



Shared Prosperity **Dignified Life**



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Country matrix 2024 Saudi Arabia

The country matrix adopts and adheres to the coding standards adopted in the "Gender Justice and the Law" initiative.

General framework of the State

Has the State ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)? Does it have any reservations on the implementation of the provisions of the Convention?

The Kingdom of Saudi Arabia ratified the Convention in 2000 but maintains reservations about the provisions that conflict with Islamic Shariah law. The Kingdom does not consider itself bound by article 9 (2) (the nationality of children) and article 29 (1) (arbitration of disputes).

Does the Constitution refer to gender equality and non-discrimination?

The basic law of governance does not contain any provisions about gender equality or the prohibition of discrimination on the basis of sex or gender. The basic law of governance guarantees the principle of equality in general. Article 8 stipulates: "Governance in Saudi Arabia is based on justice, the Shura [Consultative Assembly] and equality according to Islamic Shariah".

If customary law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on gender equality or non-discrimination?

The Constitution is silent on the role of customary law by virtue of the fact that it is a source for legislation.

If personal law is a valid source of law under the Constitution, is it valid if it violates constitutional provisions on equality or non-discrimination?

According to the stipulations of the basic law of governance, the Qur'an and the Sunna are the main sources for legislation in the Kingdom of Saudi Arabia. Therefore, the principles of Islamic Shariah law derived from the Qur'an and the Sunna take precedence in the event of any conflict between the constitutional stipulations or national regulations or international conventions and (Shariah) civil status.

Do national laws clearly define the mandate and jurisdiction of informal justice systems, where they exist, in terms of their enforcement of formal and informal laws, both of which must conform to international standards, including non-discrimination?

The national laws do not define the authorizations and powers of the unofficial justice systems; the Qur'an and the Sunna remain the source of the legislation applicable.

Is there a law on discrimination that prohibits both direct and indirect discrimination against women?

There is no law prohibiting direct or indirect discrimination against women.

Is there a national action plan or policy to address violence against women and girls that is overseen by a national mechanism with the mandate to monitor and review implementation?

No plan has been developed in this matter.

Are there budgetary commitments provided for by government entities for the implementation of legislation addressing violence against women and girls by creating an obligation on the Government to provide a budget or allocation of funding for the implementation of relevant programmes or activities?

There are provisions allocated in the budget for specialized bodies for combating violence against women and girls, such as the units dedicated to responding to domestic violence, the General Administration for Family Protection, and the Center for Receiving Violence Reports.

Is there a national strategy or action plan currently in place containing measures to ensure full and equal access to the entire range of sexual and reproductive health information, services and supplies, with budgetary, human and administrative resources allocated for its implementation?

The national strategy of the Ministry of Health and the Patient Bill of Rights stipulate the right of women to obtain proper

and comprehensive health-care services. The health system stipulates the funding of health services in a number of ways, the most significant of which is the State's general budget. Among the examples of health services, which the system encompasses, are maternity, infant and women's health-care programmes.

Is legal aid mandated in criminal matters?

According to article 47 of the basic governance, "The right to litigation is guaranteed on an equal basis to citizens and residents in the Kingdom". The system does not have a duty to

provide legal aid in civil and family matters, but free legal aid is available via charities.

Is legal aid mandated in civil/family matters?

According to article 47 of the basic governance, "The right to litigation is guaranteed on an equal basis to citizens and residents in the Kingdom". The system does not have a duty to provide legal aid in civil and family matters, but free legal aid is available via charities.

Are there laws that explicitly require the production and/or dissemination of gender statistics?

A law that mentions gender or ensures that they are collecting gender data has not been enacted, but article 4 of the General Authority for Statistics issued by Council of Ministers' Decree No. 11 on 13/1/1437 AH [equates to 26 October 2015 AD] stipulates that the Organization is the body concerned with statistics and is the sole official authority for executing work on statistics, and is the technical inspector and organizer of the same. In achieving its aims, it prepares the national statistical evidence and classifications according to international standards, makes use of them, and works to update them and develop them when required.

