



## SAUDI WOMEN'S RIGHTS BETWEEN NATIONAL LAWS AND INTERNATIONAL CONVENTIONS

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### **Abstract:**

*The aim of this research is to highlight the extent to which Saudi women enjoy their rights at the national and international levels. This is examined through the Kingdom of Saudi Arabia's accession to numerous conventions and treaties that have established a wide range of fundamental rights and freedoms for women, both as universal human rights and as rights specific to women.*

**Key Findings:** *The study identified the rights of Saudi women as stipulated in national legislation, particularly in the Basic Law of Governance. It also reviewed various civil, social, and other rights enjoyed by Saudi women, such as the right to life, the right to work, the right to equal pay, and the right to participate in political life, among others. These rights are guaranteed to women on an equal footing with men. Furthermore, the research confirmed that women's rights are also protected under international charters and conventions, which affirm the right of women to work and their equality with men in this domain. Additional rights have been granted to women through international regulatory frameworks as well.*

### **Main Recommendations:**

*The research recommends increasing cultural and media awareness of the importance of the role of Saudi women in society, equal to that of men. It also calls for the enactment of further legislation to strengthen the role of Saudi women and for the imposition of stricter penalties against violators of women's rights. Another key recommendation is to establish an international committee composed of several countries to encourage signatory states to international conventions on women's rights to implement these agreements and not evade their commitments. This committee should also be granted certain powers, including the authority to impose sanctions on countries that fail to comply with these conventions.*

### **Keywords:**

*Women's rights - UN Women - CEDAW - Rights of working women - Political rights of Saudi women - International Labour Organization*

## INTRODUCTION

All praise is due to God, whom we praise and seek His forgiveness, and we seek refuge in God Almighty from the evils of our souls and the wickedness of our actions. It is well-known, first and foremost, that human rights and the fundamental freedoms related to them have become among the topics that occupy a broad scope of interest for researchers in many branches of the social sciences, as well as for practitioners of public work and decision-makers, not only at the national level, but also at the international level in general.

Following the recognition by members of the international community—states and organizations—of the special nature of women, in terms of their biological and psychological characteristics distinct from men, not to mention the steady increase in international interest in human rights and the development of the international legal status of the individual, national constitutions and legislation, as well as various types of international conventions, have guaranteed a comprehensive system of rights and freedoms for women, placing them on an equal footing—as a general principle—with men. In this regard, these laws and conventions explicitly affirm the principle of inadmissibility of discrimination between human beings on the grounds of gender, religion, language, national or ethnic

origin, or other grounds. This study examines the issue of Saudi women, the extent to which they have achieved their rights, the expansion of knowledge about these rights, and the role of the United Nations, an international organization that plays a crucial role as an institutional framework for protecting women's rights and other human rights in general. This is achieved through the Kingdom of Saudi Arabia's accession to international agreements related to human rights in general, and women's rights in particular, and through its accession to international organizations that also play a role in promoting and protecting women's rights. This is followed by proposals and recommendations that will help advance women and protect them from all forms of violence. The study will be divided into two sections, as follows:

**Section One: Women's Rights in National Laws**

**First Section:** Saudi Women's Rights in the Basic Law of Governance

**Second Section:** Saudi Women's Rights in Domestic National Systems

**Section Two: Saudi Women's Rights at the International Level**

**First Section:** Women's Rights in International Charters and Agreements

**Second Section:** International Mechanisms for the Protection of Women's Rights at the International Level

**Section One: Saudi Women's Rights in National Systems**

Discussions about women's rights are endless, and human thought, both ancient and modern, has provided humanity with concepts, declarations, and charters granting women their rights as wives, mothers, sisters, and daughters.

The issue of women should not be treated as a matter of conflict between men and women. The two are not adversaries, but rather eternally supportive partners. For men, women represent not only the wife and home with whom they share their lives, but also the mother to whom they bow in reverence and appreciation, the daughter for whom they sacrifice everything they own to ensure her protection and happiness, and the sister who they find compassionate in times of hardship.

**- The Concept of Women's Rights and Protection:**

The concept of women's rights and protection constitutes an essential part of efforts to achieve equality between men and women. This concept is embodied in providing protection and guarantees guaranteed by law and national legislation, which guarantee women equality and justice in all aspects of their lives.

**- The Definition of Women's Rights in Law:**

It is the term that encompasses all the social, economic, political, and legal rights that women possess on an equal footing with men.

In this section, we then address the rights of Saudi women in Saudi constitutional and legislative systems, foremost among which are their rights in the Basic Law of Governance issued in 1412 AH, followed by positive systems.

Women have a great position in society, and they are the foundation of building the entire society; and the reason for the survival and continuity of the human race. Islam came to elevate their status; and gave them their rights and surrounded them with great importance. Saudi women enjoy their societal rights, and all their rights based on their being human beings equal in all rights and freedoms with men without the slightest discrimination for any reason. This is one of the priorities of the Kingdom's Vision 2030. However, we will focus only on the rights that the Kingdom has guaranteed to Saudi women. The research will be divided into two sections, as follows:

Here is an academic translation of the provided text, maintaining the structure and footnote placeholders as in the original:

### Section One: The Rights of Saudi Women in the Basic Law of Governance ( <sup>1</sup> )

Saudi women have made honorable and historic strides compatible with the culture of society and the changing times, thanks to God. Since the establishment of the Kingdom of Saudi Arabia, the state has given care and attention to everything that would advance national development, which is fundamentally based on the principle of equality and equal opportunities between men and women—from granting women the right to education to appointing them to senior positions. Saudi women have proven themselves capable by contributing to their role as partners in nation-building and its various institutions, despite the challenges and obstacles they have faced or may face.

Undoubtedly, the empowerment and development witnessed by Saudi women is not new. If we look back to the year 1360 AH (1941 AD), women were granted the right to education by joining kuttab schools and formal schools in various cities and villages across the Kingdom. In 1379 AH (1959 AD), the General Presidency for Girls' Education was established and schools at different levels were founded, followed by women's colleges and dedicated sections in universities. Additionally, women benefited from overseas scholarship programs that began in 1426 AH, culminating in the opening of the world's largest women's university, Princess Nourah bint Abdulrahman University, in 1429 AH, which is considered the first integrated government city for women. Her Royal Highness Princess Dr. Al-Jawhara bint Fahd bin Muhammad bin Abdulrahman was appointed as its first director ( <sup>2</sup> ).

