

Complete Compilation



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TABLE OF CONTENTS

Table of Contents	2
Acknowledgements	3
Survey Team	4
Overview Essay: Recent Gains and New Opportunities	6
for Women's Rights in the Gulf Arab States <i>By Sanja Kelly</i>	
Bahrain	14
<i>By Dunya Ahmed Abdulla Ahmed</i>	
Kuwait	33
<i>By Haya al-Mughni</i>	
Oman	51
<i>By Rafiah al-Talei</i>	
Qatar	66
<i>By Julia Breslin and Toby Jones</i>	
Saudi Arabia	85
<i>By Eleanor Abdella Doumato</i>	
United Arab Emirates	106
<i>By Serra Kirdar</i>	
Methodology	124
About Freedom House	132
Board of Directors	133
Comparative Data	134

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RECENT GAINS AND NEW OPPORTUNITIES FOR WOMEN'S RIGHTS IN THE GULF ARAB STATES

by Sanja Kelly

INTRODUCTION

As the societies of the Middle East and North Africa (MENA) undertake the difficult process of enacting social and political change, the unequal status of women stands out as a particularly formidable obstacle. This study presents detailed reports and quantitative ratings on the state of women's rights in the member states of the Gulf Cooperation Council (GCC): Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE). It is the first installment of a larger project encompassing the entire MENA region, which will be completed in November 2009. Although the study indicates that a substantial deficit in women's rights persists in every country of the Gulf region and is reflected in practically every facet of their societies, its findings also include the notable progress achieved over the last five years, particularly in terms of economic and political rights.

The Gulf region, and the Middle East as a whole, is not the only region of the world where women experience inequality. In Asia, Africa, Latin America, Europe, and North America, women continue to face discrimination and significant barriers to the full realization of their rights. It is in the Gulf, however, that the gap between the rights of men and those of women has been most clear and substantial. The Gulf countries were the worst performers in nearly all subject areas examined in the 2005 Freedom House study *Women's Rights in the Middle East and North Africa: Citizenship and Justice*, scoring particularly poorly in the categories analyzing legal rights and protection from discrimination, political rights, as well as women's personal status and autonomy.

The country reports presented in this edition detail how women throughout the Gulf continue to face systematic discrimination in both laws and social customs. Deeply entrenched societal norms, combined with conservative interpretations of Islamic law, continue to relegate women to a subordinate status. Women in the region are significantly underrepresented in senior positions in politics and the private sector, and in some countries they are completely absent from the judiciary. Perhaps most visibly, women face gender-based discrimination in personal-status laws, which regulate marriage, divorce, child custody, inheritance, and other aspects of family life. Family laws in most of the region declare that the husband is the head of the family, give the husband power over his wife's right to work and travel, and in some instances specifically require the wife to obey her husband. Domestic violence also remains a significant problem.

WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

Important steps, however, have been taken in each country over the last five years to improve the status of women. In 2005, women in Kuwait received the same political rights as men, which enabled them to vote and run for office in the parliamentary elections the following year. In Bahrain and the UAE, the first women judges were appointed in 2006 and 2008, respectively, setting an important precedent for the rest of the region. Moreover, the codification of family laws in Qatar and the UAE has been seen as another step forward; previously, family issues were decided based on each judge's interpretation of Islamic law. Since 2003, women have become more visible participants in public life, education, and business in all of the Gulf countries, including Saudi Arabia. They have also gained more freedom to travel independently, as laws requiring a guardian's permission for a woman to obtain a passport have been rescinded in Bahrain and Qatar during this report's coverage period.

In Qatar and the UAE, the positive change has come as the result of an increased political will to engage on the issue of women's rights, as well as advocacy by powerful, well-connected women such as Sheikha Moza, a wife of the emir of Qatar. In Kuwait, Bahrain, and Saudi Arabia, reform is driven in large part by the strong grassroots efforts of women's rights activists, lawyers, and journalists. An earlier push to improve the quality of women's education, combined with the growing presence of women in the workplace, has prompted an increasing number of women to demand greater rights in other spheres of life, including politics and family.

In nearly all of the countries examined, however, progress is stymied by the lack of democratic institutions, an independent judiciary, and freedom of association and assembly. In Oman, Qatar, Saudi Arabia, and the UAE, excessively restrictive rules on the formation of civil society organizations make it extremely difficult for women's advocates to effectively organize and lobby the government for expanded rights. The lack of research and data on women's status further impedes the advocacy efforts of nongovernmental organizations (NGOs) and activists. And ultimately, the passage of new laws that guarantee equal rights for women means little if those guarantees are not fully enforced by state authorities. Throughout the region, persistent patriarchal attitudes, prejudice, and the traditional leanings of male judges threaten to undermine these new legal protections.

One of the greatest challenges to women's rights in the Gulf is the issue of female migrant workers. Although they represent a large proportion of the female population in these countries, particularly in the UAE, Qatar, and Kuwait, they are often vulnerable to abuse by private employers due to language barriers, lack of education about their rights, and a lack of protection under national labor laws. In many instances, female migrant workers face slavery-like conditions when engaged in domestic employment: their freedom of movement is limited, their employers illegally confiscate their passports to prevent them from running away, and they are subjected to verbal and physical abuse. In recent years, several countries have instituted basic legal protections for domestic workers; however, it is too early to judge the effectiveness of such measures.

Among other important findings and developments are the following:

- As measured by this study, Bahraini women enjoy the greatest degree of freedom in the Gulf region, followed by women in Kuwait, the UAE, Qatar, and Oman; Saudi Arabia lags significantly behind.
- Women's rights in Saudi Arabia have improved modestly. Women can now study law, obtain their own identification cards, check into hotels alone, and register a business without proving first that they have hired a male manager. Their overall degree of freedom, however, remains among the most restricted in the world.

WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

- Women in Kuwait have experienced the greatest gains of any Gulf country in terms of their economic participation. The proportion of women participating in the workforce has increased by 5 percent since 2003.
- Oman instituted a new law on evidence, which stipulates that the testimony of men and women in court is now equal in most situations. If properly implemented, this law may serve as an example for many Arab countries where a woman's testimony is given half the weight of a man's.

KEY FINDINGS

In the 2005 edition of *Women's Rights in the Middle East and North Africa*, Freedom House identified a complex set of obstacles that were preventing women from enjoying the full range of political, civil, economic, and legal rights. While most of those problems remain, this study and the accompanying data demonstrate that several important gains have been made in recent years.

Economic Empowerment Grows Despite Persistent Challenges

Due to their abundant natural resources, most GCC countries have experienced unprecedented growth and development of late, and are currently undergoing an economic and cultural metamorphosis. The effects of these changes on women and their rights cannot go unnoticed.

In nearly all countries, women today are better represented in the labor force and play a more prominent role in the workplace than was the case five years ago. In Kuwait, for example, the proportion of adult women with jobs has increased from 46 percent in 2003 to 51 percent in 2007. Similarly, the proportion of working women has grown by 4 percent in Oman (to 25 percent) and by 3 percent in the UAE (to 41 percent) over the same period. Compared with male employment, however, these figures remain glaringly low. Over 80 percent of working-age men in each country are employed, though those figures have remained static over the last five years.

The growing number of working women appears to be the result of increased literacy and educational opportunities, slowly changing cultural attitudes, and government policies aimed at reducing dependence on foreign labor. Although society as a whole tends to view formal employment and business as male activities, parents and husbands alike are starting to rely more on the financial support provided by their daughters and wives. In Bahrain, several women interviewed for this study said that their prospects of marriage will increase if they hold a solid job, as "young men nowadays look for a wife that can help with family expenses."

One of the main benefits women receive from a job is a degree of financial independence from families and husbands, something they lacked in the past. Divorced or widowed women increasingly seek out employment to support themselves, instead of relying on their extended families. With divorce rates in 2005 reaching 46 percent in the UAE, 38 percent in Qatar, and approximately 33 percent in Kuwait and Bahrain, women increasingly see this separate income as vital insurance against the breakup of their marriages. Whether married or not, working women say that they have started to earn greater respect and have a greater voice within their families because they are contributing financial support.