Legal capacity and public life

Do women and men have equal rights to apply for passports?

According to article 2 of the amended passport system, women enjoy an equal right in seeking the issuing of passports without the permission of her guardian or husband. Royal Decree No. M/134, dated 27/11/1440 AH (30 July 2019), stipulates that there is equality between man and woman in the conditions for the issuing of passports.

Do women and men have equal rights to obtain an identity card?

The amendment to article 67 of the civil status statute guarantees equal rights for all Saudi citizens such that men and women can seek the issuing of a national identity card for anyone

completing their fifteenth year. This will be optional for those who are between the ages of 10 and 15 after consent from their guardian.

In civil law matters and procedures, are women required to obtain permission from judicial or administrative authorities, spouses and other family members prior to initiating legal action?

A woman does not have to obtain permission from judicial or administrative authorities or her husband and other members of the family before commencing legal proceedings in civil matters.

In personal/family law matters, are women required to obtain permission from

judicial or administrative authorities, spouses and other family members prior to initiating legal action?

A woman has to obtain permission from the judicial or administrative authorities and her husband and other members of the family before pursuing legal measures in personal/family matters such as signing the marriage contract.

Does a woman's testimony carry the same evidentiary weight in court as a man's?

The Law of Civil Procedure, the Evidence Law, the Procedure before Shariah Courts Law and the Law of Criminal Procedure rely on gender-neutral language in regulating attestation. However, the weight of a woman's testimony is less than that of a man's testimony in

some family and personal matters, according to the civil status statutes considered the source of legislation in the Kingdom, the Qur'an and the Sunna. For example, in bearing witness to marriage, two adult men are stipulated; in proving the crime of adultery, four adult men are required.

Can a woman enter into a contract the same way as a man?

Women enjoy the same rights as men to enter into a contract.

Do women and men have equal rights to own, access, and control or use property?

The basic statute (articles 17 and 18) guarantees the right to private property to all citizens. As for the

Law of Real Estate Units Ownership, Subdivision and Management, the first article relies on gender-neutral

language when addressing citizens and regulating their rights to own property, access property and control it.

Does the law allow for women to register businesses the same way as men?

Based on the Royal Decree No. 33322 of the year 1438 AH (18 April 2017), no regulatory restrictions are imposed on women. Furthermore, there are a number of initiatives which support them and enable them to conduct trade.

Do women and men enjoy equal rights and access to hold public and political office (legislature, executive, judiciary)?

The Kingdom's statutes do not contain provisions preventing women from occupying any of the senior posts, as the text of the civil service statute issued by Royal Decree No. 49/A, dated 18

June 1977, stipulates in article 1 that "merit is the basis for selecting officials to occupy public posts"; thus there is no barrier preventing women from occupying senior posts in the State or occupying public office.

Are there quotas for women (reserved seats) in the national parliament?

Article 3 of the Shura Council statute stipulates that the representation of women should be no less than 20 per cent of the seats of the Shura Council, which does not meet the international standard that recommends the quota of women should be no less than 30 per cent.

Is there a law that explicitly prohibits violence against women in politics and elections?

There is no statute prohibiting violence against women in public politics and elections.

Protection from violence against women and girls in the public and private spheres

Is there legislation on domestic violence that includes all forms of physical violence?

The statute on the protection from harm of 2013 guarantees the protection of women and girls from all forms of violence.

Is there legislation on domestic violence that includes all forms of sexual violence?

The statute on the protection from harm of 2013 guarantees the protection of women and girls from all forms of violence, including sexual violence, but it does not deal with marital rape.

Is there legislation on domestic violence that includes all forms of psychological/emotional violence?

The statute on the protection from harm of 2013 guarantees the protection of women and girls from all forms of violence.

Is there legislation on domestic violence that includes financial/economic violence?

The statute on the protection from harm of 2013 guarantees the protection of women and girls from all forms of violence.

Are there criminal and civil protection orders available for victims of violence for which a breach (constitutes a criminal offence) has legal consequences?

The protection from harm statute of 2013 contains a mechanism to protect victims of harm and it includes protection orders.