The Basic Law of Governance ( <sup>3</sup> ) in the Kingdom of Saudi Arabia ensures governance based on justice, consultation (shura), and equality in accordance with Islamic Sharia, as stipulated in Article 8. The Law also guarantees a set of rights and freedoms to citizens on an equal basis, the most important of which are:

- It stipulates the freedom and inviolability of private property ( <sup>4</sup> ).
- It guarantees the care of the citizen and his family in cases of emergency, illness, disability, and old age ( <sup>5</sup> ).

Here is an academic translation of your text into English, reflecting the scientific style and retaining the original structure:

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(1) - See: Dr. Noura Abdulrahman Al-Yousef - *Empowering Saudi Women* – King Fahd National Library – Riyadh – 2009 AD - 1430 AH - p. 33

<sup>2</sup> -See: Kholoud Khaled Al-Dakhil - <https://www.spa.gov.sa/> - Report / "Saudi Women Advance with Ambition and Empowerment in Vision 2030" - Riyadh 21 Sha'ban 1440 AH corresponding to April 26, 2019 AD (SPA) - Additionally, the most significant event in 1430 AH corresponding to 2009 AD was the appointment of the first Saudi woman, Professor Noura Al-Fayez, as Deputy Minister in the Ministry of Education, which made the ambition of Saudi women limitless in light of the prosperity and development that the Kingdom of Saudi Arabia is experiencing in various fields

<sup>3</sup> - The Basic Law of Governance issued by Royal Order (No. A/90) dated 27/8/1412 AH.

<sup>4</sup> - (Article 18) of the Basic Law of Governance

<sup>5</sup> -(Article 27) of the Basic Law of Governance



- The law stipulates that the state guarantees the right to education, scientific research, and training, combats illiteracy, and pursues equality in educational grants, aid, and opportunities for scholarships (<sup>6</sup>).
- The state is concerned with public health, provides healthcare for every citizen, and guarantees the right to litigation for both citizens and residents (<sup>7</sup>).

Saudi Arabia believes that the complementary relationship between the sexes is the optimal way to promote and protect human rights, ensuring that most areas of human rights witness absolute equality between men and women, such as the right to education, health, work, economic and commercial rights, among others. These will be clarified as follows:

#### **A. Equality in Education and Training:**

The Kingdom guarantees all citizens the right to free education without any discrimination, based on its belief in the importance of education for achieving sustainable development and fully implementing human rights.

##### **Examples include:**

- The Basic Law of Governance stipulates the necessity for the state to provide public education and to commit to combating illiteracy.
- The General Education Policy affirms free education at all types and stages, and emphasizes linking education at all levels to the state's general development plan, which aims to achieve a strong partnership between men and women.
- The educational system in the Kingdom is fundamentally based on equality between men and women in all its aspects, whether in admission and enrollment mechanisms, curricula and examinations, qualifications of teachers and lecturers, or the quality of educational facilities and equipment. In fact, women have received additional attention in this regard, such as positive discrimination, especially with the continued establishment of university cities dedicated to female students, like Princess Nourah bint Abdulrahman University, and the university cities affiliated with Imam Muhammad bin Saud University and King Saud University.

#### **B. Equality in the Work Environment and Wages:**

The Labor Law has established a number of rights and duties equally for men and women, such as equal pay for equal value and type of work. The state has also ensured complete equality between them in job search assistance and training programs for employment. Details of this can be found in Chapter Nine of the Labor Law, which contains provisions on the employment of women under the labor system.

#### **C - Equality in Health:**

The Basic Law affirms the equal right of men and women to receive healthcare. It states, "The State is responsible for public health and provides healthcare to every citizen and his family in cases of emergency, illness, disability, and old age." Health is a fundamental right associated with every person, and all regulations in the Kingdom of Saudi Arabia enable women to exercise their right to healthcare without any conditions or restrictions.

#### **D - Equality in Scholarships and Aid:**

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<sup>6</sup> -(Articles 29-30) of the Basic Law of Governance

<sup>7</sup> - (Articles 31-47) of the Basic Law of Governance

Existing programs rely on providing equal educational and training opportunities for both sexes. The percentage of scholarships directed at women has increased significantly, both in relation to the Custodian of the Two Holy Mosques Program for Foreign Scholarships and in relation to internal scholarships at Saudi universities. Saudi women were able to participate in municipal councils as voters and candidates, winning 21 seats. Their role in the security field was prominent in various tasks, and 13 Saudi women were appointed to the new Human Rights Council. Law trainees were granted a license to practice law, and the retirement age was unified for men and women in accordance with the labor system. Several programs were created to support women's job stability, including the "Qara" program to support working mothers in taking care of their children during their working hours<sup>8</sup>.

### **Second Section: Saudi Women's Rights in Domestic National Systems**

On the basis of justice and equality, and in accordance with Islamic Sharia, Saudi regulations guarantee many rights to Saudi women on an equal footing with men, recognizing them as integral members of Saudi society. The Kingdom has established these rights for women through various national legislations, as well as in international charters and conventions to which it is a party. However, the latter will be discussed in detail in the second section of this study. For now, I will address the rights granted to Saudi women by ordinary national legislation, such as the Labor Law, the Personal Status Law, and the Code of Criminal Procedure, as follows:

#### **First: The Rights of Working Women in the Saudi Labor Law**

The Labor Law is fundamentally linked to the right to work and the individual's freedom to choose the type of work that suits their education and qualifications, as well as the workplace. Work is considered a right, a national duty, and an honor, as recognized by all regional rights charters and constitutions. The Basic Law of Governance in the Kingdom stipulates that the state facilitates employment opportunities for all capable individuals and enacts regulations to protect both workers and employers<sup>9</sup>.

The Saudi Labor Law<sup>10</sup> grants a set of rights to workers in relation to employers, without discrimination between male and female employees in enjoying these rights. In addition, it provides specific rights for working women; Chapter Nine of the Labor Law is dedicated to provisions regarding the employment of women, recognizing that this group requires special regulations that align with the nature of the work performed by women and the hours they spend at work.

