rights Watch telephone interview with Zeina, December 3, 2015.

<sup>50</sup> Human Rights Watch interview with Zahra, (location withheld), April 7, 2016 and telephone interview with Intisar, (date omitted).

<sup>51</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

<sup>52</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015.

<sup>53</sup> Saudi Arabia Royal Embassy to Washington D.C., “Saudi women account more than 51% of university students,” May 26, 2015, [https://www.saudiembassy.net/latest\\_news/news05261503.aspx](https://www.saudiembassy.net/latest_news/news05261503.aspx) (accessed September 26, 2015).

<sup>54</sup> Rashid Hassan, “Women outnumber men in getting scholarships,” *Arab News*, December 28, 2015, <http://www.arabnews.com/saudi-arabia/news/856701> (accessed December 28, 2015).

<sup>55</sup> Human Rights Watch interview with Miriam, (location withheld), September 21, 2015 and telephone interviews with Hanan, November 23, 2015 and Nissah, November 7, 2015.

an architect, said that education is the weapon women need to realize all of their rights, noting, “If King Abdullah did not do that, I don’t know what the situation would be now... This is the most beneficial thing the government ever spent their money on.”<sup>56</sup>

The scholarships come with requirements. The Ministry of Education requires that a woman’s male guardian sign a form consenting to allow her to study outside the country.<sup>57</sup> The ministry also requires that a *mahram* (an unmarried male relative who may or may not also be the woman’s official guardian) accompany a woman for the duration of her studies. The government provides living expenses for the *mahram*.<sup>58</sup>

Zayn and Nisreen, 24 and 25, explained that if a woman’s guardian cannot accompany her, he must legally transfer authority to another male relative to serve as a *mahram*. Nisreen and Zayn said they had been fortunate that their brothers could travel with them as *mahrams*, but that they knew smart, hard-working women unable to study on a scholarship because of the *mahram* requirement.<sup>59</sup>

Najma, for example, was awarded a government scholarship and worked hard to convince her father to allow her to study abroad. He finally agreed. She left the country, made friends, and fell in love. She visited her family in Saudi Arabia after a few years. Najma’s mother found out she was in a relationship and took away her passport and her national ID card. Najma believed her father revoked her travel permission, and felt she had no means of legal recourse to recover her passport or travel. Najma is unable to finish her degree.<sup>60</sup>

While the *mahram* requirements are not always strictly enforced, officially requiring a *mahram* and guardian consent are onerous requirements for women hoping to pursue further education abroad, especially where men may use it for extortion.<sup>61</sup>

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<sup>56</sup> Human Rights Watch telephone interview with Hanan, November 23, 2015.

<sup>57</sup> Office of Scholarship & Inter-University Relations, Umm Al-Qura University, Saudi Arabia Ministry of Higher Education, “Consent of Guardian to Be Present During Scholarship,” on file with Human Rights Watch, April 2013 and included as Appendix I, Guardian Permission Form for Woman to Study Abroad on Government Scholarship, p. 77.

<sup>58</sup> Saudi Arabia Ministry of Education, “Terms of the Scholarship Program,” undated, <https://safeer.moe.gov.sa/sites/student/Pages/kasreuq.aspx> (accessed January 4, 2016) (“A female applicant must have a legally acceptable male companion, who will be required to travel with her and remain with her until the completion of her scholarship study.”)

<sup>59</sup> Human Rights Watch interview with Zayn and Nisreen, (location withheld), October 29, 2015.

<sup>60</sup> Human Rights Watch telephone interview with Najma, May 20, 2015.

<sup>61</sup> Human Rights Watch interviews with Miriam, (location withheld), September 21, 2015 and Tala, (location withheld), October 19, 2015 and telephone interviews with Aisha, October 9, 2015 and October 22, 2015 and Nissah, November 7, 2015.



Dr. Heba told Human Rights Watch that her divorced friend had three children, all girls. After the girls received scholarships to study abroad, the friend's ex-husband forced her to pay him thousands of Saudi riyals to accompany his daughters abroad and to serve as their *mahram*. Dr. Heba said her friend had no choice, as the girls' father was the only one that could give them the permission to travel and to accept the scholarship.<sup>62</sup>

A guardian's refusal to provide permission can hamper a women's professional advancement. Khadija, 42, said that one of her employees hoped to go abroad to continue her studies. After the woman's father died, her brother became her guardian. He refused to allow his sister to follow through on her plans, forcing her to stay in the country.<sup>63</sup>

## Restrictions on Domestic Movement

Formally, women do not require guardian permission to travel anywhere inside Saudi Arabia, including flying between cities.<sup>64</sup> Informally, women may require their guardian's permission to leave the home.

A *fatwa* issued by the General Presidency for Scholarly Research and 'Ifta, a state institution tasked with issuing Islamic legal opinions, on women's work states, "[A] woman should not leave her house, except with her husband's permission."<sup>65</sup> Activists told Human Rights Watch that it is very easy for male guardians to force women to remain indoors and prevent them from leaving home without their permission.<sup>66</sup>

Courts provide support for this practice, occasionally upholding a guardian's right to obedience from his female dependents, including the obligation to abide by his decisions regarding their movement. For example, in November 2015, a Saudi appeals court upheld a ruling of 30 lashes for a man for slapping his wife and spitting on her. According to *Arab*

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<sup>62</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

<sup>63</sup> Human Rights Watch telephone interview with Khadijah, November 20, 2015.

<sup>64</sup> Human Rights Watch interviews with Zayn and Nissreen, (location withheld), October 29, 2015 and Layla, (location withheld), October 22, 2015.

<sup>65</sup> Portal of the General Presidency of Scholarly Research and 'Ifta, Fatwa no. 3429, Fatwas of the Permanent Committee for Scholarly Research and 'Ifta, <http://www.alifta.net/Fatawa/fatawacoeval.aspx?languagename=en&View=Page&HajjEntryID=0&HajjEntryName=&RamadanEntryID=0&RamadanEntryName=&NodeID=4660&PageID=6500&SectionID=7&SubjectPageTitlesID=6552&MarkIndex=0&#Whatistherulingonthesalary>, Publication date unknown.

<sup>66</sup> Human Rights Watch telephone interviews with Sa'ad, October 13, 2015 and Dr. Salma, November 11, 2015 and interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

*News*, the husband said he hit his wife because she had gone out of the house several times without seeking his permission. The judge reportedly ordered the wife to abide by her husband's request not to leave the house without his permission.<sup>67</sup>

The Ministry of Justice explicitly bolsters a guardian's authority to deny women freedom of movement. The ministry's website contains a list of complaints that can be filed through its electronic complaints system, including two which request that a judge order the return of a woman to a *mahram* or a wife to the marital home.<sup>68</sup>

Some universities also restrict women's movement. Female students living in university dormitories may be prohibited by school authorities from leaving campus even in cases of illness except with a legal guardian.<sup>69</sup>

Amira, 42, told Human Rights Watch that her daughter, 22, studied in a Riyadh college and lived in a dormitory. The college required her daughter's legal guardian to sign her out of the dormitory. Amira's husband had to go to court to obtain a legal document authorizing Amira and their son to visit and allow his daughter to exit the university compound with them. As Amira's home is four hours away from Riyadh, her daughter is forced to sit inside the compound for months at a time, until either her father or someone legally authorized takes her out. She said it is "like a prison." The policy sometimes prevents Amira's daughter from completing simple tasks, like fixing a broken laptop.<sup>70</sup>

### *Driving*

Women driving leads to many evils and negative consequences....

—Fatwa banning driving

Saudi Arabia remains the only country in the world that prohibits women from driving. The government's restrictions on driving combined with limited affordable and accessible public transportation options prevent Saudi women from fully participating in public life.<sup>71</sup>

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<sup>67</sup> "Jail, lashes for slapping and spitting at wife," *Arab News*, November 14, 2015, <http://www.arabnews.com/saudi-arabia/news/835281> (accessed November 12, 2015).

<sup>68</sup> See Appendix IX, Legal Claims Asserting Male Authority Over Female Dependents, p. 98

<sup>69</sup> Human Rights Watch telephone interview with Amira, November 20, 2015.

<sup>70</sup> *Ibid.*

<sup>71</sup> See Section VII: Restricting the Right to Employment, Continuing Barriers to Women Working, Mobility Restrictions, p. 72.

Saudi Arabia had a customary ban on women driving until 1990, when it became official policy.<sup>72</sup> On November 6, 1990, 47 women drove in a convoy in Riyadh in protest. The traffic police stopped the protesters, took them into custody, and released them only after their male guardians signed statements that the women would not attempt to drive again.

Shortly after, the late Shaikh 'Abd al-'Aziz bin Baz, then-chairman of the Council of Senior Religious Scholars, issued a *fatwa* prohibiting driving. The *fatwa* stated, "Women driving leads to many evils and negative consequences... [including] mixing with men without her being on her guard... Sharia prohibits all things that lead to vice. Women's driving is one of the things that leads to that. This is well-known."<sup>73</sup>

The *fatwa* on the driving ban cited the goal of preventing women from committing acts of *khilwa* (mixing with unrelated members of the opposite sex). Yet, because of the ban, women must take taxis driven by men or hire male drivers, often foreign nationals.<sup>74</sup> Then-Minister of Interior Prince Nayef officially banned women's driving by decree on the basis of this *fatwa*.<sup>75</sup> Women who have driven in the country have subsequently been arrested.<sup>76</sup>

Women have continued to campaign for the right to drive. In 2011, dozens of women filmed themselves driving and posted the videos to social media as part of a campaign entitled "women2drive." Traffic police stopped many women and made their male guardians sign pledges that they would not allow the women to drive again.<sup>77</sup>

Saudi authorities have issued conflicting statements regarding whether women would be allowed to drive. In 2005, then-King Abdullah said in an interview that he believed "the day

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<sup>72</sup> "Confrontation in the Gulf; Army Women and the Saudis: The Encounter Shocks Both," *New York Times*, September 25, 1990, <http://www.nytimes.com/1990/09/25/world/confrontation-in-the-gulf-army-women-and-the-saudis-the-encounter-shocks-both.html?pagewanted=all&src=pm> (accessed April 14, 2016).

<sup>73</sup> Muhammad bin Abdul-Aziz Al-Musnad, *Islamic Fatawa Regarding Women* (Riyadh: Darussalam Publications, 1996), p. 310, *fatwa* in Arabic available at <http://www.binbaz.org.sa/article/399> (accessed May 10, 2016).

<sup>74</sup> "Saudi Arabia: End Driving Ban for Women," Human Rights Watch news release, October 24, 2013, <https://www.hrw.org/news/2013/10/24/saudi-arabia-end-driving-ban-women>.

<sup>75</sup> "Saudi Arabia: Release Women Driving Activists," Human Rights Watch news release, December 2, 2014, <https://www.hrw.org/news/2014/12/02/saudi-arabia-release-women-driving-activists>.

<sup>76</sup> *Ibid.*

<sup>77</sup> Human Rights Watch, *World Report 2012* (New York: Human Rights Watch, 2012), <https://www.hrw.org/world-report/2012/country-chapters/saudi-arabia>, Saudi Arabia.

will come when women drive.”<sup>78</sup> In September 2013, the head of the *Hai’a* stated that Islamic law does not forbid women from driving.<sup>79</sup> A month later, Saudi women launched the October 26 driving campaign, including publishing videos of women driving and Saudi men giving the thumbs-up sign to show their support.<sup>80</sup> In response to the campaign, on October 22, 2013, more than 100 clerics visited the Royal Court, the office of the king, to protest “the conspiracy of women driving.”<sup>81</sup> The following day, a Ministry of Interior spokesperson issued a statement saying that laws would be enforced on October 26.<sup>82</sup>

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<sup>78</sup> “One Day Women Will Drive, Saudi King Says,” AFP, October 14, 2005 <http://www.abc.net.au/news/2005-10-14/one-day-women-will-drive-saudi-king-says/2124474> (accessed October 5, 2015).

<sup>79</sup> “Saudi Arabia: End Driving Ban for Women,” Human Rights Watch news release, October 24, 2013, <https://www.hrw.org/news/2013/10/24/saudi-arabia-end-driving-ban-women>.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> “Ministry of Interior Affirms That Ministry Will Enforce Regulations Against Violators During Gatherings Calling for Women’s Right to Drive,” وزارة الداخلية تؤكد أنه عطفاً على ما يثار من دعوات لتجمعات بدعوى قيادة المرأة للسيارة فإنها ستطبق الأنظمة بحق (المخالفين), Saudi Press Agency, October 23, 2013, <http://www.spa.gov.sa/viewstory.php?newsid=1160494> (accessed October 25, 2015).

## IV. Violence against Women

I would rather you kill me than give the man who abuses me control over my life.

—Zahra, 25-year-old Saudi woman, April 7, 2016

As in many countries across the globe, many women in Saudi Arabia are regularly and repeatedly subjected to violence.<sup>83</sup> This violence often occurs in the family.

Over a one-year period ending October 13, 2015, the Ministry of Labor and Social Development reported that it encountered 8,016 cases of physical and psychological abuse in Saudi Arabia, most involving violence between spouses.<sup>84</sup> The ministry recorded 961 cases of domestic violence in one year in one major city alone, with most cases involving women and children being denied their basic rights to education, health care, or personal identification documents.<sup>85</sup>

Such forms of violence are clearly linked to abuse of the guardianship system. It is likely the vast majority of cases go unreported, given the isolation of victims and difficulty of reporting and seeking redress.

Domestic violence prevents women from exercising a host of rights, including the right not to be subject to cruel, inhuman or degrading treatment, to security of the person, and, in extreme cases, to life.<sup>86</sup>

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<sup>83</sup> The United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” United Nations General Assembly, Resolution 48/104: Declaration on the Elimination of Violence Against Women (1993), A/RES/48/104, <http://www.un.org/documents/ga/res/48/a48r104.htm>, art. 1.

<sup>84</sup> The Ministry of Labor and Ministry of Social Affairs were combined in 2016 by royal decree to form the Ministry of Labor and Social Development. “8,016 cases of abuse recorded in one year,” *Arab News*, December 16, 2015, <http://www.arabnews.com/saudi-arabia/news/851131>, (accessed December 16, 2015).

<sup>85</sup> “Women, children target of domestic violence,” *Arab News*, October 23, 2015, <http://www.arabnews.com/saudi-arabia/news/824436> (accessed October 23, 2015).

<sup>86</sup> International Covenant on Civil and Political Rights (ICCPR), 999 UNT.S. 171, entered into force March 23, 1976, art. 6, 7; Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), art.3; UN Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against Women, UN Doc. HRI\GEN\1\Rev.1 (1992), paras. 1,7.



Saudi authorities have increasingly recognized violence against women as a public policy issue. In 2005, the government created the National Family Safety Program, which focuses on ensuring that domestic violence survivors have access to shelters and protection mechanisms. In 2013, the King Khalid Foundation, a charity set up in 2001 by family members of the late king, launched a high-profile media campaign claiming that “the phenomenon of battered women” in Saudi Arabia is “much greater than is apparent on the surface.” The same year, the king ratified a law criminalizing domestic abuse.<sup>87</sup> While women told Human Rights Watch the law was a significant step forward, they also critiqued it for being overly general, not robustly enforced, and not adequately defining solutions or even options for women abused by their guardians.<sup>88</sup>

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<sup>87</sup> “Saudi Arabia: New Law to Criminalize Domestic Abuse, Absence of Enforcement Mechanism Will Inhibit Effectiveness,” Human Rights Watch news release, September 3, 2013, <https://www.hrw.org/news/2013/09/03/saudi-arabia-new-law-criminalize-domestic-abuse>.

<sup>88</sup> Human Rights Watch telephone interviews with Sura, December 6, 2015 and December 14, 2015 and Aisha, October 9, 2015 and October 22, 2015 and email correspondence with Basma, June 22, 2015.

The male guardianship system creates an environment ripe for abuse. Saudi women have repeatedly called for the immediate removal of authority from any guardian who abuses a female family member. Aisha, who has many years of experience helping domestic violence survivors, said, “This is what we called [for]: To protect [a woman] from [her] abuser, [we] need to give her the right to protect herself.”<sup>89</sup> As one Saudi commentator wrote, “The definition of what is allowed [to guardians] and what is not remains vague ... encourag[ing] perpetrators to indulge in physical and mental abuse of women.”<sup>90</sup>

Guardianship makes it incredibly difficult for victims of violence to seek protection or obtain legal redress for abuse. The near impossibility of transferring guardianship away from abusive relatives can condemn women to a life of violence.<sup>91</sup> Women occasionally struggle to report an incident to the police or access social services or the courts without a male relative.<sup>92</sup>

According to multiple domestic violence specialists and women’s rights activists, Ministry of Labor and Social Development officials often prefer to reconcile female victims of violence with her family to other options. Prisons, juvenile detention centers, and shelters may only allow women to exit into the care of a male relative.<sup>93</sup> Imprisoned women whose families refuse to release them are forced to remain in prison or in shelters until they reconcile with their families or obtain a new guardian, occasionally only after arranged marriages.<sup>94</sup>

When legal guardianship impedes redress for victims of violence, Saudi Arabia is failing to act with due diligence to prevent, investigate, and punish violence against women, putting women’s health and lives in jeopardy. The UN Committee on Discrimination Against Women

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<sup>89</sup> Human Rights Watch telephone interview with Aisha, October 9, 2015 and October 22, 2015.

<sup>90</sup> Samar Fatany, “Say no to violence against women!,” *Saudi Gazette*, November 28, 2015, <http://saudigazette.com.sa/saudi-arabia/say-no-to-violence-against-women/> (accessed November 28, 2015).

<sup>91</sup> See Section II: The Male Guardianship System, *Transferring Guardianship*, p. 15-17.

<sup>92</sup> Human Rights Watch telephone interview with Hanan, November 23, 2015 and interview with Tala, (location withheld), October 19, 2015.

<sup>93</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015 and telephone interviews with Dr. Heba, December 23, 2015, Wajda, December 23, 2015, and Dr. Zahra, November 30, 2015.

<sup>94</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015 and Fatima, (location withheld), August 30, 2015 and telephone interviews with Dr. Heba, December 23, 2015, Wajda, December 23, 2015, Dr. Zahra, November 30, 2015, Sowsan, April 11, 2016, Sura, December 6, 2015 and December 14, 2015, Basma, activist, June 22, 2015 and Nada, November 30, 2015.

urged states to ensure that, “in both public and family life, women will be free of the gender-based violence that so seriously impedes their rights and freedoms as individuals.”<sup>95</sup>

## Domestic Violence Legislation

On August 26, 2013, the Council of Ministers approved the Protection from Abuse law, which then-King Abdullah ratified.<sup>96</sup> In 2014, the Ministry of Labor and Social Development issued implementing regulations, providing further guidance on how agencies should enforce the law.<sup>97</sup>

Prior to adoption of this law, Saudi criminal justice authorities had no written legal guidelines to treat domestic abuse as criminal behavior. In the absence of a written penal code, judges rely solely on their individual interpretations of uncodified Sharia to determine whether certain actions are defined as criminal.