Government policies designed to reduce dependence on foreign labor in most of the Gulf have led companies to start aggressively recruiting women to fill newly established quotas for citizen employees. In the UAE, for example, the Ministry of Labor no longer allows work

WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

permits for foreigners employed as secretaries, public-relations officers, and human-resources personnel; consequently, most of the new hires for those positions are Emirati women. In Oman, a policy of “Omanization” has had a particularly positive effect on poor, less-educated women, who have been able to obtain jobs as cleaners, hospital orderlies, and kitchen help, allowing them to support themselves in the face of economic hardship and giving them a new role in the community.

Although such policies have increased the overall number of working women, they have also highlighted the cultural limits placed on female professionals. Many women complain of difficulty in advancing beyond entry-level positions despite their qualifications and job performance, leading to a popular perception that they were hired only to satisfy the government quotas. In fact, as noted in the UAE report, these policies have resulted in a “sticky floor” for young and ambitious women. Throughout the region, very few women are found in upper management and executive positions, arguably due to cultural perceptions that women are less capable, more irrational, and better suited for family responsibilities.

Women throughout the region earn less than men despite labor laws that mandate equal pay for the same type of work and equal opportunities for training and promotion. While such laws are essential, they are frequently violated in terms of salary and employment perks like housing allowances or loans for senior officials. Women in most countries can file discrimination complaints with government agencies, but such bodies often lack the capacity to investigate discrimination cases or impose penalties for violations by employers, rendering their work largely ineffective.

Several long-standing cultural mores regarding proper professions for women remain cemented into the law. In virtually every country in the region, labor laws prohibit women from undertaking dangerous or arduous work, or work which could be deemed detrimental to their health or morals. All six countries prohibit women from working at night, with the exception of those employed in medicine and certain other fields. While these provisions are seen locally as a means of protecting women, in effect they treat women as minors who are unable to make decisions regarding their own safety and hold women’s guardians responsible if the rules are violated. Since most nationals opt to work in the public sector due to shorter workdays hours and better pay, these restrictions do not affect a great number of women. Nonetheless, new labor laws in the UAE, Bahrain, Kuwait, and Qatar have reaffirmed these rules during the period under examination.

Academic Opportunities Expand Women’s Prospects

Education has been a prime area of progress for women in the region, and it is an important avenue for their advancement toward broader equality. Since the 1990s, women in all six Gulf countries have made gains in access to education, literacy, university enrollment, and the variety of subjects of study available to them. That trend has continued, for the most part, over the past five years. The primary school completion rate for girls has grown by 15 percent in the UAE, 12 percent in Qatar, and 3 percent in Oman. Moreover, Qatar and the UAE now have the highest female-to-male university enrollment ratio worldwide, with women outnumbering men three to one.

Although women are generally encouraged to study in traditionally female disciplines such as education and health care, they have started entering new fields, including engineering and science. For example, in Qatar, women were accepted for the first time in 2008 in the fields of architecture and electrical and chemical engineering. In Saudi Arabia, three educational

institutions started to permit women to study law in 2007, although they are only allowed to act as legal consultants to other women and remain prohibited from serving as judges and lawyers in court.

Despite these improvements, there are still many barriers to true gender equality in education. In Kuwait and Oman, women are required to achieve higher grade-point averages (GPAs) to enroll to certain disciplines at the university level. For example, female students in Kuwait must obtain a 3.3 GPA to be admitted to the engineering department, while male students need only a 2.8 GPA. As women comprise almost two-thirds of the student body at Kuwait University, the disparity in admission requirements is explained by university officials as “reverse discrimination,” intended to increase the percentage of male students in certain academic fields. Moreover, in most countries examined, universities largely remain segregated by gender. It is unclear to what extent the segregation affects the quality of education, but in at least some countries, including Saudi Arabia, the number and diversity of classes offered to men are much greater than those available to women.

Protection from Domestic Violence Remains Minimal

While no part of the world is free from the stain of domestic abuse, the Gulf countries, and the MENA region as a whole, are exceptional in their array of laws, practices, and customs that pose major obstacles to the protection of women and the punishment of abusers. Physical abuse is generally prohibited, but no country in the Gulf region offers specific protections against domestic violence or spousal rape. Other factors include a lack of government accountability, a lack of official protection of rights inside the home, and social stigmas that pertain to female victims rather than the perpetrators.

No comprehensive studies on the nature and extent of domestic violence have been conducted in the Gulf states, apart from Bahrain. Nevertheless, domestic abuse is thought to be widespread in every country in the region, with its existence typically covered up by and kept within the family. Many women feel that they cannot discuss their personal situation without damaging their family honor and their own reputation. Consequently, abused women rarely attempt to file complaints with the police. When they do choose to seek police protection, they frequently encounter officers who are reluctant to get involved in what is perceived as a family matter and who encourage reconciliation rather than legal action. In Saudi Arabia in particular, guardianship laws make it very difficult for battered wives to find a safe haven. For example, this study cites the case of a girl who sought police protection after being sexually molested by her father, only to be turned away and told to bring her father in to file the complaint.

Over the last five years, several countries have taken limited steps to combat domestic violence. In the UAE, the first government-sponsored shelter for victims of domestic violence opened in Dubai in 2007 under the auspices of the Dubai Foundation for Women and Children. The shelter has a residential capacity, offers legal assistance for the victims, and provides training for the police on how to handle domestic violence cases. While this is a sign of progress, as it indicates an official acknowledgment that the problem exists, a single shelter is grossly inadequate for the needs of the emirate and the entire country.

In Bahrain, the number of NGOs that support victims of domestic violence is steadily increasing, and a growing number of women seem to be aware of such organizations and the services they provide. Several new shelters have opened over the last five years, and civil society has become more active in its advocacy efforts. The issue of domestic violence has also garnered more attention in Qatar and Saudi Arabia, although it is unclear what practical steps those

WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

governments intend to take to combat the problem. In Kuwait, there is not one shelter or support center for victims of domestic abuse.

Political Rights Rise Amid Low Regional Standards

Throughout the Gulf, both male and female citizens lack the power to change their government democratically and have only limited rights to peaceful assembly and freedom of speech. According to *Freedom in the World*, the global assessment of political rights and civil liberties issued annually by Freedom House, none of the GCC countries earn the rating of “Free,” and none qualify as electoral democracies.

Despite the overall lack of freedom, however, women have made notable gains over the last five years in their ability to vote and run for elected offices, hold high-level government positions, and lobby the government for expanded rights. These reforms have been most visible in Kuwait, where women received the same political rights as men in 2005 and exercised those rights for the first time in the parliamentary elections of 2006. Although none of the 27 female candidates who ran that year were successful, several came close, and women’s chances are expected to improve as they receive more training and acquire experience in campaigning and electoral politics.

In the UAE, eight women were appointed and one secured election to the 40-member Federal National Council (FNC), an advisory body to the hereditary rulers of the seven emirates. Previously, no women had served on the FNC, which until 2006 was fully appointed by the seven rulers in a number proportionate to each emirate’s population. In other countries, such as Oman and Bahrain, the government has appointed an increasing number of women to unelected positions, including cabinet and diplomatic posts. In addition to serving in the executive and legislative branches of government, women in the UAE and Bahrain are now permitted to act as judges and prosecutors. Although women remain severely underrepresented in political and leadership roles, their increased visibility in public life could help to change cultures in which only men are seen as leaders and decision-makers.

Working from outside the government, women’s advocates in several countries have been able to lobby for expanded rights more effectively in recent years, despite persistent restrictions on freedom of association. This has been particularly evident in Kuwait, where activists played the central role in urging the government to provide women with equal political rights. In Saudi Arabia, a growing number of journalists and advocates are slowly pushing back societal boundaries and demanding increased rights. For example, in 2007 the Committee for Women’s Right to Drive organized a petition addressed to the king, which prompted the government to reevaluate its ban on female drivers and announce in 2008 that women would be allowed to drive within a year. However, throughout the region, restrictions on civic organizations represent one of the main impediments to the expansion of women’s rights, since activists are unable to organize and voice their demands without fear of persecution.