The Saudi legislator has set a number of rules and restrictions concerning women's work, taking into account their physical nature and circumstances such as pregnancy, childbirth, breastfeeding, and childcare, as well as other situations that require appropriate legal status in terms of leave, working hours, and work conditions<sup>11</sup>.

Articles 149 to 160 of Chapter Nine of the Labor Law address the employment of women, including the following provisions:

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<sup>8</sup> - Defining women's rights in judicial systems-Review the link <https://www.alriyadh.com/6/30/2018>

<sup>9</sup> - Article 28 of the Basic Law of Governance

<sup>10</sup> - The Saudi Labor Law issued by Royal Decree No. (M/51) dated 8/23/1426 AH, hereafter referred to as the Saudi Labor Law.

<sup>11</sup> - Muhammad Jamal Mutlaq Al-Dhunaibat, Explanation of the Labor Law, Library of Law and Economics, Riyadh, Saudi Arabia, First Edition, 2012, p. 137.



1. The law prohibits employing women in hazardous jobs or occupations that may expose them to danger, or restricts their employment in such jobs under specific conditions.
2. The law affirms that women may not be employed during nighttime hours, to protect their health and safety, recognizing that their physical nature may not allow them to work during these periods.
- 3 - The Labor Law also stipulates that the employer must provide medical care to the working woman during pregnancy and childbirth, and the facility where she works bears the costs of medical examinations, treatment, and childbirth.

If the working woman gives birth to a sick child or a child with special needs whose health condition requires constant care, the mother (the working woman) is entitled to a one-month leave with full pay, beginning after the end of the maternity leave period. She has the right to extend the leave for an additional one-month unpaid leave ( <sup>12</sup>).

The Law prohibits the employment of women after childbirth under any circumstances during the six weeks following delivery. The Law also guarantees the right to health care and the right to a one-hour daily break if the worker is breastfeeding, without affecting the worker's wages ( <sup>13</sup>).

The Law also requires the employer to establish a nursery, either alone or in cooperation with other employers, or to contract with a nursery and provide nannies to care for the working woman's children if the number of female workers reaches fifty or more. This is in order to ensure the woman's right to social care, as stipulated in international conventions and agreements ( <sup>14</sup>).

#### **Second: Women's Rights in the Criminal Procedure Code:**

The Criminal Procedure Code is committed to preserving human dignity and respecting human rights and fundamental freedoms in general. A person may not be stopped, arrested, or detained except in the circumstances and places stipulated by law. It also prohibits subjecting a person to torture or physical or moral coercion ( <sup>15</sup> ). The Criminal Procedures Law has confirmed that no person may be arrested, searched, detained or imprisoned except in the cases stipulated by the law. If we look for the privacy of women in that law, we find that it obliges the criminal investigation officer to hear the statements of the arrested accused, and if there is sufficient evidence to accuse him, he sends him within 24 hours with the report to the investigator, who must interrogate the arrested accused within 24 hours, then order his detention or release. However, if the arrested person is a woman, it is forbidden to hear her statements or interrogate her except under the supervision of one of her adult male relatives. If that is not possible, then seclusion is forbidden ( <sup>16</sup> ). The law has established a group of controls related to dealing with women in those circumstances, where women are treated in special treatment during the search, as it was decided that the search be carried out by a female

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<sup>12</sup> - Muhammad Abd al-Sattar Abd al-Wahhab, *Explanation of the Labor and Social Insurance Laws in the Kingdom of Saudi Arabia*, Al-Mutanabbi Library, Dammam, Kingdom of Saudi Arabia, First Edition, 2020, p. 69.

<sup>13</sup> - Articles 153-154 of the Saudi Labor Law

<sup>14</sup> - Article 159 of the Saudi Labor Law

<sup>15</sup> - Khalid bin Share'a Al-Shawafah, *Commentary on the Criminal Procedure Law in the Evidence and Investigation Stages*, Law and Economics Library, Riyadh, Saudi Arabia, First Edition, 2012, p. 10.

<sup>16</sup> - The Code of Criminal Procedure issued by Royal Decree No. (M/2) dated 1/22/1435 AH, Articles 2, 33, and 36.



delegated for that purpose, and that she be searched away from the sight of men. If the woman removes the items seized from her, there is no need for the search unless there is a reason that justifies its continuation<sup>(17)</sup>.

Here is an academic translation of your text, reflecting proper English structure and incorporating information from the search results where relevant:

### **Third: Women's Political Rights**

Saudi Arabia was relatively late in recognizing women's political rights. In 2011, King Abdullah bin Abdulaziz announced that women would be allowed to participate as members of the Shura Council and in municipal councils, both as candidates and voters. According to the 2015 Arab Women's Development Report, Saudi Arabia ranked 76th, with women holding 30 out of 150 seats in the Shura Council, representing 19.5% of the council's membership. There are no legal provisions in the Kingdom's regulations that prevent women from holding any senior positions<sup>(18)</sup>.

Municipal elections were held for the third time in 2025 under the supervision of civil society organizations and with engagement from both local and international media. Women's participation rate reached 81% of eligible female voters<sup>(19)</sup>.

### **Fourth: Women's Rights in the Personal Status Law**

The Personal Status Law was issued for the first time in Saudi Arabia in 2022. It prohibits the marriage of girls under 18 years old to protect them from forced marriage. The law stipulates that marriage has essential elements and conditions and entails rights and obligations between the spouses to establish a stable family.

The law grants women the right to litigate in matters related to marriage, requires proof of the woman's consent to marriage, affirms her ownership of the dowry and that she cannot be forced to dispose of it without her consent. For the first time, it allows a wife to request khul' (judicial divorce) and grants her primary right to child custody<sup>(20)</sup>. The law also obligates the granting of women's inheritance rights, especially regarding real estate, and her right to inheritance does not lapse if she does not claim it. Many additional rights are provided, which cannot be exhaustively listed here.

### **Section Two: Saudi Women's Rights at the International Level**

It is important to note that international attention to women's status has been prominent within the international legal framework for the protection of human rights, as reflected in general international conventions and agreements that emphasize equality between men and women in dignity, value, rights, opportunities, and responsibilities.