The Protection from Abuse law defines abuse as, “Any form of exploitation or physical, psychological, or sexual ill-treatment, or threat thereof, perpetrated by one person against another which exceeds the bounds of the guardianship...”<sup>98</sup>

The law sets the penalty for domestic abuse at between one month and one year in prison and a fine of between 5,000 (US\$1333) and 50,000 (US\$13,330) riyals unless Sharia provides for a harsher sentence.<sup>99</sup>

The law defines abuse as physical, psychological, or sexual abuse, but does not explicitly state that marital rape is a crime.<sup>100</sup> While the law and the implementing regulations clearly state a guardian may be guilty of abuse, the definition of abuse condones some harm by

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<sup>95</sup> UN Committee on the Elimination of Discrimination against Women, General Recommendation no. 21, article 16(2), para. 40, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/4733&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/4733&Lang=en) (accessed May 19, 2016).

<sup>96</sup> Law on Protection from Abuse, Royal Decree No. 52/M of 2013.

<sup>97</sup> Implementing Regulations for the Protection from Abuse Law, Ministry of Labor and Social Development, Dec. No. 43047, June 13, 2014.

<sup>98</sup> Law on Protection from Abuse, Royal Decree No. 52/M of 2013, art. 1.

<sup>99</sup> *Ibid.*, 2013, arts. 11, 13.

<sup>100</sup> In defining psychological and economic violence, the UN recommends that laws focus on “coercive control,” i.e., how such violence links to a pattern of domination through intimidation, isolation, degradation, and deprivation, as well as physical assault. See UN Women, EndVAWNow.org (virtual knowledge center), “Definition of Domestic Violence,” undated, <http://www.endvawnow.org/en/articles/398-definition-of-domestic-violence.html> (accessed April 14, 2016).



stating that abuse is only that which “exceed the bounds of the guardianship.”<sup>101</sup> It does not clarify what actions would be permissible within the bounds of guardianship and what would exceed it. The law also does not explicitly include economic abuse as one of the elements of domestic abuse as required under international standards.<sup>102</sup>

Failing to clearly define the bounds of guardianship is particularly problematic in Saudi Arabia, where male relatives can bring legal claims against “disobedient” female dependents. Parents may bring legal claims against their children for *‘uquq* (parental disobedience), guardians may bring claims for *inqiyad* (asserting their right for dependents, including adult women, to submit to their authority), men can bring claims ordering their wives be returned to the marital home, and a *mahram* (male unmarried relative) can request his female relative be returned to him.<sup>103</sup>

Maysa, a law graduate, said that punishments for women convicted of disobedience can range from being sent home to imprisonment.<sup>104</sup> These claims, including *‘uquq* and *inqiyad*, are included on the list of complaints that can be filed through the Ministry of Justice’s electronic complaints system.<sup>105</sup>

Women told Human Rights Watch that courts and other authorities believe guardians have the right to “discipline” their dependents. Maysa, who studied law, told Human Rights Watch that the definition of what constitutes acceptable discipline in court varies based

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<sup>101</sup> Law on Protection from Abuse, Royal Decree No. 52/M of 2013, art. 1.

<sup>102</sup> The UN Women Handbook recommends that legal definitions of domestic violence include physical, sexual, psychological, and economic violence. See UN Women, “Handbook on Legislation on Violence against Women,” 2012, [http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/12/unw\\_legislation-handbookpdf.pdf?v=1&d=20141013T121502](http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/12/unw_legislation-handbookpdf.pdf?v=1&d=20141013T121502) (accessed April 14, 2016).

<sup>103</sup> *‘Uquq* claims can be brought by a mother or father against their male or female children and can also be used by abusive guardians. In March 2008, Samar Badawi escaped what she and Saudi officials confirmed was her father’s physical abuse to a shelter in Jeddah. In 2009, a Jeddah court issued a warrant for her arrest when her father sued her for disobedience. When Samar found a man whom she wanted to marry and her father refused, she filed an *adhl* suit, in which a woman disputes her guardian’s refusal to consent to a marriage. On April 4, 2010, at the first court session in her *adhl* case, the judge ordered her arrested based on the outstanding disobedience warrant. In July 2010, Jeddah’s General Court ruled in her favor in the *adhl* suit, but Samar remained in prison for disobedience. In October 2010, after more than two and a half years of court battles and seven months in prison, Samar was released and guardianship transferred from her father to her uncle. *Challenging the Red Lines*. Human Rights Watch, *Challenging the Red Lines: Stories of Rights Activists in Saudi Arabia* (New York: Human Rights Watch, 2013), <https://www.hrw.org/report/2013/12/17/challenging-red-lines/stories-rights-activists-saudi-arabia>.

<sup>104</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015.

<sup>105</sup> See Appendix IX, Legal Claims Asserting Male Authority Over Female Dependents, p. 98.



on which judge is interpreting a case. As she put it, “There is no limit to what a guardian can do, [although] he probably can’t kill her.”<sup>106</sup>

Dr. Abeer, a medical professional who specializes in domestic violence, told Human Rights Watch that many in Saudi Arabia, including some social workers, believe guardians have the right to use physical violence to discipline women and children. According to her, the definition of abuse as currently codified maintains the right of the guardian to do, “basically, whatever they want.” Fortunately, she said that in her experience judges have not been interpreting the law this way and have instead increasingly recognized violence by guardians as domestic abuse.<sup>107</sup>

### Difficulties Reporting Abuse

Since the adoption of the Protection from Abuse Law of 2013, the government has facilitated reporting of abuse. The law requires individuals, including public servants, to

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<sup>106</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015.

<sup>107</sup> Human Rights Watch telephone interview with Dr. Abeer, December 20, 2015.

report abuse and gives the police and Ministry of Labor and Social Development the authority to respond to reports of abuse.<sup>108</sup> The implementing regulations specify that guardian consent is not required to accept or respond to reports of abuse.<sup>109</sup>

In 2016, the Ministry of Labor and Social Development launched an all-female staffed center in Riyadh to receive reports of domestic abuse 24 hours a day, 7 days a week. The center, which received 1,890 calls within the first three days of operation, refers cases of domestic abuse to protection teams across the country or, in severe cases, to the police.<sup>110</sup>

Despite these steps forward, women still struggle to report abuse, particularly with the police. While Human Rights Watch spoke with women who had filed complaints with the police without a male relative, others said police had turned them away or they felt uncomfortable going to a police station without a male relative accompanying them.<sup>111</sup> The prevailing environment of sex segregation makes women hesitant to walk into a police station. Almost all police officers are male, according to a women's rights activist.<sup>112</sup> She said employing female police officers, especially to handle domestic violence cases, would be a "fantastic" improvement.<sup>113</sup>

Police officers do not require a guardian's permission to hear a complaint as a matter of law, but some officers do ask women to file a complaint with or through a guardian or another male relative. According to four women with significant experience handling domestic violence cases, police occasionally call or send women back to their guardians, even when the woman is attempting to report abuse.<sup>114</sup> Sana, a woman's rights activist,

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<sup>108</sup> Law on Protection from Abuse, Royal Decree No. 52/M of 2013, art. 3, 4.

<sup>109</sup> Implementing Regulations for the Protection from Abuse Law, Ministry of Labor and Social Development, Dec. No. 43047, June 13, 2014, art. 7(1).

<sup>110</sup> "All Female-Center to Monitor Domestic Violence," *Arab News*, March 23, 2016, <http://www.arabnews.com/saudi-arabia/news/899461#.Vvl62-oOgdY.twitter> (accessed March 23, 2016); "New Domestic Violence Center Flooded with Calls," *Arab News*, March 28, 2016, <http://www.arabnews.com/saudi-arabia/news/901921> (accessed March 28, 2016).

<sup>111</sup> Human Rights Watch telephone interview with Hanan, November 23, 2015 and interview with Tala, (location withheld), October 19, 2015.

<sup>112</sup> Human Rights Watch telephone interview with Sana, February 20, 2016; See also Human Rights Watch, *World Report 2013* (New York: Human Rights Watch, 2012), <https://www.hrw.org/world-report/2013/country-chapters/saudi-arabia>, Saudi Arabia (reporting that the first women-staffed police stations opened in Jeddah and Riyadh).

<sup>113</sup> Human Rights Watch telephone interview with Sana, February 20, 2016.

<sup>114</sup> Human Rights Watch telephone interviews with Aisha, October 9, 2015 and October 22, 2015, Mara, October 7, 2015, Sana, February 20, 2016 and Sowsan, April 11, 2016.

told Human Rights Watch that the police are far more likely to intervene in an abuse case if a woman's male relatives involve themselves and support her claim.<sup>115</sup>

A Saudi commentator reported in 2013 that an abused woman who had been locked in a bathroom and urinated on by her husband sought help from the police. According to the writer, the police would not accept her complaint outside the presence of a male guardian.<sup>116</sup> Mara, one of the abuse specialists, said, "In [the] back of [the] woman's mind, they know they have to have a [male relative] with them in police stations."<sup>117</sup>

The Protection from Abuse Law provides an important measure: The Ministry of Labor and Social Development may, in a case of severe abuse, make an "emergency intervention or enter a place where abuse has taken place," including without guardian permission.

Dr. Zahra said that a social worker with whom she works reported that the ministry had done so in a number of cases in her province.<sup>118</sup> In other provinces, however, the ministry and police had not been as responsive. Farah, a child protection specialist, told Human Rights Watch that in cases she has observed, authorities often said they could not enter a house without guardian permission or special permission from a local authority.<sup>119</sup> Amira, 42, told Human Rights Watch about an instance in 2015 when the police refused to enter a woman's house without her husband's permission after she reported his abuse.<sup>120</sup>

The law also provides that in cases where abuse is "serious," the ministry may move a perpetrator out of the home.<sup>121</sup> Two women's rights activists told Human Rights Watch that

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<sup>115</sup> Human Rights Watch telephone interview with Sana, February 20, 2016.

<sup>116</sup> Dr. Badria Al-Bishr, "Maybe—'Don't Incite Me and I Won't Incite You'" *Al-Hayat*, June 18, 2013, <http://www.alhayat.com/Details/524924> (accessed October 18, 2015).

<sup>117</sup> Human Rights Watch telephone interview with Mara, October 7, 2015.

<sup>118</sup> Human Rights Watch telephone interview with Dr. Zahra, November 30, 2015.

<sup>119</sup> Human Rights Watch telephone interview with Farah, December 15, 2015.

<sup>120</sup> Human Rights Watch telephone interview with Amira, November 20, 2015.

<sup>121</sup> The implementing regulations go on to define "serious" cases as including severe abuse that results in physical marks apparent on the body that require immediate intervention to stop or prevent further abuse, severe abuse as recorded in a medical report, and cases where there is a fear that, were the person to be exposed to the abuse again, it would cause significant damage or could threaten their life, safety or health. If the ministry determines a case is severe, it should inform the police and other relevant security agencies to intervene. Implementing Regulations for the Protection from Abuse Law, Ministry of Labor and Social Development, Dec. No. 43047, June 13, 2014, art 8(1)(2); Law on Protection from Abuse, Royal Decree No. 52/M of 2013, art. 8.

police will now place perpetrators in jail if a woman has been visibly beaten or has a medical record indicating abuse.<sup>122</sup>

Sowsan, another abuse specialist, told Human Rights Watch of a 2014 case in which a woman reported her husband, who had severely choked her, to the police. The police arrested the husband, but then called the woman and told her that her husband would not do it again and that she should come to provide bail and release him. Sowsan explained that police often pressure women to forgive their husbands. She said, “Women don’t leave their home unless facing death, so you can imagine the consequences.”<sup>123</sup>

Individuals who attempt to report abuse or provide help to women subject to abuse may find themselves prosecuted. In 2013, a Saudi court convicted two women’s rights activists for “inciting a woman against her husband,” sentencing them to 10 months in prison and two-year travel bans. They had been trying to help a woman who claimed her husband locked her in her house and denied her adequate food and water.<sup>124</sup>

Saudi women and migrant domestic workers who report abuse, including rape, sometimes face counter accusations, leaving them open to criminal prosecution. Women may be charged with moral crimes, like *khilwa* (mixing with unrelated members of the opposite sex), or with fleeing from their homes.<sup>125</sup>

The male guardianship system, as well as the criminalization of pre-marital consensual relationships between men and women and of “parental disobedience,” can trap women in domestic violence situations. Intisar, for instance, told Human Rights Watch that when her mother found out she was pregnant, she forced Intisar to have an abortion. As Intisar said, “I had no other choice... If my dad found out or one of my brothers, I’ll be killed.” Intisar said her mother also confined her to the house and threatened to send her to jail. Intisar felt she had no safe options, noting that the authorities, including the police and the court system, would side with her parents. Her mother had previously threatened to

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<sup>122</sup> Human Rights Watch telephone interviews with Sana, February 20, 2016 and Sowsan, April 11, 2016.

<sup>123</sup> Human Rights Watch telephone interview with Sowsan, April 11, 2016.

<sup>124</sup> “Saudi Arabia: Activists Convicted for Answering Call for Help Women’s,” Human Rights Watch news release, June 17, 2013, <https://www.hrw.org/news/2013/06/17/saudi-arabia-activists-convicted-answering-call-help>.

<sup>125</sup> UN Human Rights Council, Report of the Special Rapporteur on Violence Against Women, Yakin Erturk, Mission to Saudi Arabia, A/HRC/11/6/Add.3 April 14, 2009, p. 14.

bring “disobedience” claims against her and family members had beaten her during arguments. Fearing for her safety, Intisar wants to leave the country, but has no means to travel without her father’s consent.<sup>126</sup>

According to three abuse specialists, the Protection from Abuse Law has made judges more responsive to abuse claims. Dr. Abeer, a psychologist who has worked on abuse cases for more than 15 years, said that individual judges have increasingly accepted psychological reports, testimony and expert opinions in custody and domestic violence cases following the implementation of the law.<sup>127</sup> Dr. Zahra told Human Rights Watch that she has seen abuse cases proceed more quickly and women increasingly report to hospitals to receive medical reports of physical abuse. However, she said judges still maintain vast individual discretion and women would benefit from a clearer law.<sup>128</sup>

## Prioritizing Reconciliation over Protection

Under the Protection from Abuse Law, authorities can, in cases of abuse, institute protection measures such as ensuring victims receive health care, taking steps to prevent recurrence of abuse, summoning and obliging offending parties to sign pledges, sending victims to shelters, and forcing offenders to undergo psychological treatment or rehabilitation.<sup>129</sup>

Even after the promulgation of the 2013 law, the authorities appear to prioritize reconciliation of the family over the safety of the woman. Basma, a woman’s rights activist, told Human Rights Watch that women are hesitant to report abuse, knowing that the authorities will try to reconcile a woman with her abuser, rather than punishing him.<sup>130</sup> Two women, who male family members had abused, told Human Rights Watch they would not report the abuse, believing the authorities would not help them, but would instead return them to their abusers.<sup>131</sup>

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<sup>126</sup> Human Rights Watch telephone interview with Intisar, (date omitted).

<sup>127</sup> The implementing regulations state that, in cases where courts are considering alternative punishments, courts should be guided by the input and advice of the Ministry of Labor and Social Development. Implementing Regulations for the Protection from Abuse Law, Ministry of Labor and Social Development, Dec. No. 43047, June 13, 2014, art 13; Human Rights Watch telephone interview with Dr. Abeer, December 20, 2015.

<sup>128</sup> Human Rights Watch telephone interview with Dr. Zahra, November 30, 2015.

<sup>129</sup> Law on Protection from Abuse, Royal Decree No. 52/M of 2013, art. 7; See also implementing regulations 7/2-7/6.

<sup>130</sup> Human Rights Watch email correspondence with Basma, June 22, 2015.

<sup>131</sup> Human Rights Watch telephone interview with Intisar, (date omitted) and interview with Zahra, (location withheld), April 7, 2016.

Part of the problem is the legal guidance itself. According to article 10 of the 2013 law, “priority shall be given to preventive and counseling measures, unless the case requires otherwise.”<sup>132</sup> The 2014 implementing regulations state that one of the goals of the 2013 law is to provide rehabilitation programs with the aim of returning a woman to her family.<sup>133</sup>

This is counter to UN best practice on responding to domestic violence, which recommends that responses prioritize “the rights of the... survivor over other considerations, such as the reconciliation of families or communities.”<sup>134</sup> In non-severe cases, the implementing regulations state a woman should remain with her family, but that the Ministry of Labor and Social Development must obtain a statement or pledge from the abuser and the head of the family that she will be protected from further abuse.<sup>135</sup>

Authorities required abusers to sign pledges as part of the response to abuse before the 2013 law. This proved ineffective, according to activists. In 2008, a woman fled from her home to a shelter in Riyadh, but her father and four uncles came to the shelter, arguing it was shameful for their daughter to remain there. According to a Ministry of Labor and Social Development official, “The [men] made promises and signed papers that made it incumbent on them not to harm her.” After releasing the woman to the men, the ministry learned the family killed her.<sup>136</sup>

Khadija, 42, who covered domestic violence cases as a reporter, said:

It doesn't make sense to assume that [once] you've brought in the guardian who is abusing the woman and make him promise, 'Oh I am not going to beat her again,' [then] things are fine and she [can be] signed out to him.<sup>137</sup>

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<sup>132</sup> Law on Protection from Abuse, Royal Decree No. 52/M of 2013, art. 10.

<sup>133</sup> Implementing Regulations for the Protection from Abuse Law, Ministry of Labor and Social Development, Dec. No. 43047, June 13, 2014, art. 2(2).

<sup>134</sup> UN Women, “Handbook on Legislation on Violence against Women,” 2012, section 3.10.4: Emergency orders, [http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/12/unw\\_legislation-handbookpdf.pdf?v=1&d=20141013T121502](http://www2.unwomen.org/~media/headquarters/attachments/sections/library/publications/2012/12/unw_legislation-handbookpdf.pdf?v=1&d=20141013T121502) (accessed April 14, 2016).

<sup>135</sup> Implementing Regulations for the Protection from Abuse Law, Ministry of Labor and Social Development, Dec. No. 43047, June 13, 2014, art. 7(5).

<sup>136</sup> Ebtihal Mubarak, “‘Honor Killing’ Raised at Lecture on Society and Abuse Cases,” *Arab News*, March 7, 2008, <http://www.arabnews.com/node/309643> (accessed November 12, 2015).

<sup>137</sup> Human Rights Watch telephone interview with Khadijah, November 20, 2015.