Legal Discrimination

In 2004, Qatar joined Oman and Bahrain in adopting a legal provision specifying that there shall be no discrimination on the basis of sex. While the constitutions of Kuwait and the UAE do not include a gender-based nondiscrimination clause, they do declare that “all citizens are equal under the law.” Only in Saudi Arabia does the constitution lack a provision committing the government to a policy of nondiscrimination.

WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

Regardless of constitutional guarantees, women throughout the region face legal forms of discrimination that are systematic and pervade every aspect of life. For example, in none of the Gulf countries do women enjoy the same citizenship and nationality rights as men, which can carry serious consequences for the choice of a marriage partner. Under such laws, a man can marry a foreign woman with the knowledge that his spouse can become a citizen and receive the associated benefits. By contrast, a woman who marries a foreigner cannot pass her citizenship to her spouse or her children. Children from such marriages must acquire special residency permits, renewable annually, in order to attend public school, qualify for university scholarships, and find employment.

Over the last five years, a few countries have made it possible, in very limited circumstances, for foreign husbands and children of female citizens to obtain citizenship. In Saudi Arabia, amendments to the citizenship law in 2007 allowed the sons of citizen mothers and noncitizen fathers to apply for Saudi citizenship once they turn 18, but similarly situated daughters can obtain citizenship only through marriage to a Saudi man. In Bahrain, over 370 children of Bahraini mothers and noncitizen fathers were granted Bahraini citizenship in 2006, but this was an ad hoc decision made at the discretion of the king, and there is no guarantee that it will be repeated in the future. While some of these measures technically represent modest improvements, the vast extent of gender discrimination in citizenship rights remains largely unchanged.

Women's rights organizations, particularly in Bahrain and Kuwait, have taken up citizenship inequality as one of their main causes and have actively lobbied their governments for reform. However, many in the region believe that if these laws were changed, foreign men would easily "trick and seduce" national women in order to obtain citizenship and receive the substantial social benefits that it confers.

Apart from citizenship, women also face gender-based restrictions in labor laws, can legally be denied employment in certain occupations, and are discriminated against in labor benefits and pension laws. However, gender inequality is most evident in personal-status codes, which relegate women to an inferior position within marriage and the family, declare the husband to be the head of household, and in many cases require the wife to obey her husband. Under the family codes of all six Gulf countries, a husband is allowed to divorce his wife at any time without a stated reason, but a wife seeking divorce must either meet very specific and onerous conditions or return her dowry through a practice known as *khula*. Furthermore, women need a guardian's signature or presence in order to complete marriage proceedings, limiting their free choice of a marriage partner. In Bahrain and Saudi Arabia, there is no codified personal-status law, allowing judges to make decisions regarding family matters based on their own interpretations of Islamic law.

Women's rights organizations in Bahrain have been advocating for codified personal-status laws for close to two decades. A draft law was introduced in the parliament in December 2008 and is currently being reviewed by the relevant officials; the strongest opposition to its adoption comes from conservative Shiite Muslim groups. In the UAE and Qatar, the personal-status laws were codified for the first time in 2005 and 2006, respectively. Although the new laws contain certain provisions granting women additional rights and are viewed as a positive development, many clauses simply codify preexisting inequalities.

Several other legal changes over the last five years, if properly implemented, have the potential to improve women's rights. For example, laws requiring women to obtain permission from their guardians in order to travel were rescinded in Bahrain and Qatar. In Oman, the government introduced a law in 2008 stipulating that men's and women's court testimony would be considered equal, although it is unclear to what extent this will apply to personal-status cases.

WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

A draft labor law in the UAE, if passed, would specifically prohibit discrimination between people with equal qualifications and ban termination of employment on the basis of marital status, pregnancy, or maternity.

Throughout the region, however, the prevailing patriarchal attitudes, prejudice, and traditional leanings of male judges, lawyers, and court officials—as well as the lack of an independent judiciary that is capable of upholding basic rights despite political or societal pressure—threaten to undermine these new legal protections. Unless effective complaint mechanisms are in place and the appropriate court personnel are trained to apply justice in a gender-blind manner, the new laws will not achieve the desired effect. Moreover, unless the judicial system of each country becomes more independent, rigorous, and professional, women of high social standing will continue to have better access to justice than poor women and domestic workers.

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The overarching purpose of this study is to facilitate and support national and international efforts to empower women in the Gulf states. It is our hope that the country reports and quantitative ratings included in the survey will prove useful to those working for women's equality in the region, whether from inside or outside the government, by helping to identify priorities for reform and catalyze further action.

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BAHRAIN

*by Dunya Ahmed Abdulla Ahmed**

SCORES	2004	2009
Nondiscrimination and Access to Justice	2.2	2.2
Autonomy, Security, and Freedom of the Person	2.3	2.6
Economic Rights and Equal Opportunity	2.9	3.1
Political Rights and Civic Voice	2.1	2.3
Social and Cultural Rights	2.8	2.9

On a scale of 1-5, with 1 representing the least rights and 5 representing the most rights available.

INTRODUCTION

The Kingdom of Bahrain, a small island nation off the Arabian Peninsula, is generally considered more liberal in its interpretation and application of Islam than adjacent countries. Spurred by the political and economic reforms of hereditary ruler Hamad bin Isa al-Khalifa, women's rights have steadily improved since he took the throne in 1999. Shari'a (Islamic law) is the main source of legislation for family law courts, and the rights, duties, and gender roles of women in Bahrain are strongly influenced by the country's culture and religion. Bahraini citizens make up approximately one half of the resident population, which is believed to have reached one million.¹

Bahrain is for the most part a peaceful nation, but friction between the Sunni-led government and the largely Shi'ite opposition persists. Although they constitute the majority of the population, Shi'ites face discrimination in employment, government services, and the education system. While the ongoing ethnic and sectarian tensions are deeply troubling, they have acted as a catalyst for increased women's participation in political movements and demonstrations calling for social equality and the promotion of democratic rights.²

With pressure and encouragement from local nongovernmental organizations (NGOs), unions, and international bodies, the government has taken steps toward improving the standing of women in Bahrain in recent years. The quasi-governmental Supreme Council for Women (SCW) has played an important role in this process, and NGOs—including the Women's Union umbrella group—also promote women's rights. These entities have worked toward the promulgation of a unified family law code, in part to mitigate injustices in the current application of Shari'a.

Since the adoption of the National Action Charter in 2001 and the ratification of a new constitution in 2002, the autonomy, security, and freedom of Bahraini citizens have improved. The government has attempted to combat human trafficking over the past five years, and shelters have been created to support abused women; however, additional protections are still needed.

* Freedom House would like to thank Dr. Munira Fakhro and Dr. Badria al-Awadhi for their review of and helpful insights regarding this chapter.

Slavery is forbidden by both religion and the law, but slavery-like practices still occur, mainly affecting foreign domestic workers.

Bahrain ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2002 but made reservations to many important provisions, including those regarding family law, the granting of citizenship, and housing rights. Implementation of CEDAW has been slow, though under certain, extremely limited circumstances women have been able to pass Bahraini citizenship to their children. Although they now have access to adequate health care, academic opportunities, and employment, women need continued support in these areas to achieve true equality with men. Their participation in the workplace and in business has increased, and several Bahrainis are now listed among the most powerful businesswomen in the world.³

One woman won a seat in the popularly elected Council of Representatives in 2006 after running uncontested, becoming the first elected female member of parliament in any Gulf Cooperation Council (GCC) member state. However, women continue to be underrepresented in decision-making positions, constituting approximately one-quarter of the appointed Consultative Council, the upper house of the legislature. Their representation in the government, judicial system, and political parties also remains insufficient. However, several women have entered the judiciary in recent years, and two are now government ministers.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Gender-based discrimination continues to be evident throughout Bahrain's legal system, although the kingdom's recent election to the UN Human Rights Council has instilled hope among activists that the government will continue to expand women's rights. Over the last five years, local NGOs have continuously lobbied for the creation of a codified personal status law, as well as amendments to the citizenship law that would allow women to pass their citizenship to their spouse and children. Their success, however, has so far been limited.