Numerous United Nations conventions directly address women's rights, such as the Convention on the Political Rights of Women (1952), the Convention on the Nationality of Married Women (1957), and the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (1962). The Convention on the Political Rights of Women was the first international treaty in which signatory states undertook a legal commitment regarding their citizens' exercise of political rights. This marked the first application of the principle of equality between men and women as stated in the UN Charter.

<sup>17</sup> - The Code of Criminal Procedure - Article 54. See also Khalid Al- Shawafah, op. cit., p. 107

<sup>18</sup> - The Shura Council Law - Article 91

<sup>19</sup> -Haya Al-Sahli: Municipal Election Results Strengthen the Aspirations of Saudi Women (Article published on Al Jazeera News) <https://www.aljazeera.net/news/2015>.

<sup>20</sup> - Personal Status Law issued by Royal Decree No. (M/73) dated Sha'ban 6, 1443 AH. See Articles 9, 6, 8, 17, and 38

The aforementioned convention includes three main principles: guaranteeing women the right to vote in all elections on an equal basis with men without discrimination; obligating states to grant women the right to stand for election to all publicly elected bodies as provided by national laws, equally with men; and ensuring women's right to hold public office and perform all public functions established by national laws on an equal basis with men without discrimination<sup>(21)</sup>. UNESCO also adopted the Convention against Discrimination in Education in 1960, further strengthening women's rights at the international level.

International concern for the status of women at the structural and institutional levels reached significant heights when the United Nations established specialized bodies dedicated to advancing women's status and ensuring their enjoyment of rights as human beings. A notable example is the Commission on the Status of Women, created by the Economic and Social Council in 1946 as a subsidiary body independent from the Human Rights Commission, with a mandate to promote women's rights across all civil, political, social, and economic spheres. This institutional protection culminated with the establishment of the Committee on the Elimination of Discrimination against Women (CEDAW Committee), pursuant to Article 17 of the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in 1979 and entered into force in September 1981. The Committee is responsible for monitoring the implementation<sup>(22)</sup> of the Convention's provisions by State Parties.

### **Section One: Women's Rights in International Charters and Conventions**

Humanitarian issues gained particular importance after World War II due to the atrocities, destruction, and deprivation of fundamental rights suffered by individuals. This created a responsibility for the international community—both states and global and regional organizations—to protect human rights and fundamental freedoms. Human rights and fundamental freedoms are numerous, interconnected, and indivisible, and each is of nearly equal importance; therefore, the violation of one right inevitably affects others. Since women are among the groups most subject to discrimination and rights violations, the world has launched extensive campaigns to affirm women's rights and freedoms.

Laws have guaranteed rights for Saudi women, as discussed in the first section, and have urged states to recognize these rights and prevent all forms of oppression and violence against women, as well as to reject any gender-based discrimination. The Universal Declaration of Human Rights affirms: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, religion, color, sex, language, political or other opinion"<sup>(23)</sup>.

Accordingly, I will discuss women's rights in international conventions and agreements through two main points: first, women's civil and political rights in international conventions, and second, women's social, economic, and cultural rights in international conventions, as follows:

#### **First: Women's Civil and Political Rights in International Conventions:**

##### **A - Women's Political Rights in International Conventions:**

Men may outperform women in their abilities, capabilities, and inclinations for political work, and women may also sometimes outperform men in their abilities and aptitude for political work. In order

<sup>21</sup> - Iman Muhammad Abd al-Mun'im Anan, *Women's Rights in International Conventions with Application to the Egyptian Case*, a study published in the Arab Democratic Center, August 14, 2014. Link: <https://democraticac.de/>

<sup>22</sup> - Ibid

<sup>23</sup>- Universal Declaration of Human Rights/United Nations link <https://www.un.org/ar/about-us/universal-declaration-of-human-righ> Accessed March 22, 2025



to advance the role of women, all forms of discrimination that prevent their participation in all areas of political and public life must be eliminated.

Political science has defined political participation as being linked to granting all adult, rational members of society the constitutional democratic right to participate in an organized manner in making political decisions that affect their lives together within a given society. Political participation should not be limited to granting this right in actual practice, free from pressure, coercion, and obligation. This right includes participation in various elections and referendums, as well as the right to run for office, the right to employment, and, in general, participation in decision-making issued by government agencies and authorities <sup>(24)</sup>. Accordingly, all international conventions, starting with the Declaration on the Political Rights of Women in 1956, through the International Convention on the Elimination of All Forms of Discrimination against Women in 1979, and ending with all current trends, fully equate men and women in enjoying all the various political rights, whether contained in public international law or contained in the national laws of various countries around the world<sup>(25)</sup>. I will discuss the most prominent and important political rights for women:

### **1- Women's right to vote in all public referendums:**

Women represent more than half of the total number of voters in most countries. Therefore, some consider the right to vote a means for women to use to achieve emancipation and equality with men in various fields. Granting women the right to vote is a means for women to participate in political life, which has always been the domain of men.

The 1952 Convention on the Political Rights of Women, the first treaty of global scope, stipulates that states parties undertake a legal obligation related to the exercise of political rights by their citizens. It guarantees equality between men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the United Nations Charter and the Universal Declaration of Human Rights. It decided to conclude a convention for this purpose and agreed to the provisions in Article 1 of the Convention, which grant women the right to vote in all elections on equal terms with men, without any discrimination <sup>(26)</sup>.

As stipulated in Article 4, paragraph (a) of the Declaration on the Elimination of Discrimination against Women, appropriate measures shall be taken to ensure that women, on an equal footing with men and without any discrimination, enjoy the right to vote in all elections, to stand for election to public bodies, and to vote in all public referendums <sup>(27)</sup>.

### **2- Women's Right to Candidacy**

The right to candidacy is one of the most important political rights, as it represents the means by which citizens of a state can effectively and directly participate in the management of government

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<sup>24</sup> - Zakaria Harizi, "The Political Participation of Arab Women," Master's Thesis, Faculty of Law and Political Science, University of Batna 1, Algeria, 2011, p. 15

<sup>25</sup> - Montaser Saeed Hamouda, "International Protection of Women: A Comparative Study of the Provisions of Islamic Sharia," Dar Al- Jami'a Al-Jadida, Alexandria, Egypt, first edition, 2007, p. 57.