## Limited Shelter from Domestic Violence

The Ministry of Labor and Social Development may place a victim of domestic violence, with the victim's consent, in a shelter without informing or requesting permission from her guardian. But implementing regulations specify that the ministry should take women to shelters only in cases of "severe" abuse and where there is no other family to host her.<sup>138</sup>

Domestic abuse specialists agreed that shelter administrators continue to deal with women within the framework of guardianship, generally attempting to resolve the problem between the woman and her abuser, rather than working to empower her to live independently.<sup>139</sup>

Shelter administrations have different policies for arranging how a woman may leave a shelter.<sup>140</sup> The 2014 implementing regulations state that a woman must be allowed to leave a shelter, not necessarily with her guardian, but "in coordination with her family members in order to receive her." The shelter staff will encourage her family members to receive her, including, if necessary, by facilitating a reconciliation process.<sup>141</sup> During a woman's stay in a shelter, she may leave for certain designated activities, but if she does not return at the appointed time, the shelter must immediately inform the police, absolve itself of responsibility for her case and, when there is justification, inform her family members.<sup>142</sup>

According to abuse specialists, shelter administrators generally prefer that a woman leaves in the care of her guardian but, if the guardian is the abuser, often allow her to leave with another *mahram*.<sup>143</sup> For example, Samar Badawi, whose father abused her, left a shelter in 2009 with the permission of the governor to live with her brother.<sup>144</sup> Another

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<sup>138</sup> Implementing Regulations for the Protection from Abuse Law, Ministry of Labor and Social Development, Dec. No. 43047, June 13, 2014, art 8(3),8(6)(c).

<sup>139</sup> Human Rights Watch telephone interview with Farah, December 15, 2015 and interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>140</sup> Human Rights Watch telephone interviews with Aisha, October 9, 2015 and October 22, 2015 and Khadijah, November 20, 2015.

<sup>141</sup> Implementing Regulations for the Protection from Abuse Law, Ministry of Labor and Social Development, Dec. No. 43047, June 13, 2014, art. 8(7)(e).

<sup>142</sup> *Ibid.*, art. 8(8).

<sup>143</sup> Human Rights Watch telephone interviews with Dr. Zahra, November 30, 2015, Dr. Heba, December 23, 2015, and Wajda, December 23, 2015 and interviews with Maysa, (location withheld), December 4, 2015 and Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>144</sup> Fatima Sidiya, "Samar out of jail, in uncle's custody," *Arab News*, October 26, 2010, <http://www.arabnews.com/node/358764> (accessed November 12, 2015).



woman, Lulwa Abd al-Rahman, remained in a shelter for at least three years because she did not have permission from a male relative to exit, according to her fiancé.<sup>145</sup>

Other shelters appear to have policies that allow women to leave by themselves rather than into the care of a *mahram*. Dr. Abeer, a clinical psychologist, told Human Rights Watch that some shelters may “release” a woman on her own if she has finalized any ongoing court cases related to the abuse. She added that it is practically difficult for women to live alone—women still struggle to sign leases without a guardian and may require guardian permission to secure employment—so they may return to their abusers.<sup>146</sup>

As abuse often happens in the context of wider family dynamics, releasing a woman to another male relative other than her abuser does not necessarily ensure her safety. In 2009, Sura, a now-retired university lecturer, noticed one of her students was frequently late or absent. The student told Sura that her father sexually abused her. The student went to a shelter, but the shelter later released her to her uncle, who returned the girl to her father. According to Sura, the student told her that her father threatened her and told her he would kill her if she complained about the abuse again.<sup>147</sup>

## Permission to Exit Prisons

Women in Saudi prisons require a guardian to sign them out as a condition of their release.<sup>148</sup> As Dr. Heba explained, “The [authorities] keep a woman in jail... until her legal

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<sup>145</sup> Lulwa Abd al-Rahman won a case of *adhl* against her father in the lower courts, but the appeals courts repeatedly overturned these decisions, calling Abd al-Rahman's actions “rebellion” against her father. “Saudi Arabia: Where Fathers Rule and Courts Oblige,” Human Rights Watch news release, October 18 2010, <https://www.hrw.org/news/2010/10/18/saudi-arabia-where-fathers-rule-and-courts-oblige>.

<sup>146</sup> Human Rights Watch telephone interview with Dr. Abeer, December 20, 2015.

<sup>147</sup> Human Rights Watch telephone interview with Sura, December 6, 2015 and December 14, 2015.

<sup>148</sup> Human Rights Watch telephone interview with Wajda, December 23, 2015 and interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015; Hada Al-Salah, Women in Prison: Social Norms and Criminal Offenses, (نساء في السجن.. الأعراف الاجتماعية والجريمة الجنائية), *Al-Sharq Al-Awsat*, April 29, 2012, <http://archive.aawsat.com/details.asp?section=43&article=674854&issueno=12206#.VxTHJRj97dQ> (accessed January 24, 2016).



them home. The paper quoted a legal expert, who stated, “The guardianship of the fathers guardian comes and gets her, even if he is the one who put her in jail.”<sup>149</sup> If a family refuses to take a woman back to their home after she has finished her prison term, she must stay in prison or be transferred to a shelter.<sup>150</sup>

Continued detention following completion of a prison term, including forced stay at a shelter, constitutes arbitrary detention, is in breach of international standards, and is a form of discrimination and a violation of CEDAW.<sup>151</sup>

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<sup>149</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

<sup>150</sup> Human Rights Watch telephone interviews with Wajda, December 23, 2015, Dr. Heba, December 23, 2015, Dr. Abeer, December 20, 2015, and Dr. Zahra, November 30, 2015 and interview with Layla, (location withheld), October 22, 2015.

<sup>151</sup> The Working Group on Arbitrary Detention has determined that arbitrary detention includes instances “[w]hen it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence...)” Multiple international sources also prohibit discrimination against women prisoners on the basis of sex, including Rule 2 of the UN Standard Minimum Rules for the Treatment of Prisoners and Principle 5 of the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment. United Nations, Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted on December 9, 1998, UN Doc: A/Res/43/173, <http://www.un.org/documents/ga/res/43/a43r173.htm> (accessed on May 20, 2016); United Nations, Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), adopted on December 17, 2015, UN Doc: A/Res/70/175, January 8, 2016, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/175](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/175) (accessed May 19,

In November 2015, the *Saudi Gazette* reported that shelters took in 2,706 women over a two-year period after their release from prison, most of whose families refused to take should be immediately revoked if they refuse to take their daughters back into their homes.”<sup>152</sup>

Wajda, a psychologist, told Human Rights Watch that families often refuse to take back women accused of “moral” crimes.<sup>153</sup> Saudi Arabia punishes individuals for a range of “moral crimes” which criminalize private consensual relations such as *khilwa* to *zina* (sexual relations outside marriage). Criminalizing these activities contravenes international standards and these “crimes” are often applied in a manner that discriminates against women.<sup>154</sup>

When women are released into the supervision of their families following “moral” crimes, they may become victims of further violence, including so-called honor killings. Sana, a woman’s rights activist, said, “What is really horrible here is that because of this guardianship system, women can disappear and be buried in the desert and no one will do anything about it.”<sup>155</sup> In July 2009, a man killed his two sisters as they were signed out of a juvenile detention center by their father in Riyadh.<sup>156</sup> According to *Elaph* newspaper, he killed his sisters after he discovered the nature of their “crime”—being found with two unrelated men.<sup>157</sup>

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2016); OHCHR, The Working Group on Arbitrary Detention, Fact Sheet No. 26, undated, <http://www.ohchr.org/Documents/Publications/FactSheet26en.pdf> (accessed on May 20, 2016).

<sup>152</sup> “2,706 women inmates abandoned by their kin,” *Saudi Gazette*, November 11, 2015, <http://saudigazette.com.sa/saudi-arabia/2706-women-inmates-abandoned-by-their-kin/> (accessed November 11, 2015).

<sup>153</sup> Human Rights Watch telephone interview with Wajda, December 23, 2015.

<sup>154</sup> *Zina* offenses are applied in a way that discriminates on the basis of sex: Women are disproportionately impacted due to prevailing social attitudes and because pregnancy serves as evidence of the offense. International human rights law requires decriminalization of consensual adult sexual relationships to protect a variety of human rights, including the rights to privacy, non-discrimination, physical autonomy, and health.

<sup>155</sup> Human Rights Watch telephone interview with Sana, February 20, 2016.

<sup>156</sup> “A Young Man Kills His Two Sisters After They Exit From Juvenile Detention Center In Riyadh,”

(جريمة شرف في السعودية: شاب يقتل شقيقتيه بعد خروجهما من دار رعاية الفتيات بالرياض), *Al-Riyadh*, July 6, 2009, <http://www.alriyadh.com/442704> (accessed November 12, 2015).

<sup>157</sup> Sattam Al-Anzi, “Honor Crime in Saudi: A Young Man Kills His Two Sisters,” (جريمة شرف في السعودية: شاب يقتل شقيقتيه), *Elaph*, July 6, 2009, <http://elaph.com/Web/ElaphGulf/2009/7/457978.htm> (accessed November 12, 2015).

In late 2015, *Saudi Gazette* reported that four women “escaped” from a Jeddah shelter.<sup>158</sup> The four women served prison terms for “ethical crimes” and authorities moved them to the shelter after their families refused to take them home.<sup>159</sup> A source told *Okaz* that a court previously convicted one of the woman of *huroob*, or fleeing the guardian’s home. After completing her sentence, her father refused to take her home. Authorities transferred her to a shelter. Her brother agreed to receive his sister, but she fled from his house, was arrested, and put back in the shelter. *Okaz* reported that the shelter exerted “substantial efforts” before the woman’s father agreed to let her marry, that she stayed with her new husband for a few months and then fled. The authorities arrested her and returned her to the shelter. The woman was 19 at the time of her fourth “escape” from a state shelter.<sup>160</sup>

Instead of facilitating women’s ability to live independently, the government appears to be attempting to address this problem by pushing women toward arranged marriages.<sup>161</sup> Six women knowledgeable about abuse cases told Human Rights Watch that authorities try to facilitate marriages for women whose families have refused to accept them following prison terms.<sup>162</sup>

Nada, 26, who was an inmate in a juvenile detention center, said authorities encouraged women to accept arranged marriages and noted that the men involved in these marriages often face difficult marriage prospects, for example because they are non-Saudis or have

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<sup>158</sup> In December 2015, *Arab News* reported that three other women “escaped” from a shelter after serving prison terms and being rejected by their families. After being apprehended and returned to the shelter, a ministry representative said the three girls made yet another escape attempt. “3 Saudi girls escape from shelter,” *Arab News*, December 16, 2015, <http://www.arabnews.com/saudi-arabia/news/851141> (accessed December 16, 2015); Adnan Al-Shabrawi, “Girl escaped from hospitality home found,” *Saudi Gazette*, January 11, 2016, <http://saudigazette.com.sa/saudi-arabia/girl-escaped-from-hospitality-home-found/> (accessed January 11, 2016).

<sup>159</sup> Adnan Al-Shabrawi, “Girls continue to escape from hospitality home in Jeddah,” *Saudi Gazette*, November 25, 2015, <http://saudigazette.com.sa/saudi-arabia/girls-continue-to-escape-from-hospitality-home-in-jeddah/> (accessed November 25, 2015).

<sup>160</sup> Adnan Al-Shabrawi, “Interrogation of suspects in their escape from the shelter in Jeddah,”

(استجواب مشتبهين بهما في هروب «فتيات الضيافة» بجدة), *Okaz*, October 19, 2015, <http://www.okaz.com.sa/new/Issues/20151019/Con20151019803036.htm> (accessed November 25, 2015).

<sup>161</sup> A Ministry of Labor and Social Development official told *Okaz* that women in shelters may marry and their stay in the shelter ends after the marriage ceremony. She told *Okaz* that men wishing to marry a woman in a shelter must undergo a personal interview, he must have his income reviewed, and he must seek the guardian’s permission. If permission is not granted, the case will be brought to the courts to determine the woman’s wishes. Adnan Al-Shabrawi, “Interrogation of suspects in their escape from the shelter in Jeddah,” (استجواب مشتبهين بهما في هروب «فتيات الضيافة» بجدة), *Okaz*, October 19, 2015, <http://www.okaz.com.sa/new/Issues/20151019/Con20151019803036.htm> (accessed November 25, 2015).

<sup>162</sup> Human Rights Watch telephone interviews with Dr. Zahra, November 30, 2015, Yasmin, December 6, 2015, Nada, November 30, 2015, Sowsan, April 11, 2016, and Sana, February 20, 2016 and interview with Maysa, (location withheld), December 4, 2015.

“dark pasts.” Sowsan, an abuse specialist, said the government will find “bad, random men... that just came out of prison, very dysfunctional men, who use [the women] as concubines.”<sup>163</sup> Nada explained that women are not forced to accept these marriages, but many do, and in such cases a judge steps in to serve as the woman’s guardian authorizing the marriage.<sup>164</sup> According to the six experts, women are then permitted to exit the shelter under the guardianship of their new husband.<sup>165</sup>

Women have the right to refuse to go back to their families or to get married, but are forced to remain in the shelters if they refuse. Shelters often do not allow women to use cellphones, to exit the shelter freely, or to bring their adolescent sons with them into the shelter. Women at a Jeddah shelter reported to the National Society for Human Rights that staff occasionally mistreated women, and that the shelter was overcrowded, had poor facilities and prevented women from continuing their education or leaving the shelter.<sup>166</sup>

Forcing a woman who has escaped abuse by one man to choose between an arranged marriage to another, a life of imprisonment, or a return to abuse is no choice at all; it is a continuation of abuse. In August 2015, a woman committed suicide in a shelter in Mecca. A note, purportedly written by her and circulated on social media, said: I decided to die to escape hell.<sup>167</sup>

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<sup>163</sup> Human Rights Watch telephone interview with Sowsan, April 11, 2016.

<sup>164</sup> Human Rights Watch telephone interview with Nada, November 30, 2015.

<sup>165</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015.

<sup>166</sup> Adnan Al-Shabrawi, “Interrogation of suspects in their escape from the shelter in Jeddah,”

(استجواب مشتبهين بهما في هروب «فتيات الضيافة» بجدة), *Okaz*, October 19, 2015, <http://www.okaz.com.sa/new/Issues/20151019/Con20151019803036.htm> (accessed November 25, 2015).

<sup>167</sup> “Woman ends life at Makkah shelter,” *Arab News*, August 26, 2015, <http://www.arabnews.com/saudi-arabia/news/797071> (accessed December 16, 2015).

## V. Restricting Right to Equality in Marriage, Divorce, and Child Custody

When a woman wants to divorce her husband, he can ask for anything [in order] to give her a divorce, even to give up custody. [While] he can ... say “you are divorced” through a text message.

—Sura, 62-year-old retired university lecturer, December 14, 2015

Inequality between men and women is deeply entrenched in Saudi marriage practices and creates an environment in which women are susceptible to family violence.

Unlike men, women require their guardians’ permission to get married, and face a more difficult process when seeking divorce. In addition, a male relative may petition courts to forcibly divorce a marriage he deems unfit, and a woman’s husband remains her legal guardian throughout the divorce process, until the divorce is finalized.

While a rising divorce rate has increasingly made these issues a topic of public discussion, Saudi Arabia has failed to pass a law protecting women’s rights in family issues.<sup>168</sup>

Saudi Arabia’s discrimination against women in family relations violates CEDAW, which provides that states “shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.”<sup>169</sup> In particular, Saudi Arabia violates women’s equal right to freely enter into and to exit marriage and to ensure men and women have the same rights with regard to guardianship of children.<sup>170</sup>

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<sup>168</sup> According to *Emirates 24/7*, Saudi justice ministry data showed that divorce rates in Saudi Arabia in 2014 were 32% higher than those recorded in 2013. “Divorces in Saudi were triple marriages in 2014), *Emirates 24/7*, January 8, 2015, <http://www.emirates247.com/news/region/divorces-in-saudi-were-triple-marriages-in-2014-2015-01-08-1.575831> (accessed June 14, 2016).

<sup>169</sup> CEDAW, art. 16(1).

<sup>170</sup> CEDAW, art. 16(1)(b)(f).

## Restricting the Right to Marry Freely

Like many other Muslim-majority countries, Saudi Arabia relies on a personal law system based on Sharia, which treats marriage as a contract concluded by mutually consenting parties. Saudi law has no minimum age of marriage.

Many other countries in the Middle East and North Africa that recognize Sharia as a source of law have set the marriage age at 18 or higher, with some allowing exceptions in limited circumstances.<sup>171</sup> While the Shura Council discussed making 18 the minimum age of marriage along with a package of proposed personal status changes in 2013, no formal rule has yet been passed.<sup>172</sup> Local media continues to carry occasional reports of child marriages.<sup>173</sup>

Child marriage “is any marriage where at least one of the parties is under 18 years of age.”<sup>174</sup> Child marriages violate a host of human rights and have lasting effects beyond adolescence as women and girls struggle with the health effects of becoming pregnant often and when young, their lack of education and economic independence, domestic violence, and marital rape.<sup>175</sup> The UN Committee on Discrimination Against Women called on Saudi Arabia to “prescribe and enforce a minimum age of marriage of 18 years.”<sup>176</sup>

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<sup>171</sup> Saudi Arabia and Yemen are the only two countries in the Middle East and North Africa that have no codified minimum age of marriage. Countries that have set the marriage age at 18 or higher in the region include: Algeria, Egypt, Iraq, Libya, Tunisia, Morocco, Jordan, Oman, and the United Arab Emirates.

<sup>172</sup> According to an activist, the Ministry of Justice has directed court clerks to refer cases of girls under 15 to judges before registering a marriage. Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015. “New Saudi law to set marital age of consent at 18,” *Al-Arabiya*, December 16, 2013, <http://english.alarabiya.net/en/News/middle-east/2013/12/16/New-Saudi-law-to-set-marital-age-of-consent-at-18.html> (accessed February 8, 2016).

<sup>173</sup> Dina Fouad, “Jazan court ends minor’s marriage,” *Arab News*, March 27, 2016, <http://www.arabnews.com/saudi-arabia/news/901466> (accessed March 27, 2016) (Under 15-year-old girl married to 84-year-old man) “Marriage of teens aged 15 and 16 sparks controversy,” *Arab News*, April 8, 2016, <http://www.arabnews.com/saudi-arabia/news/907271> (accessed April 8, 2016) (15-year-old girl married to 16-year-old boy).

<sup>174</sup> Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, UN Doc. CEDAW/C/GC/31-CRC/C/GC/18, November 14, 2014, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/31/CRC/C/GC/18&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/31/CRC/C/GC/18&Lang=en) (accessed May 19, 2016), para. 20.

<sup>175</sup> Human Rights Watch, “Q & A: Child Marriage and Violations of Girls’ Rights,” June 14, 2013, <https://www.hrw.org/news/2013/06/14/q-child-marriage-and-violations-girls-rights>

<sup>176</sup> Committee on the Elimination of Discrimination against Women, “Concluding comments of the Committee on the Elimination of Discrimination against Women,” UN. Doc. CEDAW/C/SAU/CO/2, April 8, 2008, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSAU%2fCO%2f2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSAU%2fCO%2f2&Lang=en) (accessed May 19, 2016), para. 36.

Saudi authorities limit a woman's ability to enter freely into marriage by requiring her to obtain the permission of a male guardian. A woman's consent is generally given orally before a religious official officiating the marriage, and both the woman and her male guardian are required to sign the marriage contract. In 2016, the Justice Ministry issued a directive stating women must be provided a copy of the marriage contract.<sup>177</sup> Men are not required to have their male guardian's consent and can marry up to four wives at one time.