Bahrain's 2002 constitution guarantees equality between men and women "in political, social, cultural, and economic spheres, without breaching the provisions of Islamic canon law."⁴ The constitution also provides citizens the right to education, health care, property, housing, work, the right to defend the country, and the right to engage in economic activities. Although the constitution does not discriminate between people based on their gender, there are no laws that directly ban discrimination either. The Penal Code (No. 15 of 1976) does not contain any provisions that would punish individuals found guilty of discrimination against women at the workplace or in other facets of society.

Bahraini women remain unable to pass their citizenship to their non-Bahraini spouses, even though Article 7 of the Bahraini Citizenship Law of 1963 permits male Bahraini citizens to do so. Moreover, the law stipulates that children may only receive Bahraini citizenship from their father, and the child of a Bahraini mother and a foreign father may not receive his mother's nationality.⁵ In September 2006, over 370 children of Bahraini mothers and noncitizen fathers were granted Bahraini citizenship, but this was an ad hoc decision made at the discretion of the king, and there is no guarantee that such an act will be repeated again.⁶ In November 2008, in efforts to provide consistency and a legal foundation in such cases, the SCW recommended amendments to the citizenship law that would permit children from these unions to receive

Bahraini citizenship after certain requirements are met. The SCW has called on all women's rights NGOs to openly discuss their proposal and make additional recommendations.

Bahrain has no codified personal status law. Instead, marriage, divorce, custody, and inheritance cases are heard by separate family courts for Sunni and Shiite Muslims. The judges in these courts are often conservative religious scholars with little or no formal legal training, who make judgments according to their own interpretations and readings of Islamic law. Because they may implement Shari'a in an arbitrary manner, rulings are commonly detrimental to women's rights.

Women's rights NGOs began advocating for a codified personal status law as early as 1982, and the movement has been publicly supported by SCW since late 2005. The Women's Union has worked with Sunni and Shiite religious leaders and legal experts in drafting the law, which was presented to the government in December 2008. The strongest opposition to comes from religious groups—who demand that Shiites and Sunnis have their own divorce and inheritance laws—as well as conservative segments of the population who seek to return to traditional values. In November 2005, the Islamic political group Al-Wefaq organized a demonstration against the introduction of the personal status law that grew to include 120,000 people. By contrast, an alliance of women's rights organizations held a rally in support of the law on the same day that attracted only 500 supporters.

A woman's testimony before a Shari'a court is worth half that of a man's, and women's legal claims are treated unequally by the Shari'a judiciary. Men have the right to divorce that is effective immediately—Sunni men need only orally announce their intent to divorce while Shiite men must record their intent. On the other hand, women must either seek out a judicial divorce based on extremely narrow reasons, such as desertion or impotency, or else initiate *khula*. *Khula* is the Islamic practice of divorce initiated by a woman, but it requires the woman to return her dowry. Some men abuse *khula*—in certain instances requesting that the wife pays the approximate amount the husband spent on her during the entire marriage—taking advantage of the fact that women use this form of divorce because it is faster than the alternative. A judicial divorce may take years, during which time women may not be financially supported, and is not guaranteed to end in a divorce. Divorced Shiite women lose custody of their sons at the age of seven and their daughters at age of nine, while Sunni mothers retain custody of their daughters until they are married and sons until the age of majority.

Unlike in Shari'a courts, the testimony of both sexes are weighted equally in civil and criminal courts, and women are able to bring charges in court without permission from male family members. Civil and criminal laws apply equally to both men and women, but fewer women than men go to prison because this is viewed as a punishment more appropriate for men.

No laws or government policies specifically address the issue of gender-based violence, and enforcement mechanisms are lacking for the existing legal provisions that may apply. The penal code generally addresses violence against citizens, but this is not adequate to protect against sexual harassment and domestic abuse. Wives, daughters, and female foreign workers rarely seek legal redress for violence committed against them, and when they do, the perpetrators often avoid punishment, thereby exposing victims to additional maltreatment. If a man commits a violent offense against a female relative, he may face a few days in jail, then sign a pledge and pay a fine.

The punishment for rape is life in prison, but spousal rape is not considered a crime.⁷ Additionally, under Article 353 of the penal code, a rapist may avoid punishment if he agrees to marry his victim.⁸ Although this is viewed by some as protecting women from shame, the

psychological effects of this policy are grave and divorces after such unions are likely. Additionally, the rapist may later initiate a unilateral divorce, thereby avoiding both a rapist's punishment and a husband's responsibilities. These considerations make women less likely to report rape. Honor killings are punishable under Bahraini law, but Article 334 of the penal code permits a reduced penalty for one who surprises his or her spouse in the act of adultery and immediately assaults or kills the spouse or the spouse's accomplice.⁹

Women are normally protected from discriminatory or arbitrary detention and exile, but they are vulnerable to these abuses in relation to prohibited sexual activities such as prostitution and *zina* (sexual relations outside marriage). The penal code prohibits adultery, sex outside of marriage, and homosexuality, all of which are also religiously and culturally forbidden. However, extramarital sexual activities by men are far more culturally acceptable than those of women. Articles 324 through 332 of the penal code prohibit prostitution for citizens and noncitizens of both sexes, but noncitizens—particularly women—are more likely to be prosecuted for such offenses. For instance, in May 2008, an Indian woman staying at a hotel in Bahrain with her husband and children was arrested during a “vice raid” on suspicion of being a prostitute, although there was no evidence to support this claim.¹⁰

Having ratified CEDAW in 2002, Bahrain is required to institute a number of measures to prevent gender-based discrimination in law and in practice. However, reservations were placed on several CEDAW provisions in so far as they conflict with Shari'a, including the Article 2 prohibition against discrimination within government policies, particularly in the area of inheritance; the right of a woman to pass her citizenship to her husband and children under Article 9, paragraph 2; a woman's freedom of movement and choice regarding residence and housing under Article 15, paragraph 4; and equality in marriage and family life under Article 16.¹¹

The reservations are the result of religious, cultural, and societal obstacles that will likely take time to overcome. Reservations to Article 2 are based on the Shari'a mandate that men receive greater inheritance than women in certain situations. The reservation to Article 9(2) regarding nationality reflects the tradition that children take the citizenship of their father to avoid dual citizenship. Full realization of Article 15 is hindered by social customs that prevent women from taking a full role in public life, and reservations were placed on Article 15(4) because it is still unacceptable for unmarried women to live outside their family homes. Finally, a reservation was placed on Article 16 in the belief that it conflicts with the Shari'a provisions that control marriage rights.

In October 2008, the SCW and Bahraini NGOs met before the CEDAW Committee at the United Nations offices in Geneva to discuss Bahrain's implementation of CEDAW. The SCW submitted a report on behalf of the government, defending its choice not to remove certain reservations and explaining efforts that have been made to empower Bahraini women. Simultaneously, “shadow reports” were also submitted by Bahraini NGOs that asked the government to remove its reservations to CEDAW and improve women's rights in Bahrain.

The main government-sponsored entity that promotes and protects women's rights is the SCW, which was created by royal decree in 2001 for the purpose of helping the government formulate policies on women's issues. The council's relative power and state support, however, has somewhat diminished the role of women's rights NGOs. In addition to publishing studies, promoting political participation of women, organizing workshops, and advocating for gender equality, the SCW has supported the codification of Bahrain's family law and equal citizenship

rights. Its approach, however, is tempered due to its association with the government. Within the state structure, the head of SCW has a rank equivalent to minister without portfolio.

RECOMMENDATIONS

1. The government should treat women as full persons before the law by recognizing their equality in courtroom settings, whether as litigants or jurists.
2. In consultation with the SCW, the Women's Union and other NGOs, and liberal religious scholars and judges, the government should enact a codified personal status law that would prevent arbitrary and discriminatory rulings by Shari'a court judges.
3. NGOs and the SCW, with the support of neutral parties, should establish connections with women's committees within Shiite and Sunni associations in order to more effectively promote the importance of a codified family law.
4. The Women's Union, with the support of international and domestic NGOs, should establish a specialized committee dedicated to CEDAW that will monitor its implementation and work to remove reservations to provisions that do not conflict with Islamic law.
5. The government should immediately remove its reservations to CEDAW and bring Bahraini law into compliance by providing women with equal citizenship, residence, marital, and custody rights as men.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

Despite the protections offered by the 2001 National Action Charter, improvements to women's personal freedoms have been hampered by the absence of a codified family law, unequal marriage and divorce rights, and the lack of legal prohibitions against domestic violence. However, the government has made some efforts to combat human trafficking over the last five years and has created new shelters for trafficking victims, although additional preventative measures are needed to effectively address the problem.