Does the law allow mitigating circumstances for femicide?

Leniency towards perpetrators of honour crimes against women is not legalized in the Saudi statutes. It is up to the court, as it sees fit, to determine the punishment to be imposed on men who commit these crimes. No cases have been recorded of what are called "honour crimes".

Does the law criminalize female genital mutilation (FGM) or cutting if practised?

Saudi statutes do not contain a prohibition on FGM or cutting.

Does the law criminalize adultery?

Adultery is a criminal act according to the Shariah.

Do laws that criminalize rape act based on absence

of consent without requiring proof of the use of physical force or penetration?

There is no definition of the crime of rape other than unanimity that it is forcing and compelling the other party, whether man or woman, to have sexual intercourse.

Does the law criminalize marital rape?

Marital rape is not a criminal offence. Despite the fact that the Shariah courts have not traditionally punished marital rape, the husband is generally obliged not to harm his wife.

Does the law include exoneration if the offender marries his victim?

There is no statutory stipulation waiving punishment of the rapist if he marries his victim. The statutes in use in the Kingdom of Saudi Arabia stipulate the punishment of the rapist in all circumstances.

Is sexual harassment defined in any legislation?

Sexual harassment is a crime as per the anti-harassment statute issued in 2018. In this statute, "harassment" is defined as any words or action or gesture with a sexual connotation emanating from a person to another person concerning their body or

appearance or offending decency by whatever means.

Is there a provision in the law that criminalizes cyberviolence against women and girls?

The statute combating cybercrime imposes penalties on any act committed using the Internet that violates a person's private life or pillories others and/or spreads rumours, or supports/facilitates the sex trade or human trafficking. Despite the fact that the statute does not contain a clear text about cyberviolence against women and girls, its stipulations are applied to men and women equally. The anti-harassment legislation criminalizes every act of harassment committed by modern electronic means.

Are sex work and prostitution criminalized?

Islamic Shariah prohibits sex work and prostitution.

Are there comprehensive provisions (punitive, protective and preventive) on human trafficking in any law?

The 2009 statute to combat human trafficking prohibits human trafficking and includes protective and preventive measures for that purpose.

Employment and economic benefits

Does the law mandate non-discrimination on the basis of gender in employment?

The labour statute includes specific stipulations expressly prohibiting discrimination against women. The amendment

introduced to articles 2 and 3 of the abovementioned statute was in order to reaffirm the inclusion of "women" in the definition of

the worker as stipulated in the statute. Furthermore, the statute expressly confirms that citizens are equal in their right to work, without any discrimination on the basis of gender or disability or age or any other form of discrimination whether during their execution of the work or when being appointed or dismissed.

Does the law mandate equal pay for the same work as men?

The labour statute prohibits discrimination against women in work and pay.

Does the law mandate equal remuneration for work of equal value?

The statute guarantees that women and men have equal rights to equal pay for work of equal value. Ministerial Decree No. 39860 of the year 1440 AH (2018) prohibits discrimination in the pay of female workers compared to male workers for work of equal value.

Does the law allow women to do the same jobs as men?

There are no legal restrictions on women regarding manual labour or in performing specific occupations.

Does the law allow women to work the same night hours as men?

There are no legal restrictions on women regarding working during night hours.

Do national labour and civil service-related laws (labour codes, civil retirement acts, etc.) discriminate between

men and women in terms of retirement age?

The new amendment to the social insurance statute makes the retirement age the same for men and women, as it stipulates that the retirement age for all employees is 60 years of age.

Do national labour and civil service-related laws grant men and women equal rights to pass on their pensions to their spouses?

The Social Insurance Law was recently amended in 2024, granting equal rights for men and women to pass on their pensions to their spouses without any discrimination.

Does the law prohibit dismissal during pregnancy and maternity leave?

As per articles 155 and 156 of the labour statute, an employer is not allowed to dismiss a female worker for being on maternity leave or for illness due to pregnancy or childbirth.

Does the law provide for maternity leave that meets the International Labour Organization (ILO) standard of 14 weeks?