Despite the requirement of women's consent, forced marriages continue.<sup>178</sup> According to a shadow report submitted by Saudi civil society activists to the UN Human Rights Council in 2013, forced marriages and child marriages are difficult to annul, as women must prove the absence of their consent through "impossible" measures such as not attending the wedding party or not allowing their husband to consummate the marriage.

The UN Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child define forced marriages as "marriages where one or both parties have not personally expressed their full and free consent to the union."<sup>179</sup> The 2013 report noted that individuals filed 62 cases requesting annulment of a forced marriage with the Ministry of Justice since 1999.<sup>180</sup>

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<sup>177</sup> "Saudi Arabia gives women a right to a copy of their marriage contract," *Guardian*, May 3, 2016, <http://www.theguardian.com/world/2016/may/03/saudi-arabia-gives-women-the-right-to-a-copy-of-their-marriage-contract> (accessed May 12, 2016).

<sup>178</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and email correspondence with Basma, June 22, 2015.

<sup>179</sup> Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, UN Doc.: CEDAW/C/GC/31-CRC/C/GC/18, November 14, 2014, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/31/CRC/C/GC/18&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/31/CRC/C/GC/18&Lang=en) (accessed May 19, 2016), para. 23.

<sup>180</sup> Dr. Halah M. Eldoseri and Mrs. Naseema Al-Sadah, "Unfulfilled Promises: Stakeholder Report for the Universal Periodic Review of Saudi Arabia 2013," <https://saudiwomenrights.files.wordpress.com/2013/10/2013-shadow-report-pdf.pdf>, p. 6.



## Aisha and Her Five Forced Marriages

In August 2010, Human Rights Watch documented the case of Aisha Ali, a 28-year-old divorced mother of three. Aisha said that her brothers, threatened, beat, forcibly confined her, and forced her to marry five men in less than ten years. She reported that she never chose to marry any of her five husbands, from whom she subsequently filed for divorce or they divorced her, but that her brothers repeatedly threatened and beat her when she refused to marry. According to Aisha, two of her husbands, including her third, also abused her.

After filing for divorce from her third husband, she sought assistance from the National Society for Human Rights, not wishing to return home to her brothers. Aisha told Human Rights Watch that in 2006 the National Society for Human Rights helped place her in a shelter with her daughter for around three months. Aisha said the shelter “resolved” her case by asking her brothers to take her back to the family home. After her fourth divorce, Aisha went to the police requesting protection and help entering a shelter. According to Aisha, the police called her brothers to take her home, who later forced her to marry a fifth man.<sup>181</sup>

Male guardians have the power to prohibit female dependents from marrying. In November 2015, a Saudi commentator wrote in the *Saudi Gazette* about the practice of some fathers refusing to allow their daughters to marry in order to continue taking their salaries.<sup>182</sup>

In these circumstances, known as *adhl* (defined as a man using his legal authority to prevent a woman from marrying), women may file legal cases and the judge may rule that the guardian must allow the woman to get married or step in himself to serve as the guardian sanctioning the marriage. According to the writer, 755 *adhl* cases were recorded in the country in 2014.<sup>183</sup> These cases are often resolved in favor of the guardian, according to one activist, and a former judge told Human Rights Watch that judges often respect a guardian’s decision regarding the suitability of a marriage.<sup>184</sup>

In some cases, where women have married with their male guardian’s permission, other male relatives can apply to the courts to dissolve marriages of female relatives they deem

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<sup>181</sup> Letter from Human Rights Watch to the Saudi Human Rights Commission on behalf of Aisha Ali, August 12, 2010, <https://www.hrw.org/news/2010/08/12/letter-saudi-human-rights-commission-behalf-aisha-ali>.

<sup>182</sup> Abdullah Omar Khayat, “Why do greedy fathers prevent their daughters from marrying?,” *Okaz/Saudi Gazette*, November 21, 2015, <http://saudigazette.com.sa/saudi-arabia/why-do-greedy-fathers-prevent-their-daughters-from-marrying/> (accessed November 21, 2015).

<sup>183</sup> *Ibid.*

<sup>184</sup> Human Rights Watch email correspondence with Basma, June 22, 2015 and telephone interview with former judge, January 4, 2016.

unfit.<sup>185</sup> In 2015, a couple, Nayef and Lina, who have two young daughters and married in 2012, were at risk of forcible divorce. Shortly after Lina and Nayef married with the consent of her guardian (her brother), Lina's paternal cousin brought a legal case against Nayef, requesting that a judge forcibly divorce the couple on the grounds that Nayef's tribal lineage was lower than Lina's. Lina told Human Rights Watch that in April 2013 the judge ruled in favor of her cousin, ordering the couple divorce and pay 50,000 Saudi Riyals (\$13,300) to the cousin. The couple appealed the case, but the lower court ruling was upheld by an appeals court. In March 2015, the Saudi Supreme Court reversed the decision of the lower court, but in April 2015, according to Lina, the lower court allowed Lina's cousin to open a new case against the couple on the same basis.<sup>186</sup>

In April 2005, Grand Mufti Shaikh Abd al-'Aziz Al al-Shaikh, head of the Council of Senior Religious Scholars, stated, "Forcing a woman to marry someone she does not want and preventing her from wedding that whom she chooses... is not permissible" in Sharia.<sup>187</sup>

Yet the government has not taken adequate steps to stop judges from preventing women from freely choosing their spouse or dissolving marriages when male relatives claim a spouse's status, whether tribal lineage or otherwise, is inadequate.

## Inequality in Divorce

Women's right to divorce is significantly more restricted than that of men. Men may unilaterally divorce their wives without condition. The man does not need to inform his wife that he intends to divorce her, nor must she be present in court in order to obtain a divorce decree.<sup>188</sup> Fatima, a women's rights activist, told Human Rights Watch that unilateral divorce is often done orally without documentation by courts, and that the burden to prove the divorce falls upon the woman.<sup>189</sup>

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<sup>185</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>186</sup> Human Rights Watch telephone interview with Lina, July 15, 2015.

<sup>187</sup> "Saudi Arabia bans forced marriage," *BBC News Online*, April 12, 2005, [http://news.bbc.co.uk/2/hi/middle\\_east/4437667.stm](http://news.bbc.co.uk/2/hi/middle_east/4437667.stm) (accessed April 4, 2007).

<sup>188</sup> Human Rights Watch telephone interview with Reema, October 13, 2015 and interviews with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and Norah, Riyadh, August, 16, 2015.

<sup>189</sup> Formally, if a man wants to obtain a divorce, he must go to court, declare he wishes to divorce his wife, and obtain two copies of the divorce document, one for himself and one for his wife. Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

Women have no right to unilateral divorce. Women must instead seek a *khul'* divorce, where a man generally agrees to the divorce on the condition that a woman pay back the full amount of her dowry, or a woman can apply to the courts for a *faskh* divorce, a fault-based divorce.<sup>190</sup> For a *faskh* divorce, a woman must prove at least one of the few available grounds for divorce, which include mistreatment by the husband.

Women explained that, lacking a written family law code, judges are not given clear guidance on what constitutes mistreatment as grounds for divorce.<sup>191</sup> According to Reema, a women's rights activist, physical abuse that is not life threatening or does not cause permanent damage might be considered within the rights of the husband and not valid grounds for divorce.<sup>192</sup> A former judge said that women lacking clear evidence of abuse or alleging serious complaints—like bankruptcy, disability, or clearly apparent physical violence—often struggle to convince a judge they have an adequate basis for divorce.<sup>193</sup>

Both *khul'* and *faskh* can require lengthy legal processes and, in the case of *khul'*, can be expensive. Before being granted a judicial divorce, women must also first undergo mandatory mediation, usually run by two or more male religious officials.<sup>194</sup> Men seeking divorce do not have the same requirement.<sup>195</sup> Two activists said many women choose not to seek divorce or challenge a forced marriage, believing the effort will not succeed.<sup>196</sup>

Multiple individuals interviewed by Human Rights Watch noted that women are often disadvantaged during divorce proceedings, as both judges and mediators are men, usually conservative, and often prioritize maintaining the marital relationship over the desires of the woman. Unlike men, who obtain divorce papers from courts within days of requesting them, women face many obstacles, including delays by judges. According to one 2014 news story, it took a woman four years to obtain a divorce because judges kept demanding

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<sup>190</sup> Human Rights Watch telephone interview with Reema, October 13, 2015.

<sup>191</sup> Human Rights Watch telephone interview with Reema, October 13, 2015 and interviews with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and Maysa, (location withheld), December 4, 2015.

<sup>192</sup> Human Rights Watch telephone interview with Reema, October 13, 2015.

<sup>193</sup> Human Rights Watch telephone interview with former judge, January 4, 2016.

<sup>194</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015 and interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>195</sup> Ibid.

<sup>196</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and email correspondence with Basma, June 22, 2015.

that her guardian—the husband who abandoned her—appear in court.<sup>197</sup> According to Dr. Heba, “The man can divorce in one minute. It will take him half an hour to get his paperwork done. If a woman is asking for divorce, it will take a year to get the papers.”<sup>198</sup>

Throughout divorce proceedings, a woman’s husband remains her guardian, maintaining the authority to control his wife’s decisions. In 2013, Dr. Heba’s daughter, Wajeha, was accepted into a university abroad. Wajeha’s husband, who she was in the process of divorcing, told her he would not authorize her travel. Wajeha’s father went to court and asked the judge to grant Wajeha permission to leave the country, offering to stand in and serve as his daughter’s guardian. The judge refused the request, noting that only Wajeha’s legal guardian—the husband she was divorcing—could authorize her travel. By the time Wajeha finalized the divorce, it was too late to accept the university’s invitation. Wajeha applied to universities again, but was not admitted into her earlier, preferred choice.<sup>199</sup>

Sana, a woman’s rights activist, explained that husbands also may abandon their wives without divorcing them, leaving women extremely vulnerable and unable to work, travel or access healthcare or other services for which she may need male guardian consent. Sana’s 25-year-old female relative was in such a marriage. Sana said, “She doesn’t live with him. She doesn’t see him. But she still has to get all the permissions from him.”<sup>200</sup>

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<sup>197</sup> Caryle Murphy, “Saudi women still assigned male ‘guardians,’” *Pulitzer Center*, December 10, 2014, <http://pulitzercenter.org/reporting/middle-east-saudi-arabia-women-rights-perpetual-minors-male-guardians> (accessed October 3, 2015).

<sup>198</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

<sup>199</sup> *Ibid.*

<sup>200</sup> Human Rights Watch telephone interview with Sana, February 20, 2016.

## Meena, Marriage, and the Courts

Meena, 52, married when she was 20 years old. In 2010, after 27 years of marriage, Meena learned that her husband was having an affair. He began to restrict her travel, withhold financial support and, at one point, assaulted her and threatened to kill her.

In 2012, Meena moved out. She brought a legal claim against her husband for the assault. During court proceedings, her husband announced he would ask the judge to order her to return to the marital home, which a husband has authority to do under Saudi law. Instead, the judge sentenced Meena's husband to 10 lashes and three days in jail—one for each day it took Meena to recover from his assault. Five months later, after her husband appealed the verdict, court officials tried to convince Meena to settle the case. Meena agreed on a number of conditions, including that her husband provide her and their children financial support. At the last minute, her husband said she must also agree to be an “obedient” wife and drop all legal claims against him. According to Meena, “Then the judges started to pressure me, and the judges and the police and everybody pressures the woman to settle, to let it go, to let go of the rights that the law gives her.” Meena settled.

During these proceedings, Meena's husband remained her guardian. By 2015, he had revoked her travel permission and her passport had expired. In November, Meena went to the mayor, begging for travel permission. He partially agreed, sending a letter to the passport office ordering them to issue her a new passport and requesting her husband provide travel permission. When her husband refused, the passport office asked Meena's son to grant permission for his mother to travel.

In July 2015, Meena procured a divorce decree outside Saudi Arabia. In late 2015, a Saudi judge told Meena he could not accept the outside decree and ordered Meena and her husband go through the official reconciliation process, despite her six documented previous attempts to reconcile with her husband. The two men on the reconciliation committee recommended divorce, but only after trying to convince Meena, including through her son, to drop further legal claims against her husband.

The judge told Meena he needed another two months to study the case. When she begged him to approve the divorce more quickly, he told her she was lucky—two months was faster than most cases. In 2016, the judge granted Meena the divorce, but her husband appealed the ruling. At the time of writing, Meena's husband remains her guardian. She is required to request travel permission from government officials each time she wishes to leave the country.<sup>201</sup>

## Inequality in Arrangement for Children after Divorce

While the courts may order children to live with their mothers following a divorce, women do not have the right to be the legal guardians of their children. The basic rules concerning where children live after divorce transfer girls who are seven or older to the father and give boys who are nine or older a choice, according to an activist.<sup>202</sup>

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<sup>201</sup> Human Rights Watch telephone interview with Meena, January 12, 2016.

<sup>202</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

A former judge told Human Rights Watch that, regardless of the age of the child, courts are ultimately meant to base their decision on post-divorce living arrangements on the best interests of the child.<sup>203</sup> He noted that, in practice, judges discriminate against women and may base their ruling on which of the two parents appears more conservative.<sup>204</sup> Sana, a woman's rights activist, noted that this severely disadvantages women and that the father can "say crazy stuff like she practices black magic and the court will listen."<sup>205</sup>

In 2014, the Supreme Judicial Council took a positive step by ruling that when children are ordered to live with their mothers after divorce, she can obtain documents and conduct government business for them. In 2015, the council declared the decision applied retroactively.<sup>206</sup> The decisions enabled women to register their children in schools, take them to health centers, and obtain identity documents for them.<sup>207</sup> Saudi fathers, however, maintain the right to grant travel permission for children or to authorize daughters' marriages. In cases where children live with their mothers, she can seek travel permission from a court for them, although victories in these cases are very rare.<sup>208</sup> According to a women's rights activist, women remain significantly disadvantaged in issues involving children.<sup>209</sup>

The Convention on the Rights of the Child, to which Saudi Arabia is a state party, instructs states that in all matters concerning children, "the best interest of the child shall be a primary consideration."<sup>210</sup> The Convention provides that all children have the right to be heard "in any judicial and administrative proceedings affecting [them],"

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<sup>203</sup> Human Rights Watch telephone interview with former judge, January 4, 2016.

<sup>204</sup> Human Rights Watch telephone interview with Sana, February 20, 2016.

<sup>205</sup> Human Rights Watch telephone interviews with former judge, January 4, 2016, Dr. Heba, December 23, 2015, and Sana, February 20, 2016.

<sup>206</sup> Human Rights Watch telephone interview with Reema, October 13, 2015; "Court ordered to enforce maternal custody ruling," *Arab News*, March 21, 2015, <http://www.arabnews.com/saudi-arabia/news/721176> (accessed October 3, 2015).

<sup>207</sup> These decisions were bolstered by the 2016 interior ministry decision to grant divorced and widowed women family cards, an identity document required to conduct a number of bureaucratic tasks, including enrolling children in school. Nadia Al-Fawaz, "Decision to grant mothers with children custody rights welcomed," *Arab News*, November 5, 2014, <http://www.arabnews.com/news/655231> (accessed October 3, 2015).

<sup>208</sup> Najla al-Harbee, "First ruling to allow a divorced women to travel with her daughter," *Al-Watan*, February 1, 2016, [http://www.alwatan.com.sa/Nation/News\\_Detail.aspx?ArticleID=249720&CategoryID=3](http://www.alwatan.com.sa/Nation/News_Detail.aspx?ArticleID=249720&CategoryID=3) (accessed February 1, 2016).

<sup>209</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

<sup>210</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 9. Saudi Arabia acceded to the convention in 1996.

including cases of separation and divorce, and post-divorce living arrangements.<sup>211</sup> Various treaty bodies have addressed gender-based discrimination with regard to rights concerning children. The UN Committee on Discrimination Against Women called on states to ensure men and women have “[t]he same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children... in all cases the interests of the children shall be paramount.”<sup>212</sup>

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<sup>211</sup> CRC Article 12(2); see UN Committee on the Rights of the Child, General Comment No. 12: The right of the child to be heard (2009), paragraphs 32, 52 (noting that the age at which the child is “regarded as capable of expressing his or her views” should be determined on a case by case basis), <http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf> (accessed on June 16, 2016).

<sup>212</sup> UN Committee on Discrimination Against Women, General Recommendation No. 21: Equality in marriage and family relations, (1994), article 16 (f), [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/4733&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/GEC/4733&Lang=en) (accessed on May 19, 2016).

## VI. Restricting the Right to Equality before the Law

I should go to the court, but it is strange because in my country they don't think of a woman like a full person, so they prefer to deal with men.

—Hayat, a 44-year-old former school principal, December 7, 2015

The Saudi government has taken a number of steps towards recognizing women's legal capacity. In 2013, the authorities granted women the right to obtain a national ID card without guardian consent, and in 2014, issued directives declaring that women can interact with the courts without a male relative to verify their identity.<sup>213</sup> In 2013, the Ministry of Justice granted women licenses to practice law and, by November 2015, nearly 70 female lawyers were licensed to practice.<sup>214</sup>

Despite this progress, women continue to face significant challenges when attempting to conduct a range of legal transactions without a male, from signing a lease to petitioning for divorce. Many women said they still prefer to or feel they must conduct a variety of legal transactions and interact with government agencies, including the courts, through or with the help of a man. At its core, the imposition of male guardianship denies Saudi women their right under CEDAW to “a legal capacity identical to that of men and the same opportunities to exercise that capacity.”<sup>215</sup>

### Identity Documents

Women continue to face difficulties accessing identity documents, but the government has eased restrictions on women's ability to obtain independent identity cards and, in some cases, possess family cards, which specify familial relationships and are required to conduct a number of bureaucratic tasks.

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<sup>213</sup> Saudi Press Agency, “Saudi Women Must Obtain National ID Cards,” *Al-Riyadh*, March 25, 2013 (accessed December 1, 2015), <http://www.alriyadh.com/820519>; Rima Al-Mukhtar, “Women no longer need identifiers at Saudi courts,” *Arab News*, February 12, 2014, (accessed October 15, 2015), <http://www.arabnews.com/news/524671>.

<sup>214</sup> Katherine Zoepf, “Sisters in Law: Saudi Women Are Beginning to Know Their Rights,” *New Yorker*, January 11, 2016, <http://www.newyorker.com/magazine/2016/01/11/sisters-in-law>.

<sup>215</sup> CEDAW, art. 15.