<sup>26</sup> - Hossam Yahya, Women's Rights in International Conventions, Master's Thesis, Faculty of Law and Political Science, Mohamed Khedir University, Algeria, 2016, p. 10.

<sup>27</sup> - Adopted by the United Nations General Assembly in November 1967, it paved the way for the 1979 Convention on the Elimination of All Forms of Discrimination against Women. Link: <https://ar.wikipedia.org/wiki/Convention>

affairs. The right to candidacy includes both candidacy for the presidency of the state and candidacy for the presidency of parliamentary councils. It is a right for all citizens, both men and women.

International conventions have affirmed this. The International Covenant on Civil and Political Rights stipulates that men and women are equal in the enjoyment of these rights, which apply fully to all women and men alike. Every citizen shall have the right to vote at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, ensuring the free expression of the will of the electors <sup>(28)</sup>.

### **3- Women's Right to Hold Public Offices:**

Public office refers to any government position of various types, such as the head of state, ministers, and political, administrative, scientific, and military positions in all official state institutions. Appointment to these positions is a legitimate right for every citizen who meets the legal requirements. No citizen may be denied appointment to them<sup>(29)</sup>.

The 1952 Convention on the Political Rights of Women is the proof and statement of women's political demands. It applies complete equality between men and women in assuming the presidency of their country, whether as head of state in presidential systems or as head of government in parliamentary systems<sup>(30)</sup>. Article 3 of this convention stipulates that "women shall have the right to hold public office and to exercise all public functions established by national legislation on conditions of equality between them and men without any discrimination."

Despite the recognition of women's political rights under this convention, discrimination against them persists, especially in the area of voting and holding public office. Therefore, the Convention on the Elimination of Discrimination against Women was enacted, and discrimination was considered a crime. Article 1 stipulates that women shall not be discriminated against. Women, and that it represents injustice and is considered a crime that violates human dignity <sup>(31)</sup>.

### **B - Women's Civil Rights in International Covenants:**

The term civil rights refers to the rights granted to an individual by virtue of their human nature. These rights are inherent in their human nature and are also called human rights, as all people enjoy them equally. International public law, in general, equates civil rights between men and women. This law has established the general framework upon which complete equality is achieved between men and women in the enjoyment of these rights. I will mention the most important civil rights enjoyed by women:

#### **1 - Women's Right to Life:**

The right to life is the phrase that a human being has a fundamental right to life in particular, and it is one of the most important and sacred rights enjoyed by humans.

Deprivation of the right to life automatically entails the deprivation of all other rights, as it is inconceivable that any of these rights can be enjoyed without first enjoying the right to life. These rights are meaningless without the right to life.

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<sup>28</sup> - Modhesh Muhammad Ahmad Abdullah Al-Maamari, *Legal Protection of Human Rights*, University Office, Alexandria, Egypt, 1st ed., 2007, p. 146.

<sup>29</sup> -Al-Khazraji, Uruba Jabbar, *International Human Rights Law*, Dar Al-Thaqafa, Amman, Jordan, 1st ed., 2010, p. 386

<sup>30</sup> - Dr. Montaser Saeed Hamouda, *International Protection of Women*, op. cit., pp. 65-67.

<sup>31</sup> - Hossam Yahya, *Women's Rights in International Conventions*, op. cit., pp. 12-13.

Article 6 of the International Covenant on Civil and Political Rights states: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life<sup>(32)</sup>."

## **2- Women's Right to Freedom of Religion:**

Public international law, through international agreements and global conventions, has granted women freedom of belief, meaning the freedom to form their own beliefs and thoughts and to choose their religion. They have the right to belong to any religion or belief.

This is emphasized in the Universal Declaration of Human Rights, which states that everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others, to manifest his religion or belief in teaching, practice, worship, observance, and practice ( <sup>33</sup>).

## **3- Women's Right to Thought, Opinion, and Expression:**

The Universal Declaration of Human Rights defines the right to freedom of expression as the right of everyone to freedom of opinion and expression. This right includes freedom to hold opinions without imposition, and to seek, receive, and impart information and ideas through any media and regardless of frontiers ( <sup>34</sup>). This right is also affirmed in the International Covenant on Civil and Political Rights.

## **4 - Women's right to equality before the law and non-discrimination:**

A fundamental principle prevails over the theories of freedoms in all the rights and freedoms they value for the benefit of individuals without distinction or discrimination based on sex, color, or religion. Therefore, this principle is a fundamental guarantee of individual freedoms and includes equality before the law, before the courts, and before public offices, as well as equality before public duties.

The Preamble to the Charter of the United Nations states: "The peoples of the international organization declare their firm determination to believe in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men, women and nations." We find that one of the purposes of the United Nations is to achieve international cooperation and to promote respect for human rights and fundamental freedoms for all without discrimination ( <sup>35</sup>).

## **Second: Women's Social, Economic, and Cultural Rights in International Covenants:**

### **1 - Women's Right to Education and Culture in International Covenants**

Women have long suffered from inequality with men in the areas of education and culture. Customs and traditions have long made girls' education unacceptable. If a girl did enroll in education, it was limited to specific types of education, specifically those preparing her for married life and raising children. Such education was restricted to a specific stage of development ( <sup>36</sup>). Education benefits both men and women and is considered one of the best means of achieving sustainable development.

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<sup>32</sup> - International Covenant on Civil and Political Rights

<sup>33</sup> - Montaser Saeed Hamouda, *International Protection of Women*, op. cit., p. 38.

<sup>34</sup> - Article 19 of the Universal Declaration of Human Rights, 1948.

<sup>35</sup> - Article 1 of the United Nations Charter, 1945

<sup>36</sup> - Hossam Yahya, *Women's Rights in International Conventions*, op. cit., p. 21.

The state must commit to ensuring equal educational opportunities, eradicating illiteracy among men and women, and improving women's access to ongoing vocational and technological training <sup>(37)</sup>).