Bahraini law ensures freedom of worship under Chapter 1, section 3 of the National Action Charter.¹² The population is religiously diverse: 57 percent is Shiite, 25 percent is Sunni, 8.5 percent is Christian, and the remaining 9.5 percent belong to other religions. The king's family is Sunni, and it is widely acknowledged that Sunnis hold more influential positions in government and the economy. Religion is inherited primarily from one's extended family. In a marriage between a Sunni and a Shiite, each person is generally permitted to retain his or her own beliefs, although marriage between persons from different sects is increasingly uncommon. Moreover, all Muslims are encouraged to marry within the faith, but unlike women, Muslim men may take Christian or Jewish spouses.¹³ Apostasy is punishable by death under Shari'a, although Bahrain does not enforce this punishment. Regardless, many non-practicing Muslims of both genders are fairly quiet about their lack of faith out of concern for cultural demands.

Despite the country's relative liberalism, some Bahrainis continue to hold a more conservative interpretation of Islam, especially Salafi Sunnis and inhabitants of Shiite villages. Bahrain has been influenced by the regimes of nearby Iran and Saudi Arabia, which have strict Islamic ideas and practices, and recent increases in sectarian violence in Iraq and Lebanon have stoked sectarianism in Bahrain. Since the 1980s, the resurgence of Islamic conservatism led to

the return of traditional dress and social codes for women, although the *hijab* (veil) is not compulsory.¹⁴

Men and women in Bahrain do not have equal marriage rights. Unlike her groom, a Sunni bride is required to have a *wali* (marriage guardian) who will represent her during the marriage proceedings. A *wali* is most often a father, brother, or uncle. If a woman does not have a *wali*, the judge will represent her in completing the marriage formalities. Conversely, most Shiite women sign their own marriage contracts, although practically this does not give them more independence in selecting their marriage partner. In all cases, the agreement of the family is important, and it is not socially acceptable to marry without the family's permission.

Most prospective brides are sought out and selected by the man's family. A suitable wife is considered to be a woman from the same social class, religious sect, ethnicity, and educational level; both she and her family must have a good reputation in terms of *sharaf* (honor). Only men can solicit their own marriage partners if a match is not arranged for them. Furthermore, unlike men, women face significant legal, financial, and societal hurdles if they want a divorce (see "Nondiscrimination and Access to Justice").

Dating has become more common, but romantic relationships are not generally made public because of a constant concern about *kalām al-nās* (gossip) and sexual relations outside of marriage are criminalized. Young people in Bahrain are becoming increasingly independent when choosing their future life partners, but families remain influential in the final decision. Women may make whatever stipulations they wish in a marriage contract, but very few women practice this right. Instead, the contract concentrates predominantly on the details of the woman's *mahr* (dowry).

Women do not face any legal restraints in terms of their freedom of movement, although some cultural boundaries still exist. In July 2004, Article 13 of the passport law was amended to permit married women to apply for passports without permission from their husbands. Women are also not required to seek permission from their guardians before travelling abroad, and citizens of the GCC countries do not require visas or passports to travel between the member states, making movement within the region easier for both men and women.

On a practical level, unmarried women are less able to move freely and their whereabouts are indirectly monitored by their families and community. They generally live with their families until marriage and are required to adhere to rules that are intended to protect their reputation and virginity. Single women that are beyond the traditional age of marriage may have greater freedom of movement within cultural limits because they are viewed as being more sexually neutral than their younger counterparts. Married women have additional freedoms because society believes that the responsibility for their husbands and children makes them more "reasonable" than single women. Regardless of her age or marital status, a woman's behavior traditionally reflects not only upon herself but also upon the honor of her family and tribe, while men's honor depends on their ability to protect the women in their family.

Bahrain has consistently been listed in the U.S. State Department's *Trafficking in Persons Report* as a known destination for trafficked persons, including women trafficked for sexual purposes.¹⁵ In November 2007, the government created a special unit within the Ministry of the Interior for the purpose of investigating sex trafficking in particular, but it has reported no arrests, prosecutions, or convictions for trafficking offenses. Between April 2007 and February 2008, 45 foreign workers, many of whom claimed to have been physically abused by their employers, received help from a government shelter, and the international community has recognized these

efforts.¹⁶ Although the government has enacted many of the laws necessary to combat trafficking, they continue to be inadequately enforced.

Slavery is forbidden in Bahrain under the tenets of Islam, yet slavery-like conditions continue to exist for some laborers, especially female foreign domestic workers. Bahraini labor law forbids the withholding of salaries and travel documents from foreign workers, though they are specifically excluded from the broader labor protections afforded to citizen workers.¹⁷ Nevertheless, many cases have been reported in which passports are taken and wages are withheld from employees, restricting their freedom of movement and leaving them vulnerable to other abuses.¹⁸ If abused workers are fortunate they will be sent home by their sponsors, but generally without any compensation for suffering.¹⁹ Female domestic workers commonly report physical (often sexual), psychological, and verbal abuse by their male employers, who are also often their visa sponsors.²⁰

The Indian Ladies Association has provided one year's rent for a government-approved shelter for abused workers. This rent would be paid through the Migrant Workers Protection Society and would allow the society to provide accommodations and necessities for a greater number of abused workers.²¹ Despite these measures, abused workers require more help. Informal shelters run by local NGOs receive no funding from the government; there are still no formal processes for monitoring the populations most vulnerable to trafficking, such as prostitutes and domestic workers; and no steps have been taken to reduce demand for commercial sex.²²

Bahrain's main prison is for men, in part because there are few female prisoners. According to the SCW, the existing "women's custody center" generally adheres to international standards for treatment of prisoners, but improvements are needed in terms of space and medical care. Plans are underway to build an additional custody center with a women's wing that will provide better conditions for female inmates.²³ Political prisoners were often tortured prior to the adoption of the National Action Charter in 2001, but there have been no major torture cases involving prisoners of either gender since then.

Domestic violence in Bahrain is thought to be widespread, but its existence is usually covered up and kept within the family. Studies carried out by the Information Center for Women and Children, a regional research organization, indicate that 30 percent of Bahraini women face some sort of domestic abuse.²⁴ Although laws generally prohibit assault and battery, domestic violence is not specifically prohibited under Bahraini law or addressed by any government policy.

Accusations of domestic violence are rarely taken into account in divorce cases and abused women seldom seek any form of legal recourse, but when they do, courts do not look favorably on such cases.²⁵ Recent statistics released by the Batelco Anti-Domestic Violence Center indicate that the number of women seeking protection from violence in the first half of 2008 doubled as compared to 2007.²⁶ Such a surge may indicate women's growing awareness and comfort with such centers rather than any general increase in violence against women.

The number of NGOs that support victims of domestic violence is steadily increasing in Bahrain, a marked improvement for a society that did not condone speaking of such matters until recently. The Awal Women's Society has provided free legal advice to abused women since the late 1990s and also offers a telephone hotline for anonymous emotional support. The Bahraini Young Ladies' Association established the Aisha Yateem Family Coaching Center, which offers consultancy services and residential facilities. Established in March 2007, this is the only private shelter in the kingdom, but it lacks staff with adequate experience.

The Batelco Anti-Domestic Violence Center, a non-profit organization that was created in 2006 to rehabilitate victims of domestic violence, is the only successful partnership between the private sector and civil society in the field of domestic violence. Another partnership was formed in 2007 between the U.S.-based NGO Vital Voices, the Bahraini company Smart Coaching and Research Center, and the U.S. State Department's Middle East Partnership Initiative. Together, these entities work to advance civil society activity regarding domestic violence. The program also attempts to provide training in advocacy, volunteerism, and other areas.