Prior to 2001, there was no individual national ID card for Saudi women—authorities registered all women under their father or husband’s family card. In 2001, the government began granting independent ID cards to Saudi women, but article 67 of the Civil Status Law stated that obtaining a national ID card was optional for women and required the consent of a woman’s guardian.<sup>216</sup>

In 2013, the Council of Ministers issued a decision that Saudi women must have their own national ID cards and that, after seven years, this would be the only means for women to prove their identity.<sup>217</sup> Due to the changes, women no longer require formal guardian approval to apply for a national ID.<sup>218</sup>

Women continue to face barriers when applying for national ID cards without guardian approval. According to the Interior Ministry website, a woman must prove her identity to obtain an ID card, either by presenting her passport (which a woman cannot receive without guardian consent), by a male guardian confirming her identity, or through a related Saudi woman or two non-related Saudi woman. The website also states that a “homemaker... must submit a statement of consent written by her husband” to be granted a national ID.<sup>219</sup>

Women’s faces must appear uncovered in their national ID photo.<sup>220</sup> Two women interviewed by Human Rights Watch noted that some conservative guardians might forbid a woman from applying for an ID if he does not want her to be photographed uncovered.<sup>221</sup>

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<sup>216</sup> Section 8 (Identity Cards and Family cards), Royal decrees No. 7, dated 20/4/1407H(1) (December 21, 1986), art. 67.

<sup>217</sup> Saudi Press Agency, “Saudi Women Must Obtain National ID Cards,” *Al-Riyadh*, March 25, 2013 (accessed December 1, 2015), <http://www.alriyadh.com/820519>.

<sup>218</sup> Women confirmed that guardian approval is no longer officially required and, in August 2013, local news reported that Khalid Fakhri, a member of the National Society for Human Rights, stated guardians do not have the right to refuse a woman her ID card. “Women’s IDs can be issued without guardians’ consent,” *Arab News*, August 4, 2013 (accessed December 1, 2015), <http://www.arabnews.com/news/460187>; Human Rights Watch interviews with Miriam, (location withheld), September 21, 2015 and Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>219</sup> Female students or employees can submit identification letters from their schools or employers. Saudi Arabia Ministry of Interior, “Procedures for New National ID Card (for women),” undated, (accessed December 1, 2016), [https://www.moi.gov.sa/wps/portal/Home/sectors/civilaffairs/contents/tut/p/z1/rVJfT8lwHPwq80AJ6a9rt5XHZtG1iMFphqwvpuyP1sAYbjnGT29ZFHEJDBKbvvySu8vd5ZBCK6RK3Zo33ZhdqTf2TpT3CpJSGalzz-jjHfDImQU8kE744KOXDjCNwKAlCwgx94BL31mAdHEoHaQu4QchF9SfA7B56lKln6aRoQAJoP8JlJpWVTNe8oSU1rNiNdFNoc6hvonXV-aE2a1yN85FSpYVBSaAynjAHFWVpgF3RG1zrzcc2Bkaj\\_tkPXnEar8kz64-5vjjNEux4nHwfjVBznXxJCG-lsWcGY9cLIUwo-cBcN9QD8FRcnZmLceer6iugEx809iMb1KbDaoKjt787HfK263tSub\\_KtBq4vHVW3jeMvldrIClyd6zYC4Vfs953w8\\_gHgiq-o/dz/d5/L2dBISEvZoFBIS9nQSEh/](https://www.moi.gov.sa/wps/portal/Home/sectors/civilaffairs/contents/tut/p/z1/rVJfT8lwHPwq80AJ6a9rt5XHZtG1iMFphqwvpuyP1sAYbjnGT29ZFHEJDBKbvvySu8vd5ZBCK6RK3Zo33ZhdqTf2TpT3CpJSGalzz-jjHfDImQU8kE744KOXDjCNwKAlCwgx94BL31mAdHEoHaQu4QchF9SfA7B56lKln6aRoQAJoP8JlJpWVTNe8oSU1rNiNdFNoc6hvonXV-aE2a1yN85FSpYVBSaAynjAHFWVpgF3RG1zrzcc2Bkaj_tkPXnEar8kz64-5vjjNEux4nHwfjVBznXxJCG-lsWcGY9cLIUwo-cBcN9QD8FRcnZmLceer6iugEx809iMb1KbDaoKjt787HfK263tSub_KtBq4vHVW3jeMvldrIClyd6zYC4Vfs953w8_gHgiq-o/dz/d5/L2dBISEvZoFBIS9nQSEh/), para. 7, 13.

<sup>220</sup> *Ibid.*, para. 4, 5.

<sup>221</sup> Human Rights Watch group interview with women working at employment agency, (location withheld), June 15, 2015.

Other women said that many women who wear the *niqab* (a veil covering the face) place a sticker over their uncovered ID photos and will only remove the sticker when interacting with women.<sup>222</sup>

Women must also present a family card to be granted a national ID. As family cards are generally issued to and held by male heads of household, women's ability to conduct a number of official transactions, including applying for a national ID, without de facto guardian approval is limited. Currently, only men can register children on family cards.<sup>223</sup> Fatima, a women's rights activist, noted that some men refuse to add their wives or daughters to their family cards, rendering these women unable to prove their identity and obtain an ID card, and thus unable to access a range of government services.<sup>224</sup>

On October 13, 2015, the Shura Council proposed amending the Civil Status Law to allow women to obtain family cards for themselves, and to allow them to register births and deaths. Possession of a family card would enable women to conduct important bureaucratic tasks for their children, including enrolling them in school. The amendments would also grant women the ability to register births and deaths.<sup>225</sup> The proposal was overwhelmingly supported—96 votes in favor to 28 against—but requires approval by the Council of Ministers to go into effect.<sup>226</sup> At the time of writing, the Council of Ministers had still not approved the draft amendments.

Following the Shura Council proposal, the Interior Ministry announced it would begin issuing divorced and widowed women family cards.<sup>227</sup> Multiple women with whom Human Rights Watch spoke praised the decision.<sup>228</sup> Dr. Zahra, who handles cases of domestic

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<sup>222</sup> Human Rights Watch group interview with women working at employment agency, (location withheld), June 15, 2015.

<sup>223</sup> Human Rights Watch telephone interview with Abdulrahman, December 18, 2015.

<sup>224</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>225</sup> Hatoon Al-Fassi, "Finally, Saudi women have their own ID cards!," *Saudi Gazette*, October 31, 2015, <http://saudigazette.com.sa/saudi-arabia/finally-saudi-women-have-their-own-id-cards/> (accessed October 31, 2015).

<sup>226</sup> "Shura Council Majority Agrees to Proposal to Grant Family Cards to Women," *Sabq.org*, October 13, 2015, <http://sabq.org/woljde> (accessed October 14, 2015).

<sup>227</sup> Khalid Al-Sulaiman, "Provide wives with 'family cards!'" *Saudi Gazette*, November 13, 2015, <http://saudigazette.com.sa/saudi-arabia/provide-wives-with-family-cards/> (accessed November 13, 2015).

<sup>228</sup> Human Rights Watch interviews with Maysa, (location withheld), December 4, 2015 and Tala, (location withheld), October 19, 2015 and telephone interviews with Sura, December 6, 2015 and December 14, 2015, Dr. Zahra, November 30, 2015, and Yasmin, December 6, 2015.

violence, said that the change would particularly help women whose ex-husbands occasionally punish them by keeping their children out of school.<sup>229</sup>

Hayat, a 44-year-old divorced woman, said granting women the family card represents a serious improvement. Seven years ago, Hayat and her teenage son were turned away from a hotel in Riyadh because they did not have a family card proving their relationship, necessary for the hotel staff to allow the mother and son to stay in the same room. She said that the hotel staff threatened to report them to the *Hai'a*.<sup>230</sup>

Allowing women to possess a family card, as Dr. Salma, 52, stated, “Doesn’t solve the problem of guardianship.” Women still cannot travel with their children outside the country without the permission of the father, who remains the children's legal guardian, provide consent for their daughters to marry, or pass their nationality to their children.<sup>231</sup> Dr. Salma explained, “The mother... is under the mercy of the guardianship of the father, but now she has more independence with this [family card]—At last, her name is next to her children [on an identity document].”<sup>232</sup>

## Difficulty Accessing Government Services

Saudi women who wear full *niqab* may be required to have a *mu'arif* (a male relative who can verify their identity) in order to carry out administrative tasks. For many years, government agencies, including courts, formerly required a *mu'arif* to confirm a woman's identity. Even the most mundane tasks required a *mu'arif*, including in some cases to buy a SIM card. Nisreen, 24, told Human Rights Watch that while most cellphone stores no longer require a *mu'arif*, as recently as 2013 she had been asked for a *mu'arif* when attempting to buy a SIM card in Dammam, even though her face was uncovered and she showed her national ID.<sup>233</sup>

Saudi Arabia has taken steps to decrease women's dependence on *mu'arifs*. In 2004, the Council of Ministers issued a directive requiring every state agency that provided services

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<sup>229</sup> Human Rights Watch telephone interview with Dr. Zahra, November 30, 2015.

<sup>230</sup> Human Rights Watch telephone interview with Hayat, December 7, 2015.

<sup>231</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

<sup>232</sup> Human Rights Watch telephone interview with Dr. Salma, November 11, 2015.

<sup>233</sup> Human Rights Watch interview with Zayn and Nissreen, (location withheld), October 29, 2015.

to women to create a women's section within one year.<sup>234</sup> In principle, women are able to conduct business inside a women's section without a *mu'arif*.

While setting up women's sections inside government agencies has increased women's access, the directive also reinforced sex segregation and created two separate and unequal systems.

Women explained that women's sections are not effective.<sup>235</sup> In 2015, a Saudi commentator argued in the *Saudi Gazette* that women's sections are marginalized and ineffective and do not have the authority to adequately serve women, citing a Saudi official who inspects ministries.<sup>236</sup> As Reema, 36, a women's rights activist, said, "[The government] just opened women's sections but [hasn't] give[n] them any real authority."<sup>237</sup>

Due to these and other difficulties, including restrictions on movement, guardians are often still required to act on behalf of women to conduct official business with government agencies. Multiple women told Human Rights Watch that men in their families carry out all business with government agencies on their behalf, including with courts.<sup>238</sup>

## Discrimination in the Legal System

### *Difficulty Accessing Courts*

Court officers do not always accept a woman's ID as a means of identification and may ask for a woman to be accompanied by a *mu'arif*. The decision to accept the ID or not is often left to the discretion of a local court officer, according to three activists.<sup>239</sup> Officers may turn women away if they do not want to see their uncovered national ID photos.

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<sup>234</sup> Council of Ministers Decision 120 of 2004, art. 2.

<sup>235</sup> Human Rights Watch telephone interviews with Rania, November 17, 2015, Aisha, October 9, 2015 and October 22, 2015, and Reema, October 13, 2015 and interview with Miriam, (location withheld), September 21, 2015.

<sup>236</sup> Samar Fatany, "Monitoring and Investigation Department addresses the discrimination against Saudi women," *Saudi Gazette*, November 21, 2015 (accessed November 21, 2015), <http://saudigazette.com.sa/saudi-arabia/monitoring-and-investigation-department-addresses-the-discrimination-against-saudi-women/>.

<sup>237</sup> Human Rights Watch telephone interview with Reema, October 13, 2015.

<sup>238</sup> Human Rights Watch telephone interviews with Hayat, December 7, 2015, Khadijah, November 20, 2015, Abdulrahman, December 18, 2015.

<sup>239</sup> Human Rights Watch telephone interviews with Reema, October 13, 2015, Aisha, October 9, 2015 and October 22, 2015, and Fatima, November 20, 2015.

Aisha, in her 50s, told Human Rights Watch that she went to a Riyadh court in 2013. She presented her national ID, but the court officer placed a piece of paper over her photo, not wanting to see her face. He told her she needed to bring a *mu'arif*. She called her husband, but he was unable to come to the court. She then called her brother and son, but neither could come. After an hour and a half of continued protest, the court officer reluctantly accepted her national ID.<sup>240</sup>

In February 2014, the Supreme Judicial Council issued a circular to all courts stating that women can attend court hearings using ID cards and do not require a *mu'arif*.<sup>241</sup> After reports that some judges refused to comply with the directive, the Ministry of Justice announced it would take disciplinary action against court officials who failed to comply.<sup>242</sup>

Yet women continue to face problems filing a case or speaking in court without a *mu'arif*. Reema, a women's rights activist, explained that court officers continued to resist implementing the Supreme Judicial Council decision. Some women resorted to printing out the decision and bringing it with them to better persuade court officers to agree to accept their national IDs without a *mu'arif*.<sup>243</sup>

In 2015, *Saudi Gazette* reported that courts and public notaries would install a fingerprint system and women's sections to better facilitate women's access.<sup>244</sup> In 2015, Amira, 42, said her sister went to a court that did not yet have a fingerprinting system. Her sister's husband and son were unable to come to serve as *mu'arifs*, and because she could not otherwise prove her identity, she was unable to finish her legal business that day. Amira noted she had been able to access the courts in 2015 without a *mu'arif*, but that when she was in front of the judge attempting to sort out land claims, the judge asked her where her

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<sup>240</sup> Human Rights Watch telephone interview with Aisha, October 9, 2015 and October 22, 2015.

<sup>241</sup> Rima Al-Mukhtar, "Women no longer need identifiers at Saudi courts," *Arab News*, February 12, 2014, (accessed October 15, 2015), <http://www.arabnews.com/news/524671>.

<sup>242</sup> Habb Toumi, "Saudi Arabia judges told to accept women's IDs," *Gulf News*, February 17, 2014 (accessed October 15, 2015), <http://gulfnews.com/news/gulf/saudi-arabia/saudi-arabia-judges-told-to-accept-women-s-ids-1.1291894>.

<sup>243</sup> Human Rights Watch telephone interview with Reema, October 13, 2015.

<sup>244</sup> Activists told Human Rights Watch that a number of courts continue to lack women's sections or functioning fingerprinting systems. Human Rights Watch telephone interviews with Amira, activist, November 20, 2015 and Mohammed, October 14, 2015, and email correspondence with Basma, June 22, 2015. "Fingerprinting to replace witnesses for women's identification in courts," *Saudi Gazette*, November 9, 2015, <http://saudigazette.com.sa/saudi-arabia/fingerprinting-to-replace-witnesses-for-womens-identification-in-courts/> (accessed November 9, 2015).

*mu'arif* was. When she told the judge she did not need a *mu'arif*, he began to tell her that her clothing—a non-black abaya—was inappropriate for court.<sup>245</sup>

Other women simply choose to send men to interact with the courts on their behalf in order to facilitate interaction with the courts.

In 2015, Hayat, 44, a former school principal, told Human Rights Watch that she decided to transfer her guardianship from her father to her 23-year-old son. “My father is so old and in every legal movement I need a man, so I had to,” she said. “I have a piece of paper that says my son is my legal guardian. It sounds stupid and silly, but it is the only way to make my every movement easier.” She did not go to court to transfer the guardianship, but instead sent her brother and ex-husband to interact with the judge, as courts generally prefer to deal with men. She said:

It can mess with your head and the way you look at yourself. How do you respect yourself or how [can] your family respect you, if he is your legal guardian?<sup>246</sup>

### *Formal and Informal Restrictions on Legal Capacity*

Women may testify in court, but in some cases their testimony is worth half that of a man. The General Presidency for Scholarly Research and ‘Ifta, the official state institution tasked with issuing fatwas, stated:

In some cases, the testimonies of two women equal the testimony of one man, since women are more prone to forget than men due to their special nature.... On the other hand, there are some issues that are solely related to women when it is enough for one woman to testify...<sup>247</sup>

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<sup>245</sup> An abaya is a loose over-garment, usually black, that covers the whole body except the face, feet and hands. Human Rights Watch telephone interview with Amira, November 20, 2015 and interviews with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and Maysa, (location withheld), December 4, 2015.

<sup>246</sup> Human Rights Watch telephone interview with Hayat, December 7, 2015.

<sup>247</sup> Portal of the General Presidency of Scholarly Research and ‘Ifta, Fatwa no. 11090, Fatwas of the Permanent Committee for Scholarly Research and ‘Ifta, <http://www.alifta.net/Search/ResultDetails.aspx?languagename=en&lang=en&view=result&fatwaNum=&FatwaNumID=&ID=6296&searchScope=7&SearchScopeLevels1=&SearchScopeLevels2=&highLight=1&SearchType=exact&SearchMoesar=fal>

Two Saudi female law school graduates, 24 and 25, told Human Rights Watch that women’s testimony may be treated as worth half that of a man in certain, rare instances when strict evidentiary rules exist and are enforced, but that a woman may generally testify as long as she is wearing a headscarf.<sup>248</sup> In their experience, a judge may discount a woman’s testimony and petitioners often plead that a judge should not take a woman’s testimony seriously.<sup>249</sup>

Judges in Saudi Arabia have vast discretion over cases, including which witnesses to hear and which testimony to accept or reject.<sup>250</sup> Maysa, another recent law school graduate, told Human Rights Watch she witnessed judges allow women to testify and represent themselves in court, but that this was not necessarily the norm.<sup>251</sup>

On the other hand, Layla, a journalist in her 30s, told Human Rights Watch, “If you go to a court in Saudi Arabia, it is the place you most feel like nothing.” Layla said that court officials shouted at her and ordered her to cover her face. She could not get an audience with a judge, unlike her male colleagues.<sup>252</sup> Other women told Human Rights Watch that conservative judges may force women to abide by a strict dress code or discount statements made by women as witnesses, parties, or lawyers.<sup>253</sup>

### *Difficulty Conducting Legal Transactions*

Women can sign contracts without restriction and there is no formal bar on women’s ability to buy or rent property.<sup>254</sup> Saudi women told Human Rights Watch that landlords, however,

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<sup>248</sup> A former Saudi judge told Human Rights Watch that Sharia requires two women when acting as witnesses for the signing of a contract or other commercial transactions where otherwise it would only require one man, but that otherwise women may testify in all cases and that women and men are equal before the courts. Human Rights Watch telephone interview with former judge, January 4, 2016.

<sup>249</sup> Human Rights Watch interview with Zayn and Nissreen, (location withheld), October 29, 2015.

<sup>250</sup> Human Rights Watch telephone interviews with Hayat, December 7, 2015, Aisha, October 9, 2015 and October 22, 2015 and Dr. Zahra, November 30, 2015 and interviews with Maysa, (location withheld), December 4, 2015, Layla, (location withheld), October 22, 2015, and Zayn and Nissreen, (location withheld), October 29, 2015.

<sup>251</sup> Human Rights Watch interviews with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and Maysa, (location withheld), December 4, 2015.

<sup>252</sup> Human Rights Watch interview with Layla, (location withheld), October 22, 2015.

<sup>253</sup> Human Rights Watch interviews with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and Zayn and Nissreen, (location withheld), October 29, 2015.