Education empowers women to make decisions in all aspects of their lives. Based on the United Nations Charter, which stipulates complete equality of rights and freedoms between women and men, it is natural that this equality includes equality in the right to education and culture. This was also stipulated in the 1979 International Convention on the Elimination of All Forms of Discrimination against Women, which has been endorsed and ratified by almost all countries in the world.

## **2 - Women's Right to Health Care in International Covenants:**

One of the most important basic human rights is the right to health care. Health is the most important asset a person possesses. In international public law, health means complete physical, mental, and social well-being.

Although women enjoy health care like men, they have specific physiological characteristics and a nature bestowed upon them by the All-Knowing, All-Aware. They bear, give birth, and care for their newborns, and they require special attention <sup>(38)</sup>.

Therefore, we find that many relevant international covenants have addressed the status of women in health care within their provisions and articles, as well as in relation to pregnancy, childbirth, and family planning.

## **3- Women's right to work in international conventions:**

Work, as a human activity, is as ancient as human existence itself. Its primary mission is to achieve human succession on earth, generate economic benefits, and contribute to social development. The value of work has grown and increased over the ages, to the point that it has gained a degree of reverence and appreciation, becoming the foundation of all progress and advancement <sup>(39)</sup>.

In this context, work is not limited to men alone, but also includes women. Often, women's work is considered a duty incumbent upon them, one that they must not neglect <sup>(40)</sup>. Therefore, speaking of work does not refer solely to men's work; it also encompasses women's work. Women are partners with men in workplaces and production, and the term "worker," when used in its entirety, includes both men and women.

International conventions and conference recommendations have recognized women's right to work and their equality with men in this field, granting them benefits consistent with their feminine nature. Women's right to work has become one of the most important human rights that women around the world must enjoy.

## **4 - Women's Right to Marriage in International Conventions:**

The right to marriage has been stipulated in numerous international declarations and conventions as a social right for both men and women. There are numerous international conventions that address

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<sup>37</sup> - Manal Mahmoud Al-Manshi, *Women's Rights between International Conventions and the Authenticity of Islamic Legislation*, Dar Al-Thaqafa, Amman, Jordan, first edition, 2001, p. 214

<sup>38</sup> - Abdul Karim Alwan, *The Mediator in Public International Law*, Dar Al Thaqafa, Amman, Jordan, first edition, 2006, p. 71.

<sup>39</sup> - Hossam Yahya, *Women's Rights in International Conventions*, op. cit., p. 34.

<sup>40</sup> - Muhammad Ahmad Ismail, *The Legal Status of Working Women in Egyptian Law: The Principle of Equality and Equal Opportunity*, Dar Al Nahda Al Arabiya, Cairo, Egypt, no publication, 2000, p. 86.

this issue, such as the 1957 Convention on the Nationality of Married Women, the 1962 Convention on Consent to Marriage, the Minimum Age for Marriage and the Registration of Marriages, and the 1965 Recommendation on the same subject, as well as other international conventions that address the issue.

As for the International Convention on Consent to Marriage, the Minimum Age for Marriage and the Registration of Marriages, it states that no marriage may be legally entered into without the free and full consent of both parties. This consent must be expressed in person, after appropriate notification and in the presence of the competent authority to celebrate the marriage ceremony and witnesses, as guaranteed by law. Legal action must also be taken to set a minimum age for marriage, as well as the official registration of all marriages by the competent authority <sup>(41)</sup>.

### **Second Requirement: International Mechanisms for Protecting Women's Rights at the International Level**

At the international level, there are numerous bodies, such as international organizations like the United Nations, and non-governmental organizations dedicated to promoting and protecting women's rights at the international level. There are also numerous committees specialized in protecting women's rights, such as the Commission on the Status of Women. These organizations also organize international conferences that contribute to the exchange of knowledge and expertise and encourage countries to take measures to promote women's rights. I will address this as follows:

#### **First: Women in the United Nations System**

The United Nations is linked to several independent organizations known as specialized international agencies. These agencies are autonomous and cooperate with the United Nations through the Economic and Social Council. They have significant international responsibilities in the economic, social, cultural, educational, health, and related fields, and they submit regular reports to the Economic and Social Council. Each of these organizations has its own governing board, budget, and secretariat. There is widespread interest in women through the United Nations and many specialized international agencies. I will discuss this as follows:

##### **- Women in the United Nations:**

The United Nations' interest in women is evident in its inclusion of women's issues in all branches of the organization. Although the organizations are multidisciplinary, including those related to economics, the environment, education, and other organizational specialties, these organizations include programs related to women and equality in their plans. These organizations include:

#### **A - United Nations Children's Fund (UNICEF):**

UNICEF was founded in 1946 and is headquartered in New York. Its initial goal was to provide urgent aid and assistance to children and adolescents who were victims of World War II. Today, UNICEF's mission has evolved to become the following:

(Defending and promoting the rights of children, mobilizing political will and financial resources to assist countries in developing appropriate policies and delivering services to children and their families, ensuring special protection for the world's most vulnerable children, and promoting equal rights for girls and women and enhancing their participation in development within their communities) <sup>(42)</sup>.

#### **B - United Nations Educational, Scientific and Cultural Organization (UNESCO):**

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<sup>41</sup> - Iman Mohamed Anan , op. cit. Online source

<sup>42</sup>- Dr. Nuha Al-Qatirji - Women in the United Nations System (An Islamic Perspective) - Majd University Foundation for Studies, Publishing and Distribution - Beirut - Al-Hamra - Lebanon - First Edition - 1426 AH - 2006 AD - pp. 120, 121.



UNESCO was founded in November 1946 in London in the aftermath of World War II. It is one of the agencies that emerged from the United Nations and is headquartered in Paris.

UNESCO works to maintain peace and security by applying the principle of education, science and culture for all, and to strengthen mutual cooperation among nations to ensure universal respect for justice, the rule of law, and human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

UNESCO also plays a significant and active role in women's issues, including in preparing for and participating in international conferences related to women. It also established an Advisory Committee on Women, tasked with preparing the organization's possible contribution to the Fourth World Conference on Women in Beijing in 1995. This contribution aims to:

- Strengthen UNESCO's activity and reflection on the three conference themes: equality, development, and peace, and highlight them more clearly.
- Promote the importance of quality education for girls and women at all levels.
- Promote a positive image of women that highlights their talents, experiences, and capabilities, and their effective contribution as agents of social change.
- Enhance women's decision-making power in all areas of UNESCO's competence, such as education, communication, the sciences, and culture, and combat all forms of discrimination and violence against women.
- Contribute to the elimination of stereotypes that continue to define the roles and behavior of men and women, thus perpetuating gender-based inequalities and discrimination<sup>(43)</sup>.