Victims of gender-based violence had only recently begun to receive support from the government when the Dar al-Aman Care Center for battered women was established in 2006. In May of that year, control over the shelter was transferred to the Sociologist Association; however, the center has since been publicly criticized for restricting the victims' freedom of movement and for an absence of qualified personnel. The government has also initiated training for judges who deal with domestic abuse, increased the number of policewomen, and amended Law No. 26 of 1986 to streamline Shari'a court procedures, especially with respect to alimony and child custody.²⁷ Furthermore, the SCW has established a hotline that offers free legal advice and support to victims, and it has conducted a number of conferences and training sessions for different groups, including judges, on the issue of gender-based violence.

Although commendable, the improvements made by both NGOs and the government are insufficient to protect women from domestic abuse, particularly those who need a safe place to stay. Both the Dar al-Aman and Aisha Yateem shelters are only available to battered women for a limited period of time, and victims must seek approval by the police in order to become residents. Until suitable alternative residences exist, financial and social pressures may force many battered women to remain in abusive homes.

Political, religious, and cultural barriers continue to restrict the free and effective work of both the government and NGOs with regard to gender-based violence and marital rights. Efforts to protect other rights for women, such as freedom of movement, have been more successful as the civil and public entities have fought to increase awareness of existing rights and advocate for their expansion. However, Bahraini activists generally remain less engaged in the fight against human trafficking and slavery-like practices, which are considered by many to be an issue reserved for international organizations.

RECOMMENDATIONS

1. The government should enact legislation that specifically outlaws domestic violence and prescribes substantial penalties that will have a deterrent effect on offenders. Subsequently, the police and prosecutors should be trained to enforce such legislation effectively.
2. Abused women should no longer be required to seek approval from the police before they may access domestic abuse shelters. Moreover, the funding should be increased for NGO programs aimed at expanding shelter capacities for abused women and monitoring vulnerable populations, including foreign workers.
3. The government should provide specialized law enforcement units with the legislative and budgetary tools they need to carry out successful investigations and prosecutions of human trafficking offenses.

4. Victims of trafficking should be guaranteed immunity from prosecution for prostitution, illegal migration, and related offenses, granted protective and rehabilitation services, and encouraged to testify against those who confined or abused them.
5. Domestic NGOs, in conjunction with international bodies with experience in data collection, should conduct research that quantifies the existence of gender-based violence. This data can then be used to raise awareness and to help train the police, social workers, psychologists, and medical staff who deal directly with abused women.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

True economic equality between men and women has been difficult to achieve in Arab countries, including Bahrain, where society tends to view formal employment and business as issues for men. However, Islamic history supports the idea of economic rights for women, and some point to Sayeda Khadijah, the Prophet Mohammad's first wife, as an example of a successful, economically independent businesswoman.

According to certain Islamic scholars, a woman's duty is to care for her home, husband, and children, while a man's duty is to treat women fairly and shoulder his family's financial responsibilities.²⁸ These expectations have resulted in corresponding gender roles for many households, but some adopt less traditional arrangements, and women are increasingly becoming financially independent through employment.²⁹ Women's responsibilities in the home have also been reduced through the widespread use of cheap domestic help, even among lower middle-class families.

Bahraini women are free to own property and land, subject to their individual financial constraints.³⁰ In the 1970s, the government established the Productive Family Project to encourage families to run small businesses from home. Following in this tradition, the government—particularly the SCW—has initiated several programs intended to increase women's economic participation. It has financed small and medium-sized enterprises and established the Family Bank to improve the living standards of low-income families and create jobs.³¹ In addition, many NGOs, some with help of the United Nations Development Programme (UNDP), provide microcredit programs in an effort to encourage women to participate in small business ventures. The Bahrain Development Bank also offers both microcredit and larger loans, and 73 percent of its beneficiaries are now women.

Previously, women found it difficult to run their own businesses because cultural norms required that they hire men to authorize their work or manage all government documents, such as customs forms and work permits. However, since 2000, women have begun to provide such document-clearance services. Consequently, liberal, educated, middle-class women have begun to run businesses independently or hire document-clearance services operated by both sexes, which saves time and energy.

Although rules differ slightly between Sunnis and Shiites, inheritance law is governed by Shari'a. Women inherit less than men in a number of situations, including where the man and woman are similarly related to the deceased. For example, a sister inherits half of her brother's share. This disparity is generally justified by the fact that men have greater financial responsibilities under the Koran and, unlike women, inherit the debts of the deceased.³² Problems arise when executors, usually a male family member, do not follow the law and refuse to give

women the inheritance to which they are legally entitled. Consequently, women often face injustice during the actual division of estates.

In 2007, Bahraini women constituted 72 percent of students enrolled at the Arabian Gulf University and 67 percent of those enrolled at the University of Bahrain, the two largest postsecondary education institutions in Bahrain.³³ As educated members of society, graduates tend to be more conscious of their rights and more forthright in demanding that they be respected. However, some fields remain segregated based on gender. For instance, certain technical subjects in high schools are restricted to boys, while textile classes are limited only to girls. This segregation affects future job opportunities and reflects government support for societal biases. Although no other subjects are actually restricted, women remain underrepresented in areas such as engineering and overrepresented in education and health care. From a practical standpoint, this limits women's freedom to choose their university courses and leads them to study subjects in low demand in the labor market, increasing their unemployment rate.

Article 12 of the constitution provides equal rights and opportunities to all laborers. However, according to a recent study, men, as a group, earn more than women. The average monthly salary for women employed in the public sector is 643 dinars (US\$1,705.80) and for men is 706 dinars (US\$1,872.93). The gender gap in private sector wages is even more evident: women earn an average monthly salary of 307 dinars (US\$814.43) while men earn 454 dinars (US\$1,204.40).³⁴ Moreover, women—mainly domestic workers—tend to face harsher treatment and poorer working conditions than men in similar positions.³⁵

Although most women are free to choose their professions, certain restrictions in this domain still exist. Under Article 301 of the Private Labor Law (No. 63 of 1976), women are prohibited from working between 8 P.M. and 4 A.M., with certain exceptions such as jobs in health care. Law No. 5 of 1977, issued by the Ministry of Health, prohibits women from doing hazardous work, which includes predominantly heavy industrial jobs.³⁶

Women constituted approximately 19 percent of the country's labor force and approximately 31 percent of adult women were employed in 2007.³⁷ Although many obstacles to women's full and equal economic participation still persist, most commonly those involving traditional social attitudes, there is a growing awareness that such mindset must change if Bahrain is to achieve its full economic potential. Exemplifying this increased awareness, a female government employee named S. Ahmed brought the first discrimination court case in 2005 after she was denied a promotion because of her gender. The case is still pending.³⁸

In an effort to decrease Bahrain's dependence on foreign labor, companies are restricted as to the number of foreign employees they may hire in comparison to the number of Bahraini employees they have. Law No. 56 of 2008 encourages private companies to hire Bahraini women by counting each female employee as two Bahraini citizens, thereby permitting the company to hire more foreigners, who are generally cheaper to employ than citizens.

The labor law offers gender-based protections by prohibiting employers from firing women during maternity leave or because they get married.³⁹ Several improvements have been made to gender-based workplace benefits in recent years. In 2005, maternity leave increased from 35 to 60 working days, breaks for breast-feeding increased from one to two hours a day for a six-month period, and mothers can now obtain unpaid leave for a maximum of two years at a time on three separate occasions during their working lives.⁴⁰ Women tend to work longer hours than most nurseries are open, creating friction between the obligations of work and motherhood.

They also generally lack support as they attempt to balance their jobs with their other home duties, which continue to include most domestic chores.⁴¹

Economic support provided for women by the state is a new concept for Bahraini society, which has traditionally considered it a man's duty to care for his female relatives. The SCW is doing its part by promoting laws that reward companies that employ and promote women. In addition, the MSD and the Ministry of Justice administer funds created by the government to assist divorced women and their children.⁴²

Meanwhile, the Bahrain Businesswomen's Society has provided women with training opportunities in cooperation with other entities, such as the government and the UNDP. Although women represent a significant portion of the workforce and are members of the General Federation of Bahraini Trade Unions, women's issues are not on the federation's agenda to any substantial degree.⁴³ Despite the continuing existence of cultural barriers, concrete advances have been made in upholding women's economic rights in recent years.⁴⁴

RECOMMENDATIONS

1. The government, in cooperation with local NGOs, should create special programs to encourage women to study subjects in which they are currently underrepresented. For example, they could initiate public campaigns that highlight female engineers and scientists, create public-private partnerships that bring highly accomplished women to classrooms to act as role models, or create girls' science clubs.
2. The working hours of nurseries should be expanded to fully accommodate employed women, and the government should provide incentives for public and private companies to maintain on-site childcare.
3. The General Federation of Bahrain Trade Unions should make gender discrimination in the workplace one of its main issues.
4. The government should scrutinize inheritance proceedings to ensure that women receive their share, provide efficient mechanisms for filing and adjudicating complaints, and publicize penalties for deliberate abuses by executors and guardians.