<sup>254</sup> Human Rights Watch telephone interview with Hayat, December 7, 2015.

generally prefer contracting with men and it is difficult for women to buy or rent property without a male relative.<sup>255</sup>

In November 2015, a commentator explained in the *Saudi Gazette* that women are often required to have a man to sign off on a lease, even when they hold a national ID or family card. The writer related the story of a woman on welfare who required a lease under her name to secure additional funds to pay her electricity bill. She called several real estate offices, offering them any type of written guarantee in return for a monthly or annual lease, but was repeatedly rejected.<sup>256</sup>

### Rania and Renting

Rania, 34, lived abroad for many years before returning to Saudi Arabia to further her career and be near her family. Rania needed her brother's assistance, as he is her guardian, to conduct a range of legal transactions in 2011 and 2012:

I was very frustrated in the process because I needed my brother to do everything and it is extremely debilitating because he has his family and his own life. When I wanted to rent an apartment, I couldn't rent it as a single woman, I had to get my brother to sign the lease in his name even though the owner knows I will be living there alone. When I wanted to buy my car, I had to get a photocopy of his ID with his writing, basically consenting to me buying a car (which someone else must drive for Rania, as women are barred from driving). All these little, little things—it just adds up. We are entrusted with raising the next generation but you can't trust us with ourselves. It doesn't make any sense.<sup>257</sup>

Sura, 62, told Human Rights Watch that in 2011 she rented an apartment but that she needed to have her son, her guardian, accompany her, despite the fact that she was paying the rent. When buying a car later that year, she was also forced to bring her son.<sup>258</sup>

In 2015, Zahra, 25, searched for apartments in Riyadh with her female friend, but every “decent” apartment required a male relative to sign the lease. Zahra said that she and her

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<sup>255</sup> Human Rights Watch telephone interviews with Hanan, November 23, 2015 and Amna, December 23, 2015.

<sup>256</sup> Mohammed Al-Hassani, “No rental for women?” *Saudi Gazette*, November 26, 2015 (accessed November 26, 2015), <http://saudigazette.com.sa/saudi-arabia/no-rental-for-women/>.

<sup>257</sup> Human Rights Watch telephone interview with Rania, November 17, 2015.

<sup>258</sup> Human Rights Watch telephone interview with Sura, December 6, 2015 and December 14, 2015.



friend were “homeless for a few days” before they found an incredibly run-down apartment building that allowed the women to sign a lease without a male relative.<sup>259</sup>

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<sup>259</sup> Human Rights Watch interview with Zahra, (location withheld), April 7, 2016.

## VII. Restricting the Right to Employment

It is amazing how much we have achieved despite all the restrictions we face... Now that more women are working, I think there will be further changes. It is inevitable.

—Khadija, 42-year-old Saudi woman, November 20, 2015

One of the most significant changes to the guardianship system over recent years is in women’s access to employment. Saudi authorities removed restrictions on women’s work in the labor code, removed requirements for women to obtain guardian permission to work, and are actively encouraging women to enter the workforce.

These changes are leading to increased employment opportunities for Saudi women. The *Saudi Gazette* reported in 2014 that the number of Saudi women working in the private sector reached over 450,000 employees in 2013, up from only 50,000 in 2009.<sup>260</sup> Women now work in a range of professions. Human Rights Watch spoke with successful female architects, film directors, journalists, businesswomen, professors, bankers and lawyers. As Maysa, a former law student, 25, told Human Rights Watch, “This is one of the areas you can see actual change happening in front of your eyes in a short amount of time.”<sup>261</sup>

Despite these positive changes, women in Saudi Arabia continue to face significant obstacles when seeking employment. According to the World Bank, women’s participation in the labor force has steadily increased, but remains low—rising from 18.6 percent in 2008 to 21.5 percent in 2014.<sup>262</sup>

In 2015, the World Economic Forum ranked Saudi Arabia 138 out of 145 countries for women’s economic participation and opportunity, and the World Bank ranked Saudi Arabia one of the 15 most restrictive economies in terms of women’s ability to work or

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<sup>260</sup> Fatima Muhammad, “Jobs in Saudi Arabia: Pact signed to employ 5,300 women,” *Saudi Gazette*, April 17, 2014, <http://english.alarabiya.net/en/business/economy/2014/04/17/Jobs-in-Saudi-Arabia-Pact-signed-to-employ-5-300-women.html> (accessed October 1, 2015).

<sup>261</sup> Human Rights Watch interview with Maysa, (location withheld), December 4, 2015.

<sup>262</sup> World Bank, World Data Bank, “Saudi Arabia: Labor Force Participation Rate, Female,” <http://databank.worldbank.org/data/reports.aspx?source=gender-statistics&Type=TABLE&preview=on> (accessed January 11, 2016).

establish a business.<sup>263</sup> In early 2016, *Arab News* reported that 84 percent of women work in the education sector.<sup>264</sup>

Authorities do not penalize private or public employers who require a guardian's consent for women to work. Some professions, like judges and drivers, remain off limits to women. In addition, strict sex segregation policies act as a disincentive to employers considering hiring women and women's limited mobility makes it difficult for them to travel to and from work. As Fatima, a women's rights activist, told Human Rights Watch, continued governmental restrictions and broader discrimination against women often limit the ability of even hardworking women to progress in their careers. As she said, "I want to do better, but I can't. You can see successful women and you get to see even their hands are tied."<sup>265</sup>

The continued imposition of sex segregation and failure to oppose the practice of some employers to require guardian permission for women to work violates Saudi Arabia's obligations under CEDAW, which stipulates that states shall take all appropriate measures to ensure women enjoy equal rights to men, including "the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service."<sup>266</sup>

## Opening the Labor Market to Women

In 2015, Saudi Arabia amended article 149 of the labor code, removing language that restricted women to work that was "suitable to their nature."<sup>267</sup> One month later, the *Saudi Gazette* reported that under pressure from the International Labour Organization (ILO) the

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<sup>263</sup> World Economic Forum, "Global Gender Gap Report," Saudi Arabia, 2015 <http://reports.weforum.org/global-gender-gap-report-2015/economies/#economy=SAU> (accessed January 3, 2016); "Despite Progress, Laws Restricting Economic Opportunity for Women are Widespread Globally, says WBG Report," World Bank news release, September 9, 2015, <http://www.worldbank.org/en/news/press-release/2015/09/09/despite-progress-laws-restricting-economic-opportunity-for-women-are-widespread-globally-says-wbg-report> (accessed October 3, 2015).

<sup>264</sup> Nadia Al-Fawaz, "Women's rise helping economy in Kingdom," *Arab News*, January 19, 2016 (accessed January 19, 2016), <http://www.arabnews.com/saudi-arabia/news/867291>.

<sup>265</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>266</sup> CEDAW, art. 11.

<sup>267</sup> Labor Code of 2005, Royal Decree No. 51/M, art. 149 (as amended by Royal Decree 46/M, 2015). Article 149 stated that, "Taking into consideration the provisions of article 4 [vaguely requiring adherence to Sharia] of this law, women shall work in all fields suitable to their nature. It is prohibited to employ women in dangerous or hazardous jobs or industries." Labor Code of 2005, Royal Decree No. 51/M, art. 149.

Ministry of Labor and Social Development also dropped article 149 language restricting women from working in dangerous or hazardous jobs.<sup>268</sup>

The 2015 changes follow a series of government decisions since 2004 increasing women's access to the labor market. In 2004, the Council of Ministers passed Resolution 120 aimed at expanding women's employment opportunities, including directing government agencies to issue licenses to women seeking to start businesses.<sup>269</sup>

The government has not sufficiently implemented these labor reforms. A report including data from interviews with 37 Saudi female entrepreneurs in Riyadh between August 2011 and December 2012 found that many women were still being told they were required to have a *wakil* (male agent) to open a business and to appoint a male manager.<sup>270</sup> Aisha, an independent Saudi researcher, told Human Rights Watch that officials at the Commerce and Labor ministries continue to turn away some businesswomen applying for business licenses who do not have a *wakil* or a male manager.<sup>271</sup>

Since 2010, Saudi Arabia has taken further steps to increase women's participation in the labor market. In 2010, the Ministry of Labor and Social Development issued a decision prohibiting discrimination between men and women in wages they receive for equivalent work.<sup>272</sup> In 2011 and 2012, the Ministry of Labor and Social Development issued a series of decisions related to the employment of women in various sectors, which stated that women required no special permission to work.<sup>273</sup>

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<sup>268</sup> By April 2016, the Labor Law available on the Ministry of Labor and Social Development's website continued to prohibit women working in dangerous or hazardous jobs and media continued to carry statements by ministry officials indicating that women remained barred from these jobs. "Ministry opens all job opportunities for women," *Saudi Gazette*, November 23, 2015 (accessed November 23, 2015), <http://saudigazette.com.sa/saudi-arabia/ministry-opens-all-job-opportunities-for-women/>; "Factories must employ minimum of 10 women," *Arab News*, April 17, 2016, <http://www.arabnews.com/saudi-arabia/news/911521>.

<sup>269</sup> The government also abolished requirements that women have a male agent or male manager to open a business. Council of Ministers Decision 120 of 2004, art. 1; Dr. Halah M. Eldoseri and Mrs. Naseema Al-Sadah, "Unfulfilled Promises: Stakeholder Report for the Universal Periodic Review of Saudi Arabia 2013," <https://saudiwomenrights.files.wordpress.com/2013/10/2013-shadow-report-pdf.pdf>, p. 3.

<sup>270</sup> Women's Entrepreneurship Initiative, "Giving Voice to Women Entrepreneurs in Saudi Arabia," April 2013, <http://www.iedp.com/Pages/DocumentManager/womenentrepreneursinSaudiArabiaReportExecutiveSummary.pdf>.

<sup>271</sup> Human Rights Watch telephone interview with Aisha, October 9, 2015 and October 22, 2015.

<sup>272</sup> Ministry of Labor and Social Development Decision No. 1/2370 of August 2010; Saudi Arabia Ministry of Labor and Social Development, "Guidance Document on Women's Work in the Private Sector," November 2013, p. 10.

<sup>273</sup> According to a Saudi legal consultant, before these decisions were issued, the General Organization for Social Insurance (GOSI) required her employer to provide written guardian permission from female employees in order to register them. She noted that since 2011 her employer had stopped providing guardian permission to GOSI, as it was no longer required. Human

While these government decisions have opened greater opportunities for women to work, women continue to face a number of obstacles when seeking employment, including employers continuing to require guardian permission.

## Continuing Barriers to Women Working

### *Permission to Work*

A 2013 Ministry of Labor and Social Development guidance document on women's work in the private sector states, "Guardian consent is not required for the employment of women."<sup>274</sup> But the government does not prohibit individual employers from seeking guardian permission. Female professionals told Human Rights Watch that many employers in both the private and public sector continue to require female staff to obtain the permission of a male guardian to be employed.<sup>275</sup>

Requiring guardian permission is at the discretion of the employer. Most of the large, prominent employers, including government entities, as well as banks, health centers, universities and schools, still require guardian approval, according to women interviewed by Human Rights Watch.<sup>276</sup> The women said that other employers, including some large newspapers, architecture firms, and commercial institutions, have stopped requiring guardian permission.<sup>277</sup>

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Rights Watch email correspondence with legal consultant, April 14, 2013. Ministry of Labor and Social Development Decision No. 1/1/2473/p of 2011, art. 2 (directive related to women's employment in retail shops) and Ministry of Labor and Social Development Decision No. 1/1/2475/p of 2011, art. 3 (directive related to women's employment in factories). In July 2012, the Ministry of Labor and Social Development issued four decrees regulating women's work in clothing stores, amusement parks, food preparation, and as cashiers, for which guardian permission was not required. Human Rights Watch, *World Report 2013* (New York: Human Rights Watch, 2012), <https://www.hrw.org/world-report/2013/country-chapters/saudi-arabia>, Saudi Arabia.

<sup>274</sup> Ministry of Labor and Social Development Decision No. 1/2370 of August 2010; Saudi Arabia Ministry of Labor and Social Development, "Guidance Document on Women's Work in the Private Sector," November 2013, p. 10.

<sup>275</sup> See Appendix II, Guardian Permission Form for Woman to Work in Government Institution, p. 79; Human Rights Watch telephone interview with Dr. Zahra, November 30, 2015 and Sura, December 6, 2015 and December 14, 2015, and interviews with Miriam, (location withheld), September 21, 2015; Maysa, (location withheld), December 4, 2015; and Norah, Riyadh, August, 16, 2015.

<sup>276</sup> Human Rights Watch interviews with Zayn and Nissreen, (location withheld), October 29, 2015, Norah, Riyadh, August, 16, 2015, and Tala, (location withheld), October 19, 2015, and group interview with women working at employment agency, (location withheld), June 15, 2015, and telephone interview with Reema, October 13, 2015.

<sup>277</sup> Human Rights Watch group interview with women working at employment agency, (location withheld), June 15, 2015, and email correspondence with Basma, June 22, 2015 and telephone interviews with Hanan, November 23, 2015, Yasmin, December 6, 2015 and Khadijah, November 20, 2015, and interviews with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and Layla, (location withheld), October 22, 2015.

Where formal guardian approval is not required, employees might ask for women to present a family card, an official identity card listing individual family members and often held by the male head of household. According to Saudi women interviewed by Human Rights Watch, asking for a family card can be an indirect way to check if a guardian approves of a female family member's employment.<sup>278</sup> Miriam, 25, currently in a position with a government ministry, told Human Rights Watch that she was required to present her family card when beginning her new job.<sup>279</sup>

Two female employers told Human Rights Watch that they require guardian consent to protect themselves from the possibility that a guardian will suddenly prevent a woman from continuing work.<sup>280</sup> Guardians have a lot of power to interfere with women's work, including preventing her from traveling abroad for work or from leaving the house to travel to work, and may do so if they object to some aspect of her work, such as mixing with men. Tala, in her late twenties, said her brother had explicitly forbidden her from working in a mixed environment, which limited her employment options.<sup>281</sup>

Requiring guardian consent leaves women vulnerable to exploitation. Multiple women told Human Rights Watch that guardians will occasionally condition their consent—informal or formal—for a woman to work on her sharing part or all of her salary with him.<sup>282</sup> Sura, 62, a retired university lecturer, told Human Rights Watch that the practice of husbands requiring their wives to turn over part or all of their salaries in order to work is common and ongoing and that her friend's husband had been demanding her salary for years.<sup>283</sup>

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<sup>278</sup> Human Rights Watch group interview with women working at employment agency, (location withheld), June 15, 2015 and interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>279</sup> Human Rights Watch interview with Miriam, (location withheld), September 21, 2015.

<sup>280</sup> Human Rights Watch telephone interview with Khadijah, November 20, 2015 and text message correspondence with Dr. Haifa, October 22, 2015.

<sup>281</sup> Human Rights Watch interview with Tala, (location withheld), October 19, 2015.

<sup>282</sup> Human Rights Watch text message correspondence with Dr. Haifa, October 22, 2015, and telephone interviews with Aisha, October 9, 2015 and October 22, 2015 and Sura, December 6, 2015 and December 14, 2015, and email correspondence with Basma, June 22, 2015.

<sup>283</sup> Human Rights Watch telephone interview with Sura, December 6, 2015 and December 14, 2015.

### Dr. Haifa and Guardian Permission to Work

Dr. Haifa, a director of hospital services, told Human Rights Watch that the hospitals under her supervision require guardian permission from women to work in order to prevent unexpected work disturbances. She said that she witnessed multiple cases in which women simply stopped coming to work, telling her by phone that their guardians revoked their consent. Dr. Haifa said that guardians would often revoke consent over financial disputes, for example when a woman refused to turn her salary over to her guardian. She said that many guardians force women to give them their bankcards so they can directly withdraw her salary. As she put it, “If he is generous, he will give her a bit for expenses.”<sup>284</sup>

There are no sanctions imposed on employers who require guardian permission, according to three women, including two employers, interviewed by Human Rights Watch. In the absence of formal ban on employers’ requiring guardian permission or a general non-discrimination law, women are also unable to bring legal claims against employers that require guardian permission.<sup>285</sup>

### *Sex Segregation*

The Saudi government is unique among Muslim-majority countries in that it imposes almost complete sex segregation. In practice, the policy prevents women from participating meaningfully in public life. All businesses and government agencies in Saudi Arabia are sex segregated, with the exception of Aramco and several foreign companies, which choose to ignore sex segregation regulations.

While some work places, such as hospitals, banks, and larger companies, may have relaxed rules on sex segregation, for example allowing women and men to attend the same meetings, failing to abide by segregation rules can result in a company being fined or individuals arrested, although it is unclear how often or uniformly these rules are enforced.<sup>286</sup> The government’s Commission for the Promotion of Virtue and the Prevention of Vice, or *Hai’a*, strictly monitors and enforces sex segregation.<sup>287</sup>

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<sup>284</sup> Human Rights Watch text message correspondence with Dr. Haifa, October 22, 2015.

<sup>285</sup> Human Rights Watch telephone interviews with Khadijah, November 20, 2015 and Reema, October 13, 2015, and text message correspondence with Dr. Haifa, October 22, 2015.

<sup>286</sup> Human Rights Watch group interview with women working at employment agency, (location withheld), June 15, 2015.

<sup>287</sup> Human Rights Watch telephone interview with Rania, November 17, 2015.

Government decisions since 2004 increasing women's access to the labor market have reinforced sex segregation and other discriminatory practices. For example, Section 8 of the Council of Ministers Resolution 120 (2004), one of the earlier attempts to increase women's employment, stipulated that only women would be allowed to work in shops for women's products. Since 2004, the Labor Ministry has continued to open up employment opportunities for women, while reinforcing sex segregation rules.<sup>288</sup>

In October 2015, the Ministry of Labor and Social Development published a table of labor code violations and their corresponding penalties.<sup>289</sup> The 2015 fines demonstrate the ways in which government reforms undercut their own efficacy by maintaining and reinforcing discriminatory practices. The 2015 fines simultaneously incentivize employers to hire women, imposing fines of up to SR10,000 (US\$2,667) for employing men in positions earmarked for women, and disincentivize them from hiring women, imposing a fine of SR10,000 on employers who fail to provide separate areas for women to work.<sup>290</sup> The fine for failing to maintain sex segregation is five times the amount an employer may be fined for holding a worker's passport and half that of an employer using child labor.

Employers must also ensure men and women are not alone together at work without others present, that the work environment is suitable for women, and provide written instructions on the required dress code for women, including mandatory headscarves.<sup>291</sup> Women who do not abide by the dress code can be fined SR1,000 (US\$267).<sup>292</sup> Discussing the new fines, Zahra, 25, said, "Companies don't want to hire women. It is too much of a hassle. Job descriptions say 'Men only'."<sup>293</sup>

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<sup>288</sup> Ministry opens all job opportunities for women," *Saudi Gazette*, November 23, 2015, <http://saudigazette.com.sa/saudi-arabia/ministry-opens-all-job-opportunities-for-women/> (accessed November 23, 2015); Fatima Al-Amri, "No more visas for men at ladies' tailoring shops, Okaz/Saudi Gazette, October 15, 2015, <http://saudigazette.com.sa/saudi-arabia/no-more-visas-for-men-at-ladies-tailoring-shops/> (accessed October 15, 2015).

<sup>289</sup> "Saudi Arabia: Steps Towards Migrant Workers Rights," Human Rights Watch news release, November 15, 2015, <https://www.hrw.org/news/2015/11/15/saudi-arabia-steps-toward-migrant-workers-rights>.

<sup>290</sup> Ministry of Labor and Social Development Decision No. 4786 of October 2015, art. 8.

<sup>291</sup> *Ibid.*, arts. 32, 33; Saudi Arabia Ministry of Labor and Social Development, "Guidance Document on Women's Work in the Private Sector," November 2013, p. 11, 13, 14.