Since the amendment of the labour statute in 2024, working women now have the right to maternity leave for a period of twelve weeks with full pay, which is still less than the standard of fourteen weeks set by the International Labour Organization.

Does the law provide for paid paternity leave available to fathers?

Fathers are not entitled to paternity leave. However, article

113 of the labour statute stipulates that the male worker has the right to leave on full pay for a period of three days when his baby is born.

Is childcare publicly provided or subsidized?

There are regulatory stipulations specifying the provision of childcare services, although they are not fully implemented and consistent in the public and private sectors.

Does legislation tackle sexual harassment in the workplace?

The legislation to combat the crime of harassment makes it incumbent on the quarters concerned in the Government and private sector to draw up the necessary measures for protection against harassment and to combat it within the working environment. Those measures have been drawn up in a specific document which aims to ensure the protection against negative behaviours in the workplace.

Are there provisions allowing for civil claims/remedies for sexual harassment in the workplace?

The anti-harassment statute contains stipulations about civil claims/remedies in cases of sexual harassment in the workplace. According to the anti-harassment statute, the disciplinary matter does not infringe on the victim's right to bring a complaint before the regulatory authorities courts concerned against the perpetrator of the crime of harassment.

Does the Labour Law provide protection for domestic workers?

Pursuant to Ministerial Decision No. 40676 of 2023, issued by the Minister of Human Resources and Social Development, the Regulation on Domestic Workers and Those in Similar Positions was promulgated. The regulation sets out working hours, rest days, leave

entitlements and healthcare provisions, in addition to protections against verbal or physical abuse and sexual harassment.

Is there a public entity that can receive complaints on gender discrimination in employment?

Complaints can be made to the Agency for Inspecting and

Developing the Working Environment in the Ministry of Human Resources and Social Development, which investigates the complaint and passes it on to the authorities or bodies concerned. It is also possible to submit a complaint to the Saudi Human Rights Commission, and a complaint can be filed with the labour courts or the Office of the Ombudsperson.

Family matters (personal status)

Is 18 the minimum age at marriage, with no legal exceptions, for both women and men?

In 2022, Saudi Arabia issued a new Personal Status Law, which raises the minimum age at marriage to 18 years for both sexes without discrimination. However, the court may authorize marriage for anyone who has not yet reached the age of 18, whether male or female, after verifying their interest in marriage.

Is marriage under the legal age void or voidable?

It is possible to annul a marriage of those under 18 should the marriage contract have been signed without the permission of the court concerned. Such contracts as these are to be sent to the court concerned to ensure that they meet the requirements of article 16 (3) of the Executive Regulation of the Child Protection Statute.

Do women and men have equal rights to enter

marriage (i.e. consent) and initiate divorce?

In accordance with the principles of Shariah, the husband must support his wife financially and the wife's duty is to obey her husband. The husband is entitled to divorce his wife, and the wife is entitled to divorce in specific circumstances. The wife can also request divorce at her instigation giving no reasons on the condition that she renounce her financial rights.

Does the law prohibit polygamy?

Polygamy is permitted in accordance with Shariah.

Do women and men have equal rights to be legal guardian of their children during and after marriage?

The guardianship of the children is held by the father, and he is to make decisions in important matters such as health care and education. The mother also has a role in decisions affecting her children.

Does the law grant women and men equal custody rights of their children?

The new Personal Status Law issued in 2022 affirms the mother's right to custody after divorce. The court has the right to decide otherwise based on the interests of the child in custody. It also has the right to forfeit the mother's right to custody if she marries again.

Do women and men have equal rights to choose where to live?

Men and women have equal rights in legal capacity, including with regard to choosing the place of residence and the residence.

Do women and men have equal rights to choose a profession?

National laws guarantee equal rights to men and women in choosing their profession, including, by way of example, the profession of lawyer, the medical profession and that of the judiciary. The regulatory framework does not impose any

restrictions on the type of jobs that women can do.

Do women and men have equal rights to own, access, and control or use marital property including upon divorce?