POLITICAL RIGHTS AND CIVIC VOICE

In 2002, Bahrain became the first GCC member to grant women's suffrage. Chapter 1, section 2(1) of the National Action Charter provides equal rights and opportunities for all citizens of Bahrain.⁴⁵ Furthermore, Article 1, paragraph e, of the constitution clearly states, "all citizens, both men and women, are entitled to vote and to stand for election, in accordance with this constitution and in the conditions and principles laid down by law. No citizen can be deprived of the right to vote or to nominate oneself for elections except by law." Despite these broad reforms, women have remained underrepresented in the legislature, the government, the judicial system, and political parties.

In 2002, six women ran unsuccessfully as candidates for the Council of Representatives. After losing that year's election by a small margin, Latifa al-Gaoud ran again in 2006, this time unopposed, and became Bahrain's first and only female parliamentarian. In general, women face unique obstacles while campaigning, in part because they have fewer opportunities to address large groups and mixed-gender groups than men, who have wider access to mosques and other

community gatherings. In all, 16 female candidates ran in the 2006 elections, and women constituted 50.2 percent of the voters, a vast improvement over the 2002 elections.

One female candidate, Munira Fakhro, a former Harvard academic and member of Wa'ad, the largest liberal political society, ran against the incumbent candidate Salah Ali, a member of the Al-Menbar Sunni Islamic Society. Fakhro had only limited support from the Al-Wefaq National Islamic Society, but the majority of women from her own region supported her in the 2006 electoral contest. She lost by only a few votes and, believing that voting irregularities had taken place, she took the case to court to ask for a repeat vote. Her request was denied. None of the liberal parties such as Wa'ad won, suggesting that her defeat was not only due to her gender but also due to her party affiliation. None of the female candidates were members of the male-dominated Islamist parties, which won the majority of the available seats.

Participation by women in the national government and decision-making positions remains low. Bahrain has had female ambassadors since the 1990s and became the first Arab country to have a female minister of health when Nada Haffadh was appointed in 2004. Fatima al-Baloshi of the Al-Eslah Sunni Society was later appointed minister of social development in January 2005.⁴⁶ Moreover, in November 2008 Sheikha May bint Mohammed al-Kalifa became the first woman in Bahrain to be appointed as minister of culture and information. In addition to cabinet posts, women have also been appointed as undersecretaries, college deans, and even as a university president. The first Consultative Council under the current charter, appointed in 2001, started with four female members, and that figure rose to six by 2002. Eleven female members were appointed in 2006, but Houda Nonoo, a Jewish council member, has left her position to act as the Bahraini ambassador to the United States. This leaves only 10 women, or 25 percent of the council's members.

Freedom of assembly in Bahrain is equally restricted for both men and women. It is regulated by Law No. 32 of 2006, which requires persons organizing a public meeting to notify the Department of Public Security. In recent years, women have freely participated in a number of demonstrations and political and social gatherings. However, in a December 2007 demonstration by families of detained political activists, both the Special Security Force and the Women's Police, Bahrain's all-female police force, were accused of dispersing the crowd in a violent and humiliating manner. Journalists were not permitted to take photographs, and some of the women who took part in the demonstration were hospitalized. When one of these women saw her mother faint inside the prison, she was allegedly forced to kiss an officer's foot before she was permitted to help her mother.⁴⁷ This type of treatment is not common, especially regarding women and after the adoption of the National Action Charter, but when it does happen, it is not widely publicized in the media.

All NGOs in Bahrain, including women's rights organizations, are supervised by the MSD. Because NGOs are forbidden from engaging in vaguely defined "political activity," the MSD can effectively ban work on a variety of controversial topics. Any NGO whose annual budget is over 10,000 dinars (US\$26,500) must use an external auditor to monitor its finances. Moreover, all funds and donations from foreign entities are scrutinized by the government, limiting the assistance that NGOs may receive from outside sources and subjecting NGOs to additional government supervision and control.

According to Article 134 of the penal code, citizens may not attend unauthorized meetings, conferences, or symposiums held abroad or contact foreign ministers, representatives, or organizations for the purpose of discussing Bahrain's economic, political, or social issues that may harm the country's reputation. Such actions are punishable by a minimum of three months

in prison and/or a fine of not less than 100 dinars (US\$265). Although this law existed prior to the sweeping 2001 reforms, it was not strictly enforced until minister of the interior Shaikh Rashid al-Khalifa threatened to do so in November 2008. It is unclear what kind of impact the law's enforcement will have on activists' ability to openly discuss women's rights in Bahrain with various entities outside of the country.

Legal restrictions on press freedoms are also not gender based—the rights of both male and female members of the media are limited. The Press Law (No. 47 of 2002) continues to be used to restrict the coverage of sensitive issues, particularly corruption.⁴⁸ In 2007, 15 journalists were referred to the public prosecutor, mainly for alleged defamation of a government official or department. According to the Bahrain Center for Human Rights, state-owned Batelco, Bahrain's only internet provider, blocked 23 discussion forums in 2007.⁴⁹ Although the number of female journalists has steadily risen in recent years, only a few broadcast programs engage in open discussions about women's issues including women's political rights and domestic violence.

Thirty-one percent of Bahraini lawyers were women in 2001, and according to the University of Bahrain's records, most of the graduating and current law students since have been women. These numbers are strong compared with those in neighboring countries, in part because women have been able to act as lawyers in Bahrain since 1976. In 2003, three Bahraini women were appointed as prosecutors, two of whom have since been promoted and replaced by women, and a woman was appointed director of public prosecutions in 2007. In June 2006, Mona al-Kawari was appointed to the High Civil Court as Bahrain's first female judge. A second, Dhouha al-Zayani, was appointed to the Constitutional Court in 2007, and Fatima Hubail was appointed in 2008 as a Lower Criminal Court judge. In total, there are only seven women in the judiciary and none in the Shari'a courts, which hear the cases that most often and most directly affect women.⁵⁰ Although a variety of views exist on the matter, most Islamic scholars in Bahrain believe that women may not act as judges in the Shari'a courts.⁵¹ Some, however, suggest that women could be appointed in cases related to women's issues.

Political organizations such as the Al-Wefaq National Islamic Society and the Al-Menbar Sunni Islamic Society hardly address women's political rights in their agendas. Meanwhile, the Women's Union and other NGOs advocate for women's rights generally, and although they incorporate women's political rights into their work plans, their political work is limited because they are not registered as political societies. Additionally, because most of the political societies are religious, cooperation between them and women's societies is limited at best, and they often conflict.

RECOMMENDATIONS

1. Local NGOs should provide training for female political candidates on how to run successful political campaigns, mobilize popular support, and effectively engage the media. They should also organize networking events in which successful female candidates from other Arab nations could share their election strategies with female political leaders in Bahrain.
2. The government should abolish Article 134 of the penal code so that governmental and NGO representatives, including women's rights activists, may take part in meetings and discussions with foreign entities about issues pertaining to Bahrain without fear of persecution.

3. The government should appoint a larger number of women to the Consultative Council and the judiciary, especially the Shari'a courts, and place more women in decision-making positions.
4. Secular women's rights organizations should initiate a frank dialogue with religious groups. Such a dialogue would enable discussions about religion, women, and politics, and would provide opportunities for strategic cooperation.

SOCIAL AND CULTURAL RIGHTS

The social and cultural rights of Bahraini women are greatly affected by traditional societal norms, which place higher premiums on the rights and preferences of men. As a result, women tend to be treated unequally in diverse areas of social and community life. Within the last five years, however, modifications have been made to housing and unemployment benefits in order to protect both men and women from poverty. The establishment of the Women's Union and greater participation by women's NGOs has further increased women's influence in society, but their power remains limited and they are still absent from municipal councils.