<sup>292</sup> Ministry of Labor and Social Development Decision No. 4786 of October 2015, arts. 30, 31; Saudi Arabia Ministry of Labor and Social Development, "Guidance Document on Women's Work in the Private Sector," November 2013, p. 13, 14.

<sup>293</sup> Human Rights Watch interview with Zahra, (location withheld), April 7, 2016.



Failing to abide by sex segregation rules can entail serious consequences. Rania, 34, told Human Rights Watch that the *Hai'a* arrested her and two male colleagues during a lunch meeting in 2012. Rania was held at a police station for five hours and forced to sign a statement prepared by the authorities stating that she had engaged in *khilwa*. She said the police told her they would not release her until she signed the form. When she tried to read the statement, the police officer began flipping the pages.<sup>294</sup>

### *Mobility Restrictions*

Mobility issues are an additional disincentive to hiring women. Employers must sometimes coordinate their female employees' transportation or raise their salaries to compensate them for their transportation costs. The driving ban often forces women to rely on male relatives or foreign drivers to transport them to work, and women have reported that the associated costs can exhaust much of their salaries.<sup>295</sup> Women who cannot afford a driver must sometimes forego work and other activities outside the home.

Studies conducted in Saudi Arabia have highlighted the transportation difficulties women workers face. A 2013 report by the Women's Entrepreneurship Initiative found that restrictions on women's mobility put women entrepreneurs at a significant disadvantage, due to the financial burden of hiring a driver and as, at the whim of their guardian, they might be precluded from attending business meetings or training opportunities abroad.<sup>296</sup>

In 2015, a study conducted on female nurses noted that problems securing transportation accounted for 27 percent of work-related absences.<sup>297</sup>

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<sup>294</sup> Human Rights Watch telephone interview with Rania, November 17, 2015.

<sup>295</sup> Human Rights Watch telephone interviews with Zeina, December 3, 2015 and Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>296</sup> Women's Entrepreneurship Initiative, "Giving Voice to Women Entrepreneurs in Saudi Arabia," April 2013, <http://www.iedp.com/Pages/DocumentManager/womenentrepreneursinSaudiArabiaReportExecutiveSummary.pdf>.

<sup>297</sup> "Transport issues main reason for absence by Saudi female nurses," *Saudi Gazette*, November 15, 2015, <http://saudigazette.com.sa/saudi-arabia/transport-issues-main-reason-for-absence-by-saudi-female-nurses/> (accessed November 15, 2015).

## VIII. Restricting the Right to Health

You don't have power over your body... It makes you nervous every step of your life. Everything that you put so much effort and time into could just end in a second if your guardian decides.

—Reema, 36-year-old Saudi woman, October 13, 2015

Women's fundamental right to health is jeopardized by the male guardianship system. At some hospitals in Saudi Arabia, health officials require a guardian's permission for women to be admitted or to undergo an operation.<sup>298</sup> Women's universities continue to occasionally prevent paramedics from entering to treat female students.<sup>299</sup> The country also does not provide physical education for girls' public schools or women access to state sporting facilities.<sup>300</sup>

Saudi Arabia's failure to ensure that women can access health services, including emergency care, or to ensure adequate opportunities for exercise, violates its obligations under CEDAW and to ensure women's basic health rights.<sup>301</sup>

### Guardian Consent for Medical Procedures and Emergency Care

Health regulations in Saudi Arabia do not prohibit women from receiving healthcare without guardian consent. A 2014 medical code of ethics prepared by a state institution declares that a woman's consent should be sufficient to receive healthcare.<sup>302</sup>

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<sup>298</sup> Saudi law does not require guardian permission for any medical procedure, except sterilization. But, individual hospitals or doctors may ask for this permission. Hospitals may also ask women to present a family card, held by a male guardian, in order to open a medical file.

<sup>299</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>300</sup> Human Rights Watch, *Steps of the Devil: Denial of Women's and Girls' Rights to Sport in Saudi Arabia*, February 2012, <https://www.hrw.org/report/2012/02/15/steps-devil/denial-womens-and-girls-rights-sport-saudi-arabia>, p. 1.

<sup>301</sup> The CEDAW Committee in its General Recommendation on the Right to Health states, states "should not restrict women's access to health services... on the ground that women do not have the authorization of husbands, partners, parents or health authorities, because they are unmarried or because they are women." UN Committee on the Elimination of Discrimination against Women, General Recommendation No. 24, The Right to Health, UN Doc. A/54/38/Rev.1 (1999), para. 14.

<sup>302</sup> Saudi Commission for Health Specialties, Riyadh, 2014 Code of Ethics for Healthcare Practitioners, p. 17.

The requirement for guardian permission is dependent on a particular hospital's internal regulations.<sup>303</sup> Human Rights Watch spoke with medical professionals at private hospitals who do not require guardian permission for any procedure and others at public hospitals who require guardian permission for a woman to be operated on or admitted.<sup>304</sup>

Ibtesam, a doctor at a public hospital, confirmed that guardian permission is required for certain medical procedures, including surgery, at her hospital, but in cases of emergency, other male relatives may approve a surgical operation or the hospital may proceed without permission.<sup>305</sup> When guardian permission is required, it is most often for surgical operations or other major procedures, according to six women interviewed by Human Rights Watch, and the guardian is required to be present and fill out specific hospital forms for the woman.<sup>306</sup>

Requiring guardian approval for medical procedures can subject women to prolonged pain or, in extreme cases, to life-threatening danger. Reema, 36, told Human Rights Watch that when she gave birth to her son four years ago, despite having been in labor for many hours, the doctor refused to give her a caesarian section without her husband's approval.<sup>307</sup> Dr. Heba, in her 50s, said her daughter needed a caesarian section in 2012, but the hospital required guardian permission. Her daughter's husband was not at the hospital and the hospital was unable to proceed until they reached him by phone and obtained his verbal consent.<sup>308</sup> A year later, in 2013, doctors advised a woman to undergo a caesarian section and requested a signature from her husband. According to *Al-Riyadh*, he refused. While the woman offered to sign, the hospital claimed they needed her guardian's signature before they could operate. After repeated requests from the doctors and being told the child's life could be endangered if the birth was further delayed, the husband finally agreed to sign.<sup>309</sup>

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<sup>303</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015, and telephone interview with Dr. Zahra, November 30, 2015, and email correspondence with Basma, June 22, 2015.

<sup>304</sup> Human Rights Watch telephone interview with Dr. Zahra, November 30, 2015.

<sup>305</sup> Human Rights Watch interview with Dr. Ibtesam, Riyadh, August, 10, 2015.

<sup>306</sup> *Ibid.*; interviews with Zayn and Nissreen, (location withheld), October 29, 2015, Maysa, (location withheld), December 4, 2015, and Fatima, (location withheld), August 30, 2015, and September 24, 2015, and telephone interview with Aisha, October 9, 2015 and October 22, 2015.

<sup>307</sup> Human Rights Watch telephone interview with Reema, October 13, 2015.

<sup>308</sup> Human Rights Watch telephone interview with Dr. Heba, December 23, 2015.

<sup>309</sup> Saeed Al-Naqeer, "The Woman Does Not Receive Surgery ... With Any Right!", *Al-Riyadh*, June 20, 2013, <http://www.alriyadh.com/845426> (accessed December 2, 2015).

Authorities at women's universities may require a guardian's authorization to allow ambulance personnel, who are always male, into the school.<sup>310</sup> If administrators cannot reach a guardian to authorize the student's removal, her life could be at risk.

Saudi media outlets regularly carry stories of women barred from access to emergency care due to sex segregation rules. In February 2014, 24-year old Amena Bawazir, a student at King Saud University in Riyadh, died of a heart attack after officials at the public university allegedly delayed allowing male paramedics to enter the women's part of campus.<sup>311</sup> The university denied the accusation, but Amena's sister claimed medics arrived at the campus shortly after her sister fell ill, but were unable to enter the campus for two hours while university officials tried to determine how to ensure the paramedics did not mix with female students. Amena died before she reached the hospital.<sup>312</sup> That same month, a student was forced to deliver her baby inside a university after officials refused to allow her to leave campus in an ambulance without a guardian accompanying her.<sup>313</sup>

In 2014, according to *Al-Riyadh*, the Saudi Red Crescent Authority was prevented from providing prompt assistance 13 times by women's schools and universities. The Red Crescent raised these issues with the Ministry of Education and requested that the ministry release instructions to these institutions to better facilitate access.<sup>314</sup>

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<sup>310</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015.

<sup>311</sup> Human Rights Watch interview with Fatima, (location withheld), August 30, 2015, and September 24, 2015 and telephone interview with Reema, October 13, 2015.

<sup>312</sup> "Family blames Saudi gender segregation rules for student's death," Reuters, February 7, 2014, <http://www.reuters.com/article/us-saudi-student-idUSBREA16oXB20140207>, (accessed December 2, 2015).

<sup>313</sup> "Saudi Woman Gives Birth in University After Refusal to Move Her to Hospital Without a Guardian," Al-Sharq.com, February 24, 2014, (<http://www.al-sharq.com/news/details/213941#.Vmbo-narSoo> (accessed December 2, 2015).

<sup>314</sup> 'Othra Al-Hussaini, "School Emergencies ... Safety in Promoting First Aid Awareness," *Al-Riyadh*, August 24, 2015, <http://www.alriyadh.com/1075980> (accessed December 2, 2015).

## Acknowledgments

Kristine Beckerle, Finberg Fellow of the Middle East and North Africa Division (MENA) of Human Rights Watch was the primary researcher and author of this report. An independent volunteer and two interns with the division, whom Human Rights Watch would like to thank but cannot name for security reasons, assisted in the research.

Adam Coogle, researcher in MENA; and Danielle Haas, senior editor in the Program Office, edited the report. Rothna Begum, researcher in the Women's Rights Division, and Bill Van Esveld, senior researcher in the Children's Rights Division, provided specialist review, and Clive Baldwin, senior legal advisor, provided legal review. Sandy Elkhoury, senior associate for the MENA division, prepared this report for publication.

Human Rights Watch wishes to thank those Saudi women who agreed to be interviewed for this report and who facilitated research. Without them, this report would not have been possible.

## Appendix I: Guardian Permission Form for Woman to Study Abroad on Government Scholarship

Kingdom of Saudi Arabia  
Ministry OF Higher Education  
Umm Al-Qura University  
Office of Scholarship & Inter-University Relations

المملكة العربية السعودية  
وزارة التعليم العالي  
جامعة أم القرى  
إدارة البعثات والعلاقات الجامعية

نموذج (٥) إقرار بموافقة ولي أمر المحاضرة على الابتعاث

تاريخها	أنا
ولي أمر المحاضرة	رقم بطاقة الأحوال/ إقامة مصدرها

باتمى موافق على ابتعاثها إلى خارج المملكة، وسوف أكون أنا /  
المراقب لها في مقر البعثة طيلة فترة ابتعاثها، وفي حالة عدم التزامي بتلك الجامعة حق إنهاء البعثة والمطالبة  
بكمال السبلح الذي تم صرفه على البعثته.

ولله ولي التوفيق،،،،،

الاسم :  
صلة القرابة: زوج  
التوقيع:  
التاريخ:

التصديق على صحة التوقيع

المرفقات:  

- صورة من بطاقة العائلة مع الأصل للمطابقة
- صورة عقد النكاح - صورة إقامة (للزوج غير سعودي) مع الأصل للمطابقة
- صورة بطاقة أحوال البعثته
- صورة بطاقة أحوال المحرم المرافق مع الأصل للمطابقة.

ص. ب : ٧١٥ - مكة المكرمة - هاتف ٥٥٠١٠٠٠ تحويلة ٧١٧٧ - فاكس: ٥٥١٢٥١٥  
P.O.Box 715, Makkah, Saudi Arabia. Tel/ Fax: 966-12-556515. email: scholar@uqu.edu.sa

الرقم: / / التاريخ: / / ١٤٣ هـ  
المشفوظات: .....

### Human Rights Watch Translation of Form

Kingdom of Saudi Arabia  
Ministry of Higher Education  
Umm Al-Qura University  
Office of Scholarship & Inter-University Relations

#### Consent of Guardian of (Female) Scholar to Study Abroad Form (5)

I pledge: [Name redacted]

Number of ID/Residency: [Redacted]

Date: [Redacted]

Source: [Redacted]

Guardian of (female) assistant teacher / lecturer: [Redacted]

That I consent to her being sent for scholarship outside the Kingdom, and I [Name redacted] will accompany her where she is sent throughout the period of her scholarship. Should I not abide by this promise, the University will have the right to terminate the scholarship and demand full repayment of all expenses paid.

God grant you success

Name: [Redacted]  
Relation: Husband  
Signature: [Redacted]  
Date: [Redacted]

**Certification of authenticity of signature**

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Attachments:

- Copy of family ID, with original for matching
- Copy of marriage license, plus copy of residency permit (for non-Saudi husband), with original for matching
- Copy of ID of female student
- Copy of ID of accompanying guardian, with original for matching

P.O. Box 715, Makkah, Saudi Arabia. Tel/Fax: 966-12-556515, email: scholar@uqu.edu.sa

Number:                      Date:                      143\_ hijri

Attachments: .....

## Appendix II: Guardian Permission Form for Woman to Work in Government Institution

Kingdom of Saudi Arabia  
Ministry of National Guard - Health Affairs

المملكة العربية السعودية  
وزارة الحرس الوطني - الشؤون الصحية

**خطاب عدم ممانعه**

بيعا من قبل المتقدمة:

أقر أنا الموقعة أدناه بأن ولي أمري المذكور أدناه هو ولي أمري الشرعي والنظامي، كما أقر بمسؤوليتي عن صحة جميع البيانات الواردة بهذا الإقرار، ويعلمي بأن الإدلاء ببيانات غير صحيحة أو إغفالي لبيانات مطلوبة سوف يعرضي للمسائلة القانونية وتطبيق الإجراءات الجزائية والنظامية المترتبة على ذلك بما فيها الفصل، وعلى ذلك أوقع...

اسم المتقدمة للوظيفة : \_\_\_\_\_

رقم السجل المدني للمتقدمة

الحالة الاجتماعية :  عزباء  متزوجة  مطلقة  أرملة

توقيع المتقدمة : \_\_\_\_\_ التاريخ : \_\_\_\_\_

بيعا من قبل ولي الأمر:

أقر أنا الموقع أدناه بصفتي ولي أمر المذكورة بعاليه الشرعي والنظامي، بأنه لا مانع لدي من عمل المذكورة بوزارة الحرس الوطني - الشؤون الصحية، وفي حالة ثبوت غير ذلك مستقبلاً سوف أكون عرضة للمسائلة القانونية وتطبيق الإجراءات الجزائية والنظامية التي تنص عليها الأنظمة واللوائح المعمول بها في نظام المملكة العربية السعودية.

اسم ولي الأمر : \_\_\_\_\_

صلة القرابة بالمتقدمة : \_\_\_\_\_

رقم السجل المدني

توقيع ولي الأمر : \_\_\_\_\_ التاريخ : \_\_\_\_\_

\* ملاحظة: يجب المصادقة على توقيع ولي الأمر من جهة عمله أو المدة أو حضوره شخصياً.

المدور

### Human Rights Watch Translation of Form

Kingdom of Saudi Arabia  
Ministry of National Guard – Health Affairs

Permission Form



To be filled out by the (female) applicant:

I, the undersigned, affirm that the below-indicated guardian is my legal and valid guardian, and I confirm my responsibility for the accuracy of all information contained in this form. I understand that I will be held legally accountable for submitting false information or hiding required information, and the criminal and civil penalties that that might entail, including dismissal, which I recognize with my signature.

Name of job applicant:

Number of applicant's civil registry:

Marital Status:   Single                   Married Divorced                   Widowed

Applicant signature:

Date:

To be filled out by guardian:

I, the undersigned, affirm my capacity as legal and valid guardian for the above-mentioned [woman], and my permission for this [woman] to work for the Ministry of National Guard – Health Affairs, and should it be proven otherwise in the future I will be held legally accountable for the criminal and civil penalties stipulated by regulations and codes in effect in the Kingdom of Saudi Arabia.

Name of guardian:

Relationship to the applicant:

Guardian's civil registry:

Date:

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\* Note: Guardian's signature should be certified by his place of work, local government, or in person  
[signature]

## **Appendix III: Human Rights Watch Letter to the Minister of Interior**

New York, May 16, 2016

H. R. H. Crown Prince Mohammed Bin Nayef  
Minister of Interior  
Ministry of Interior  
Riyadh, Kingdom of Saudi Arabia

Subject: Advancing the rights of women in Saudi Arabia

Your Highness,

We write to request a meeting to discuss the impact of the male guardianship system on the full realization of women's rights in Saudi Arabia. We also seek further information regarding the steps taken by the Ministry of Interior to better protect women's rights.

Over the last seven months, we have researched the impact of the male guardianship system and sex segregation on women's rights in Saudi Arabia. We are encouraged by recent steps taken by the Ministry of Interior, including issuing family cards to divorced and widowed women.

Our research has shown that the male guardianship system, including restrictions on women's ability to apply for a passport, travel abroad, and to drive, continues to pose a significant challenge to women's ability to make important decisions for themselves, as well as to travel to and from work or to pursue career and academic opportunities abroad equal to men. Restrictions stemming from the male guardianship system are inconsistent with Saudi Arabia's international human rights obligations.

We write to request a meeting with yourself and other government officials to discuss our findings and recommendations, including to the Ministry of Interior, which form part of a report that we will publish this year.

Human Rights Watch is committed to fair and accurate reporting and is eager to meet with Saudi government officials to hear your perspectives. We will, as always, reflect these perspectives fairly in our report.

We also seek further information regarding the ministry's efforts to advance women's rights in the country and ask you to respond to the inquiries below so that we may reflect your response in the report we are preparing on this issue:

Does the Ministry of Interior plan to abolish the requirement for guardian permission for women to travel abroad? Please provide data on the number of requests from women seeking ministry authorization to travel without guardian permission over the last five years, including where these requests were filed, how many were granted and the circumstances leading to the woman's request.

Beyond the requirements within the Protection from Abuse Law, has the Ministry of Interior issued any directives or guidelines regarding how police officers respond to cases of domestic violence or sanctioned any officers who required the permission or presence of a male guardian for a woman to file a police complaint? Please provide copies of relevant guidelines or directives.

Please provide detailed information on any existing complaints mechanisms where women can file complaints against officers who discriminate against them, how many officers, if any, have been sanctioned for discrimination against women over the last five years and how many female officers, if any, serve at police stations.

Does a woman require an official male guardian or another male relative to sign her out of prisons or jails? Please share the relevant policies, regulations or other directives related to the procedures for a woman to exit a prison or jail.

Please share relevant data on how many women are currently serving time in prisons or jails, how many of these women have completed their sentences but are unable to exit the facility, and how many women the ministry has assisted to exit prisons or jails over the last five years and by what means.

How many and what percentage of divorced and widowed women in the country have been issued family cards? What recourse does a woman have if her husband refuses to register her on his family card or allow her to procure a national identity card? When a woman applies for a national identity card or a family card, does she require guardian permission or support at any point during the process; for example, does a “homemaker” still need to submit proof of identity through her husband as noted on the ministry’s website?