#### **C - The International Labor Organization:**

This organization is one of the specialized international agencies, and women's labor issues represent a major concern for it, given its international responsibilities in this area.

The ILO has emphasized its full and periodic oversight of member states to ensure their compliance with labor standards, and advocates for equal pay for equal work.

The organization has adopted several international conventions related to equality between men and women in various jobs and wages, including the Equality of Women and Men Workers Convention concerning the Prohibition of Discrimination in Respect of Employment and Occupation and the 1981 Convention on Equal Opportunities and Equal Treatment for Men and Women Workers with Family Responsibilities. All of these conventions call for a system of work and free competition between men and women, impose an obligation on employers to ensure equal pay for women and men, and adhere to the fundamental principles and rights of human rights at work<sup>(44)</sup>.

#### **Second: Specialized Committees for the Protection of Women's Rights:**

##### **A - The Commission on the Status of Women:**

This is a technical committee affiliated with the United Nations Economic and Social Council. It is considered the primary body dedicated exclusively to gender equality and the advancement of women. The Commission on the Status of Women aims to prepare recommendations and reports to the Council on promoting women's rights in the political, economic, civil, social, and educational

<sup>43</sup> - Fouad Abdulkarim Al Abdulkarim, "The Social Globalization of Women and the Family," <https://www.elthwed.com/vb/showthread.php?3772> -DateRegistered: September 2004 AD, Accessed April 18, 2025 AD.

<sup>44</sup> - Hossam Yahya, *Women's Rights in International Conventions* – op. cit., p. 48.



spheres. The Commission on the Status of Women also issues recommendations to the Council on urgent problems requiring immediate action in the field of women's rights.

**B - The Committee on the Elimination of Discrimination against Women:**

This committee was established pursuant to Article 17 of CEDAW (Convention on the Elimination of All Forms of Discrimination against Women). Its primary mission is to oversee the implementation of the Convention, examine reports submitted by states, prepare reports and recommendations, evaluate performance, and monitor the implementation of the Convention.

The reports submitted by states play a significant role in the following ways<sup>(45)</sup>:

The positive impact of states' commitment to submitting periodic reports, as these reports help highlight unjust laws and the gap between legal texts and their implementation in practice. The changes that have occurred in the general status and position of women in these states as a result of accession to the Convention, and the difficulties or obstacles that affect the extent to which the obligations stipulated in this Convention are met.

**C - United Nations Development Fund for Women (UNIFEM)<sup>(46)</sup>:**

This fund was established in 1976 and is headquartered in New York. Initially, it was a voluntary fund. Since 1985, it has been a permanent organization affiliated with the United Nations Development Programme (UNDP). It has branches in 11 regional offices in Asia, the Indian Ocean, West Asia, Africa, Latin America, and the Caribbean. UNIFEM's activities in West Asia began in 1994, when the regional office was opened in Amman. The program's scope of work, which aims to support the advancement of women, includes thirteen Arab countries: Jordan, the United Arab Emirates, Bahrain, Yemen, Oman, Palestine, Saudi Arabia, Qatar, Kuwait, Egypt, Syria, Lebanon, and Iraq.

The work of the United Nations Development Fund for Women (UNIFEM) is based on three main axes:

- Women's economic empowerment and strengthening their role in society to ensure a secure life.
- Promoting women's human rights and combating all forms of violence against women to ensure the continuity of the development process.

In 2000, UNIFEM launched a new, dedicated information network called the Arab Women's Network. The website consists of Arabic and English-language pages containing the latest studies, research, statistics, and information on Arab women, collected from all UNIFEM partners, including women's organizations in Jordan, Egypt, Palestine, Syria, Lebanon, the UAE, Qatar, and Yemen. D - UN Women ( ):

The United Nations has faced serious challenges in its efforts to promote gender equality globally for many years, including insufficient funding and the lack of a unified, recognized engine to guide UN activities on gender equality issues.

**D- The United Nations General Assembly established UN Women in July 2010<sup>47</sup>.**

It is the entity dedicated to gender equality and the empowerment of women. The entity is the leading global advocate for women's issues, established to accelerate progress in meeting their needs

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<sup>45</sup> - Dr. Ahmed Abu Al-Wafa, *International Protection of Human Rights - A Study of the Mechanisms and Content of Protection Globally, Regionally, and Nationally*, Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 4th ed., 2015, pp. 75-76.

<sup>46</sup> - Dr. Nuha Al-Qatirji, *Women in the United Nations System*, op. cit., p. 125.

<sup>47</sup> - About UN Women | UN Women – Arab States Link <https://arabstates.unwomen.org/ar>

globally. It is distinguished by its unique legal structure; The organization includes former United Nations agencies that have played a major role in its struggle to support women's rights. These include:

- A. Office of the Special Adviser on Gender Issues and Advancement of Women
- B. Division for the Advancement of Women in the General Secretariat
- C. United Nations Development Fund for Women

**Its most prominent tasks:** Supporting intergovernmental bodies, such as the Commission on the Status of Women, in their formulation of global policies, standards, and norms.

**Third: International agreements and conferences related to women's rights ratified by the Kingdom of Saudi Arabia:**

There are many and varied international agreements that concern women, whether directly or indirectly, and the Kingdom has ratified some of them. I will mention the most important ones that the Kingdom has ratified and that aim to protect women's rights, for example:

**A. International agreements related to women's rights:**

**1. The Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW):**

The Kingdom ratified it in 2000, expressing a general reservation not to abide by anything that conflicts with the provisions of Islamic law, and a reservation to (Article 9/Paragraph 2) regarding the nationality of children. This agreement stipulates To eliminate all forms of discrimination against women based on sex, in order to achieve complete gender equality in rights and duties in all areas of life <sup>(48)</sup>.