Despite the lack of a statute governing marital property, the basic system of governance guarantees the right of every citizen to private property and protects it. This is based on the stipulations of Islamic Shariah as the main source of legislation. The principles of Islamic Shariah are based on the division of property between the spouses: each of them has the full right to own property and dispose of property and real estate independently before marriage, during it and once it has ended in divorce.

Where rights to inheritance are enshrined by law, do women and men have equal rights?

The stipulations of Shariah law are applied to inheritance. The woman has the right to inherit, although most of the time her share will be less than that of the man, as the male's share is equivalent to that of two females.

Are there specialized civil courts or civil court processes for family law matters that provide for the equal rights of men and women?

The Civil Proceedings Code specifies the jurisdiction of the family courts for examining all personal and family disputes, but they do not guarantee equal rights to men and women alike.

Do women have equal rights as men to pass their nationality to children?

Article 9 of the Saudi Arabian nationality statute grants the child born of a Saudi mother and a foreign father the right to request Saudi nationality after reaching the age of majority with specific conditions in the statute. The son or daughter of the female citizen has equal rights and benefits to those enjoyed by citizens such as those connected with work, health and education.

Do women have equal rights as men to pass their nationality to a foreign spouse?

A woman does not enjoy the same rights guaranteed to a man with regard to passing on nationality to her foreign husband.

Sexual and reproductive health and rights

Do law(s) or regulation(s) exist that guarantee access to maternal health care for all women and adolescent girls, irrespective of marital status and without third-party authorization?

In 2024, the Ministry of Health in Saudi Arabia issued the Bill of Rights that stipulates women's right to obtain basic health care, health services related to their privacy on an equal basis with men, and maternal health-care services.

Do law(s) or regulation(s) exist that guarantee access to contraceptive services for all women and adolescent

girls, irrespective of marital status and without third-party authorization?

In 2024, the Ministry of Health in Saudi Arabia has issued the Bill of Rights stipulating the right of women to obtain health and religious advice regarding reproductive regulation and contraceptive services under medical supervision and by trained hands in health centres and hospitals. However, the Bill did not explicitly mention the right of all women and girls to have access to contraceptive services.

Do law(s) or regulation(s) exist that guarantee access

to emergency contraception for all women and adolescent girls, irrespective of marital status and without third-party authorization?

These matters are covered by the chapter on women's health rights in the Bill of Rights issued by the Ministry of Health, particularly by the provisions guaranteeing women's right to reproductive planning.

Is induced abortion legal at least when the life or health of the pregnant woman is at risk and in cases of rape, incest or severe fetal impairment, and is abortion decriminalized in any case

for both the pregnant woman as well as health-care providers performing it (when consent is fully given)?

The 2024 Bill of Rights stipulates the right of women to “obtaining legal and health advice for abortion in the case of pregnancy associated with very dangerous diseases and in the event of a severe threat to the life of the pregnant woman or the fetus and confirming this through a committee of three consultants and supporting it with an urgent fatwa decision from the medical legal committee”. However, abortion is still not permissible in cases of rape or incest.

Irrespective of the legal status of abortion, do law(s) or regulation(s) exist that ensure access to post-

abortion care for all women and girls, independent of their marital status and without third-party authorization?

There is no law or statute dealing with access to post-abortion care.

Do law(s), regulation(s) or national policies exist that make comprehensive sexual health education a mandatory component of the national school curriculum?

There is no legislation or regulations making the inclusion of comprehensive sexual health education compulsory in the national school curriculum.

Do law(s) or regulation(s) exist that guarantee access to voluntary HIV testing and

counselling services for all women and girls, irrespective of marital status and without third-party authorization?

The Bill of Rights issued by the Ministry of Health in 2024 affirms that the rights of patients living with HIV/AIDS are identical to those of all other patients. It specifically affirms a woman’s right to undergo preventive, diagnostic and therapeutic examinations for infectious and non-infectious reproductive diseases. It also underscores confidentiality and privacy in matters related to sexually transmitted conditions, except as required by applicable laws and procedures, without reference to marital status or the need for third-party authorization.