Does the Ministry of Interior currently have plans to lift the ban on women’s driving in the country? Please provide detailed information on any proposed timeline or concrete steps planned to ensure women can be appropriately licensed.

We ask you to respond to this letter and the inquiries above on or before June 7, 2016 so that we may reflect your response in the report we are preparing on this issue and hope to release in July 2016.

Please do not hesitate to contact Kristine Beckerle, Middle East and North Africa Division Fellow, should you have questions.

We thank you for your consideration and look forward to a positive response.

Sincerely yours,

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa Division  
Human Rights Watch

## **Appendix IV: Human Rights Watch Letter to the Minister of Health**

New York, May 16, 2016

Dr. Tawfiq Al-Rabiah  
Minister of Health  
Ministry of Health  
Riyadh, Kingdom of Saudi Arabia

Subject: Advancing the rights of women to health in Saudi Arabia

Your Excellency,

We write to request a meeting to discuss the impact of the male guardianship system and sex segregation on the full realization of women's right to health in Saudi Arabia. We also seek further information regarding the steps taken by the Ministry of Health to promote women's right to health.

Over the last seven months, we have researched the impact of the male guardianship system and sex segregation on women's rights in Saudi Arabia. Our research has shown that the male guardianship system and sex segregation rules continue to pose significant challenges to women's health in Saudi Arabia. Restrictions stemming from the male guardianship system are inconsistent with Saudi Arabia's international human rights obligations.

We write to request a meeting with yourself and other government officials to discuss our findings and recommendations, including to the Ministry of Health, which form part of a report that we will publish this year.

Human Rights Watch is committed to fair and accurate reporting and is eager to meet with Saudi government officials to hear your perspectives. We will, as always, reflect these perspectives fairly in our report.

We also seek further information regarding the ministry's efforts to further women's right to health in the country, and ask you to respond to the inquiries below so that we may reflect your response in the report we are preparing on this issue:

Has the Ministry of Health issued any guidelines or directives to hospitals regarding women's right to receive medical care, including to be admitted, undergo surgery and be discharged, without a guardian's permission? Please provide copies of any relevant guidelines or directives. Where available, please provide data on how many hospitals continue to require guardian permission for women to access health, for which procedures guardian permission is required and whether or not the relevant institution is public or private.

Does the Ministry of Health plan to introduce sanctions for hospitals that continue to require guardian permission from women to receive any form of medical care? Please provide any draft regulations regarding sanctions as well as details on an estimated timeline for introducing such sanctions.

What steps has the Ministry of Health taken to coordinate with the Ministry of Education to ensure that paramedics may promptly enter and provide assistance to female students in the case of a medical emergency?

What steps has the Ministry of Health taken to reduce physical inactivity, particularly for women, in line with the commitments undertaken by Saudi Arabia as part of the World Health Organization Global Action Plan for the Prevention and Control of Noncommunicable Diseases? For example, has the ministry coordinated with the Ministry of Education to study the possibility of mandating physical education in girls' public schools?

If a woman enters a hospital in labor without a male guardian accompanying her, what are the procedures required for her to exit the hospital?

We ask you to respond to this letter and the inquiries above on or before June 7, 2016 so that we may reflect your response in the report we are preparing on this issue and hope to publish in July 2016.

Please do not hesitate to contact Kristine Beckerle, Middle East fellow, should you have questions.

We thank you for your consideration and look forward to a positive response.

Sincerely yours,

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa Division  
Human Rights Watch

## Appendix V: Human Rights Watch Letter to the Minister of Justice

New York, May 16, 2016

Dr. Walid bin Mohammad bin Saleh Al-Samaani  
Minister of Justice  
Ministry of Justice  
Riyadh, Kingdom of Saudi Arabia

Subject: Advancing the rights of women in Saudi Arabia

Your Excellency,

We write to request a meeting to discuss the impact of the male guardianship system on the full realization of women's rights in Saudi Arabia. We also seek further information regarding the steps taken by the Ministry of Justice to better protect women's rights.

Over the last seven months, we have researched the impact of the male guardianship system and sex segregation on women's rights in Saudi Arabia. We are encouraged by recent steps taken by the Ministry of Justice, such as enabling women to access the courts without a *mu'arif* and licensing women to practice law.

Our research has shown that the male guardianship system, sex segregation and restrictions on mobility continue to pose significant challenges to women and severely undermine their right to equal treatment before the law. Restrictions stemming from the male guardianship system are inconsistent with Saudi Arabia's international human rights obligations.

We write to request a meeting with yourself and other government officials to discuss our findings and recommendations, including to the Ministry of Justice, which form part of a report that we will publish this year.



Human Rights Watch is committed to fair and accurate reporting and is eager to meet with Saudi government officials to hear your perspectives. We will, as always, reflect these perspectives fairly in our report.

We also seek further information regarding the ministry's efforts to advance women's rights in the country and ask you to respond to the inquiries below so that we may reflect your response in the report we are preparing on this issue:

In what cases is a woman's testimony accorded less weight than that of a man?

Please provide data on cases filed in court over the last two years enforcing a guardian's authority over a woman, including claims related to *'uquq*, *inqiyad*, *huroob*, leaving the marital home, returning a woman to her mahram and forced divorce, as well as claims for *adhl*, transferring of guardianship and domestic violence. For each category of claim, please include data on how many cases have been filed and in which region. When possible, please provide information on the outcome of the case and the full trial judgment.

Has the Ministry of Justice sanctioned any court officers for failing to accept a women's national identification card or refusing to allow a woman to access the courts without a *mu'arif*? Please provide data on the number of court officers sanctioned, in which region they worked and the penalty enforced against them. Please also provide information on the number and percentage of courts and public notary offices that have not yet been equipped with women's sections or fingerprinting machines.

Can women report cases of gender-based discrimination by government bodies, including courts, to the ministry? If so, where can women file these claims, how many claims have been filed over the last five years and what was the outcome of each case? Please indicate laws or regulations that prohibit or penalize gender-based discrimination.

How many women have been granted licenses to practice law? Are there any restrictions on women's practice of law? For example, can a woman represent a male criminal defendant? Can she argue a case in court before a judge?

What progress, if any, has been made in passing a Personal Status Law, including setting 18 as a minimum age for marriage, ensuring all adults have the right to freely enter and exit

marriage, that custody is determined on the basis of the best interests of the child, and that parents have equal rights to handle their children's affairs? Please indicate any regulations or decrees that the ministry has passed relating to setting a minimum age of marriage or other personal status matters.

We ask you to respond to this letter and the inquiries above on or before June 7, 2016 so that we may reflect your response in the report we are preparing on this issue and hope to release in July 2016.

Please do not hesitate to contact Kristine Beckerle, Middle East and North Africa Division Fellow, should you have questions.

We thank you for your consideration and look forward to a positive response.

Sincerely yours,

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa Division  
Human Rights Watch

## **Appendix VI: Human Rights Watch Letter to the Minister of Education**

New York, May 16, 2016

Dr. Ahmed Al-Issa  
Minister of Education  
Ministry of Education  
Riyadh, Kingdom of Saudi Arabia

Subject: Advancing the rights of women in Saudi Arabia

Your Excellency,

We write to request a meeting to discuss the impact of the male guardianship system and sex segregation on the full realization of women's right to education in Saudi Arabia. We also seek further information regarding the steps taken by the Ministry of Education to better protect women's rights.

Over the last seven months, we have researched the impact of the male guardianship system and sex segregation on women's rights in Saudi Arabia. We are encouraged by steps taken by the ministry over the last ten years, including the government scholarship program which has enabled thousands of women to pursue higher education abroad.

Our research has shown that the male guardianship system, sex segregation rules, and restrictions on mobility continue to pose significant challenges to women's right to education in Saudi Arabia, and are inconsistent with Saudi Arabia's human rights obligations.

We write to request a meeting with yourself and other government officials to discuss our findings and recommendations, including to the Ministry of Education, which form part of a report that we will publish this year.

Human Rights Watch is committed to fair and accurate reporting and is eager to meet with Saudi government officials to hear your perspectives. We will, as always, reflect these perspectives fairly in our report.

We also seek further information regarding the ministry's efforts to further women's rights in the country, and ask you to respond to the inquiries below so that we may reflect your response in the report we are preparing on this issue:

1. Has the Ministry of Education issued any directives or guidelines to women's educational institutions requiring that male paramedics be given prompt access to women's university campuses in the case of a medical emergency? Please share any relevant directives or guidelines, including any penalties that may have been issued or implemented against universities that delayed, hindered or prevented male paramedic access over the last five years.
2. Has the Ministry of Education issued any directives, guidelines or penalties for women's universities requiring that universities do not ask adult women to provide guardian permission to enroll? Do any public universities continue to require male guardian permission to enroll adult female students? Please share any relevant directives or guidelines, including any penalties that may have been issued or implemented against universities that continue to require this permission.
3. Does the government have plans to abolish requirements that women who are granted government scholarships be provided with guardian permission and have a *mahram* accompany them during their stay abroad? In how many cases has the ministry taken action against female students not abiding by the *mahram* requirement, and what action was taken in each case?
4. Do men and women have the same ability to register their children in public schools? What are the remaining barriers facing women attempting to enroll their children in school without the father's permission? For example, has the decision to grant divorced and widowed women family cards eased women's ability to enroll their children in school?

5. Has the Ministry of Education complied with the Shura Council's April 2014 recommendation to study the possibility of introducing physical education in girls' public schools? If so, what were the results of the study? Please include details on any draft regulations prepared or presented by the ministry to the Shura Council or Cabinet.
  
6. What is the timetable for introducing physical education for girls in public schools? Please give an expected start date, and include details of measureable benchmarks, such as what percentage rate of public schools will have fully integrated girls' physical education by a certain date, weekly hours spent on physical education, types of sports or exercise practiced at each level of education, and facilities used for each grade or type of school (elementary, middle, and secondary).
  
7. Is it currently possible for public schools to offer voluntary physical education classes to girls? What are the requirements for doing so, if any?

We ask you to respond to this letter and the inquiries above on or before June 7, 2016 so that we may reflect your response in the report we are preparing on this issue and hope to release in July 2016.

Please do not hesitate to contact Kristine Beckerle, Middle East and North Africa Division Fellow, should you have questions.

We thank you for your consideration and look forward to a positive response.

Sincerely yours,

Sarah Leah Whitson

Executive Director

Middle East and North Africa Division

Human Rights Watch

## **Appendix VII: Human Rights Watch Letter to the Minister of Labor and Social Development**

New York, May 16, 2016

Dr. Mufrej bin Saad Al-Haqbani  
Minister of Labor and Social Development  
Ministry of Labor and Social Development and Social Development  
Riyadh, Kingdom of Saudi Arabia

Subject: Advancing the rights of women in Saudi Arabia

Your Excellency,

We write to request a meeting to discuss the impact of the male guardianship system and sex segregation on the full realization of women's right to work in Saudi Arabia. We also seek further information regarding the steps taken by the Ministry of Labor and Social Development and Social Development to better protect women's rights, including to be free from violence and to widen women's opportunities to participate in the labor market.

Over the last seven months, we have researched the impact of the male guardianship system and sex segregation on women's rights in Saudi Arabia. We are encouraged by steps taken by the former Ministry of Labor and Social Development over the last ten years, including removing discriminatory provisions in the Labor Law, deciding that women no longer require male guardian permission to be employed, and incentivizing employers to hire women.

We are also encouraged by recent steps taken by the former Ministry of Labor and Social Development, including promulgating implementing regulations for the Protection from Abuse Law and setting up hotlines and a dedicated center where women can report abuse.

Our research has shown that the male guardianship system, sex segregation rules, and restrictions on mobility continue to pose significant challenges to women hoping to enter

the workforce and to women victims of domestic violence in Saudi Arabia. Restrictions stemming from the male guardianship system are inconsistent with Saudi Arabia's international human rights obligations.

We write to request a meeting with yourself and other government officials to discuss our findings and recommendations, including to the Ministry of Labor and Social Development and Social Development, which form part of a report that we will publish this year.

Human Rights Watch is committed to fair and accurate reporting and is eager to meet with Saudi government officials to hear your perspectives. We will, as always, reflect these perspectives fairly in our report.

We also seek further information regarding the ministry's efforts to further women's rights in the country, and ask you to respond to the inquiries below so that we may reflect your response in the report we are preparing on this issue:

Has the ministry removed language from Article 149 of the Labor Law that banned women from working in dangerous or hazardous industries? If so, has a new Labor Law with these changes been promulgated and circulated?

Does the ministry continue to require guardian permission from its female employees? Is it aware of any other state institutions, including public schools, that continue to require guardian permission from female employees?

Does the ministry penalize public or private employers that require guardian permission before hiring a woman? If not, does the ministry have plans to introduce these penalties? Please provide any draft regulations regarding penalties and details on an estimated timeline for introducing such penalties.

Does the ministry receive complaints from women that allege gender discrimination in the workplace, including private and public sector employers requiring guardian permission for women to work or being asked by government officials to present a male manager or male agent to secure a business license? If so, please provide information on where these complaints may be filed, the average processing time of a complaint, the number of

discrimination-related complaints filed by women over the last five years and any steps taken by the ministry, including issuing penalties, in response to these complaints.

Has the ministry undertaken any studies regarding the impact of sex segregation in the workplace on employers' likelihood of hiring women or women's ability to freely enter the labor market and advance once in a position? Please share the results of any studies so conducted.

How many cases of domestic violence has the former Ministry of Labor and Social Development responded to over the last five years? Please provide data regarding the number of cases, the age and gender of the victim, the age, gender and relationship to the victim of the perpetrator, the way in which the ministry intervened in the case, and the current status of the case. Please specifically note any cases in which the ministry worked with the police and entered a home or placed a perpetrator of abuse in jail in response to a report of violence.

Does a woman require a male guardian or other male relative to sign her out of state-run shelters or juvenile detention centers? Please share any policies or directives related to the procedures for a woman to exit these facilities, including details on differences in exit-procedure policy, if any, between women who enter shelters fleeing from abuse, women in juvenile detention centers and women transferred from prisons or jails to a shelter after completing their sentences.

What steps has the ministry taken to help women exit ministry-run facilities? Please share relevant directives and data on how many women are currently unable to exit ministry facilities and how many women the ministry has assisted to exit these facilities over the last five years and by what means.

Has the ministry issued any clarifications or guidelines, beyond the 2014 implementing regulations, regarding the Protection from Abuse Law? In particular, has the ministry provided guidance on the interpretation of Article 1, including what actions "exceed the bounds of guardianship," Article 8, including what constitutes a "severe" case, and Article 9, including when the ministry and police may enter a home without the permission of a guardian or the home owner?



Does the ministry provide legal assistance to women in shelters or juvenile detention centers who are seeking to transfer guardianship away from an abusive guardian?

We ask you to respond to this letter and the inquiries above on or before June 7, 2016 so that we may reflect your response in the report we are preparing on this issue and hope to release in July 2016.

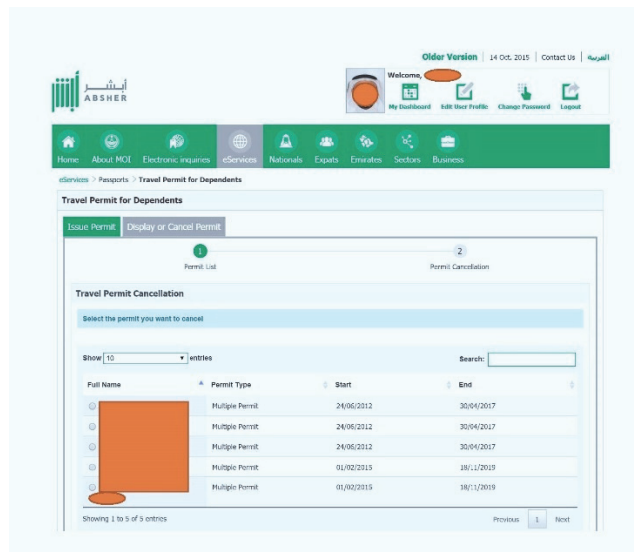
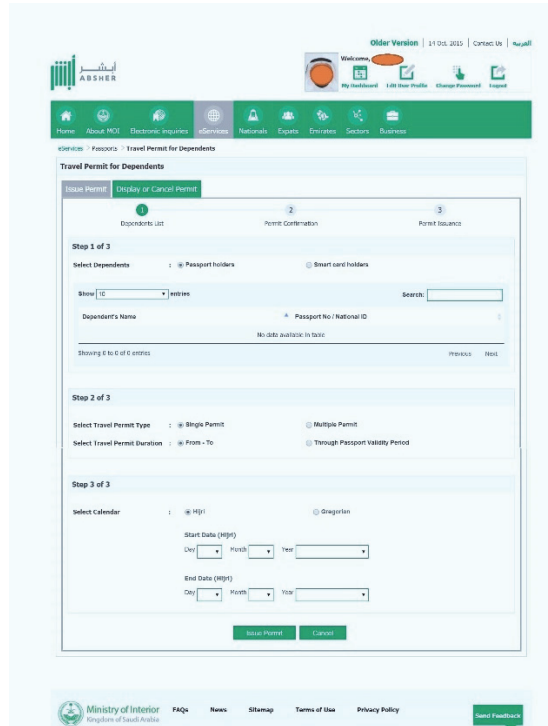
Please do not hesitate to contact Kristine Beckerle, Middle East fellow, should you have questions.

We thank you for your consideration and look forward to a positive response.

Sincerely yours,

Sarah Leah Whitson  
Executive Director  
Middle East and North Africa Division  
Human Rights Watch

# Appendix VIII: Screenshot from Ministry of Interior Travel Permission Portal







Electronic Complaints System, Saudi Arabia Ministry of Justice, “Claim for Returning a Woman to Her *Mahram*,” accessed January 14 2016.



Electronic Complaints System, Saudi Arabia Ministry of Justice, “Claim for Returning Wife to Marital Home,” accessed January 14 2016.

# BOXED IN

## Women and Saudi Arabia's Male Guardianship System

In Saudi Arabia, from birth until death, a woman is under the authority of a male guardian. Every Saudi woman must have a male guardian, normally a father or husband, but in some cases a brother or even a son. A male guardian legally holds the power to make a range of critical decisions on a woman's behalf. As dozens of Saudi women told Human Rights Watch, the male guardianship system, which in many ways treats adult women like legal minors, is the most significant impediment to the realization of women's rights in the country.

Adult women must obtain permission from a male guardian to travel, marry, or exit prison. They may be required to provide guardian consent in order to work or access healthcare. Without a male relative, women regularly face difficulties conducting a range of transactions, from renting an apartment to filing legal claims. In interviews with 61 Saudi citizens, Human Rights Watch found these restrictive policies make it extremely difficult for women to escape situations of family violence and, in some cases, a male guardian can use his authority to extort female dependents, including conditioning consent for women to work or travel on her paying him large sums of money. Human Rights Watch urges Saudi Arabia to take immediate steps to abolish the guardianship system which is in stark violation of its human rights obligations.