The Convention stipulates numerous rights for women, including that States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country. In particular, they shall guarantee to women, on equal terms with men, the right to vote in all elections and public referenda, the right to hold public office, and the right to participate in any non-governmental organizations and associations concerned with the public and political life of the country, among other rights.

**2- ILO Equal Remuneration Convention, 1951:**

The Kingdom ratified this Convention in 1978 <sup>(49)</sup>. This Convention increases international protection for women with regard to wage issues. The phrase "equal remuneration for men and women workers for work of equal value" refers to wage rates determined without discrimination on the basis of sex. It also seeks to ensure that States take measures that lead to the implementation and promotion of the principle of equal remuneration for women and men for work of equal value.

**3 - Primo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children):**

This protocol was issued in 2000 and ratified by the Kingdom of Saudi Arabia in 2007. This protocol aims to prevent and combat trafficking in persons, with particular attention to women and children.

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<sup>48</sup> -Malath Yousef, "The Rights and Duties of Working Women: A Comparative Study," Master's Thesis, Faculty of Graduate Studies, Hebron University, Palestine, 1442 AH, p. 147

<sup>49</sup> - Abdul Ghani Mahmoud, Women's Rights in Public International Law and Islamic Law, Dar Al Nahda Al Arabiya, Cairo, Egypt, First Edition, 1991, p. 21

It also aims to protect and assist victims of such trafficking, with full respect for their human rights, and to enhance cooperation among States Parties to achieve these goals (<sup>50</sup>).

#### **4- The International Labour Organization (ILO) Convention on the Protection of Wages, 1949:**

The Kingdom ratified it in 2020. This Convention aims to ensure the regular payment of wages to workers without unlawful deductions, and to ensure workers' freedom to dispose of their wages without restrictions or conditions. It also establishes rules that protect workers' wages in the event that the employer is unable to pay them. The Convention stipulates that no deductions may be made from a worker's wages except under the conditions and to the extent prescribed by national laws or regulations, or determined by collective agreements or national arbitration decisions. Workers shall be notified, in the manner deemed most appropriate by the authorities, of the conditions under which such deductions may be made and their remuneration, as well as other rules and provisions(<sup>51</sup>)

#### **B - International conferences on women's rights, the most important of which are:**

**1 - The World Conference on Women in Mexico City, 1975**, which adopted a global plan of action adopted by all member states of the United Nations. Its goal was to ensure the further integration of women into various spheres of life.

Among the conference's objectives were the necessity of women's equal participation with men in political decision-making processes that help promote peace, and several principles, including achieving full equality between women and men and eliminating all forms of discrimination based on sex. The conference emphasized equal pay for equal work and equal opportunities for education and training.

**2 - The Copenhagen Conference**, Denmark, 1980, held under the slogan "The United Nations Decade for International Women: Equality, Development and Peace."

**3 - The World Conference on Women in Nairobi, 1985<sup>52</sup>:**

The conference was held under the auspices of the United Nations in Nairobi, the African capital of Kenya. 157 UN member states attended. 4- The Beijing Conference, held in 1995, became famous due to the media coverage it received and the qualitative shift in the demands and calls made there. The Beijing Declaration was issued, which included the following:

- The empowerment of women and their equal participation in all aspects of society, including decision-making and access to positions of power.
- Explicit recognition of the right of all women to control all matters related to their health, particularly those related to reproduction.
- Taking all necessary measures to eliminate all forms of discrimination against women.


#### **Main Findings**

**1. Recognition of Women's Rights in National Legislation:** Saudi women have been granted numerous rights at the national level, established through judicial

<sup>50</sup> -Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000 <https://www.qanouni.org/ar/convention> - Accessed April 26, 2025

<sup>51</sup> - National Society for Human Rights » Saudi Arabia Ratifies Two ILO Conventions Providing Critical Preventive Guarantees in the Face of COVID-19 [https://nshr.org.sa/?selected\\_news](https://nshr.org.sa/?selected_news) Accessed April 26, 2025.

<sup>52</sup> - Adel Abdel Ghaffar, Media and Women's Political Participation: An Analytical and Orientalist Perspective, Egyptian General Book Authority, Egypt, 1st ed., 2009, p. 62.



legislation and the Kingdom's constitution, represented by the Basic Law of Governance. These include rights related to education, work, inheritance, legal protection, and participation in public life.

## **2. Compatibility with International Conventions:**

There is no religious objection to Saudi Arabia's adherence to the United Nations Charter and international conventions, provided they do not conflict with Islamic principles. Saudi laws are derived from Sharia, which seeks to ensure security, reassurance, and the provision of public freedoms for women in particular and for all citizens in general, as well as the establishment of justice, equity, and equality.

## **3. Advancement of political Rights:**

Although Saudi Arabia recognized women's political rights later than some countries, it has made significant progress in this area. Women have been empowered to participate in political life, notably through membership in the Shura Council, where women now hold 30 out of 150 seats (20%), placing Saudi Arabia first in the Gulf and fifth in the Arab world in terms of parliamentary representation. Saudi women have played an active role alongside male council members in reviewing government performance reports, proposing amendments, and contributing to legislative development.

## **4. International Commitment to Women's Rights:**

Saudi Arabia's international obligations to protect women's rights involve two aspects: a positive aspect, which requires achieving gender equality, equal opportunities, and enacting legislation and measures that empower women and free them from need and fear; and a negative aspect, which involves eliminating all forms of discrimination and reducing violence against women. Negative discrimination-discrimination based solely on gender-is rejected, while positive discrimination that recognizes women's specific needs is acceptable within the framework of fulfilling those needs.

### **Key Recommendations**

#### **Increase Awareness:**

1. Enhance cultural and media awareness of the vital role of women in Saudi society, equal to that of men, and promote awareness of women's rights.

#### **Expand Legal Protections:**

2. Issue new legislation to broaden women's rights and fundamental freedoms, and impose stricter penalties on violators of women's rights.

#### **International Oversight:**

3. Establish an international committee composed of several countries to encourage signatory states to implement international conventions on women's rights, with the authority to impose sanctions on non-compliant states, as accountability is essential for effective treaty implementation.

#### **Promote Participation:**

4. Further strengthen women's participation in public and political life in Saudi Arabia and expand their involvement in various fields.