Women and men have equal access to health care, which is provided to citizens free of charge and to resident noncitizens for a low fee. The government has placed great importance on health care rights, which have improved significantly in recent years. Life expectancy in 2006 was 76 years for women and 74 years for men, up from 74 years for women and 72 years for men in 2000. According to the World Health Organization, the maternal mortality rate during childbirth is 32 in 100,000, which is significantly lower than the world's average but higher than several other GCC countries including Kuwait, Saudi Arabia, and Qatar.⁵²

Although women are legally permitted to make decisions about birth control, they often ask permission from their husbands and may take advice from religious leaders while making their decisions. Sterilization is allowed only with the permission of the husband and may only be carried out in a legally and religiously acceptable manner. Ultimately, the decision depends on the health condition of the woman and whether normal birth control methods will work.

A woman must also secure her husband's permission before she may undergo a Caesarean section delivery unless the surgery is urgent or if the husband is absent. Abortion is only permitted for the health of the mother and also requires a husband's permission. If an abortion is sought for financial or family planning reasons, it will not be permitted, and even in cases of fetal impairment, it is generally not acceptable. Bahrain is one of the first countries in the GCC region to require premarital health check-ups, which include blood screenings for genetic conditions, partly because of the high rate of marriage between relatives.⁵³

A woman's virginity is considered an important part of her family's honor, but brides are no longer required to provide proof of their virginity, and harmful traditional practices such as female genital mutilation are not performed in Bahrain.⁵⁴ Polygamy is practiced among a diverse minority within the country, including members of different sects and men with varying levels of education. However, the practice is not highly widespread because it requires the husband to have substantial financial resources so that he may support his wives and children. *Muta'a* (short-term marriages) are practiced by some Shiites, and other types of temporary marriages occur within Sunni communities, but people do not generally discuss these practices and they are not universally accepted.

Unmarried women typically live with their parents or, if their parents are no longer living, with a male relative, and they are expected to look after the old and sick in the family.⁵⁵ It is socially unacceptable for a woman to live alone, but it has become more acceptable for multiple related women to live together without a male relative. Single women living with their families may be allotted a separate area of the house which they may treat as their own, effectively living alone within the family household.

In Bahrain, housing benefits were established as early as 1975 to provide suitable homes for families who were unable to build their own. Law No. 12 of 2004 grants divorced women the right to their share of the family home if they can prove that they have contributed to monthly property payments. Families that are unable to afford a house are entitled to benefits if they are: a husband and a wife (polygamy does not give the man the right to more than one house); a single-parent family, whether the lone parent be a man or a woman; or an adult, unmarried son or daughter residing with his or her parents if neither the applicant nor the parents own a suitable home or land that is fit for building a home.⁵⁶ Regarding the first category, if only the man pays the premiums, the house must be registered in his name alone. However, if the wife or wives contribute, then the house is registered according to the contributions of each occupant.⁵⁷

Women are better able to participate in and influence community life, policies, and social development at the local level than at the national level. Today, more than 4,000 women constitute over 60 percent of the membership in NGOs, and many have taken leading roles in their organizations.⁵⁸ There are 456 NGOs in Bahrain as of May 2008,⁵⁹ but only 19 concentrate on women's rights. Twelve of these women's organizations are members of the Bahraini Women's Union, which aims to involve women actively in political life—including decision-making positions in parliament and other government bodies—and fight all forms of gender discrimination. It was officially created in September 2006 after almost five years of political and legal battles surrounding its licensing. The MSD blocked the registration of the Women's Union for many years while SCW remain neutral on the issue. Some have argued that such neutrality was actually an implicit refusal to acknowledge the Women's Union.

Women's participation in NGOs directly relates to their success in local and national elections because female candidates depend on support from their groups' members. Only five female candidates ran in the 2006 municipal elections as compared to 31 candidates in 2002, perhaps because highly qualified women preferred to run in the parliamentary elections instead.⁶⁰

The media today plays an important role in people's lives, and Bahraini women have always been steady but underrepresented participants in this field. Women constitute 30 percent of employees at the Ministry of Culture and Information, and 13 percent of these play an active role in the functioning of their respective media outlets. Twenty-one percent of Bahrain Radio and Television Corporation employees are women, the majority of whom are broadcasters. In addition, women make up 50 percent of print editors, and there are twice as many female students as male students in the Information Department at the University of Bahrain. However, not many media outlets produce quality programming on women's rights.

Radio, television, print, and internet media cover traditionally female topics such as family, fashion, beauty, and cooking. For instance, an English-language women's magazine called *Women this Month* focuses on beauty, fashion and similar issues, while websites and online magazines such as *WomenGateway.com* cover a variety of subjects including business, legal rights, and news concerning women. Moreover, the SCW issues an Arabic-language magazine that focuses on news from the SCW, conferences, and new royal decrees related to the benefits of Bahraini women.

Although Bahrain has produced only a few movies, several television series are produced each year, many of which depict violence toward women as an accepted societal practice rather than raising awareness about women's issues. On the rare occasions when serious issues regarding domestic violence or human trafficking are highlighted, the viewership tends to be low and many complain about the program in the newspapers.

The government attempts to protect both male and female citizens from poverty, and the kingdom ranks third among Arab countries and 41st worldwide in the UNDP's 2008 Human Development Index. Laws and policies have been altered in an effort to raise the standard of living for all citizens, and women in particular have benefited from these changes. Monthly assistance is now offered to orphans and widows, female government workers are granted social allowances,⁶¹ and unskilled labor contracts reserved for Bahraini citizens include workers of both genders.⁶²

The National Employment Project was established in 2005 to increase employment opportunities for Bahraini nationals and provide training programs for those seeking jobs. Women account for 74 percent of those who registered for this project. In December 2007 the first eligible Bahraini citizen was paid under the Unemployment Insurance System. Of the 7,810 citizens eligible for this plan, 81 percent were female.⁶³ Some citizens, including a large number of women, allegedly register for unemployment benefits even though they never intend to apply for a job.

Human rights standards, including women's rights, have the potential to improve in accordance with the commitments that the kingdom made by becoming a member of the UN Human Rights Council. The effectiveness of women's rights NGOs, however, continues to be constrained by the rules of the MSD, which monitors their work and limits their international funding. In particular, NGOs are not permitted to accept funds from or donate money to foreign organizations without permission from the MSD. Religious scholars also advocate on behalf of women, but their intentions and purposes differ greatly from those of NGO members and other women's rights activists.

RECOMMENDATIONS

1. Women should be permitted to make all decisions regarding their health independently, including whether to have a cesarean section at childbirth.
2. The government, national and international organizations should sponsor television programming and other media content that appropriately addresses—whether directly or indirectly, or in dramatic, documentary, or talk-show formats—problems like domestic violence and human trafficking, as well as subtler social obstacles faced by women. Moreover, the government should withhold all state funding from programming that portrays violence against women as socially acceptable.
3. The government should extend housing benefits to broader categories of applicants, such as single or separated women, to accommodate individuals escaping abusive households or pursuing economic and social independence.
4. The Women's Union should establish a website that addresses women's issues in Bahrain and raises awareness about women's rights on all levels. This website should contain links to websites that address women's issues worldwide.

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KUWAIT

by Haya al-Mughni*

SCORES	2004	2009
Nondiscrimination and Access to Justice	1.9	2.2
Autonomy, Security, and Freedom of the Person	2.2	2.4
Economic Rights and Equal Opportunity	2.9	3.1
Political Rights and Civic Voice	1.4	2.3
Social and Cultural Rights	2.8	2.9

On a scale of 1-5, with 1 representing the least rights and 5 representing the most rights available.

INTRODUCTION

Since the 1960s, Kuwaiti women have enjoyed access to higher education and relative freedom to advocate for improved economic and cultural rights, particularly as compared to women in neighboring countries. Kuwait's first women's organizations actively lobbied for the broader involvement of women in the labor market, equal political rights, and greater cultural and educational opportunities. It was the 1990–91 Iraqi occupation of Kuwait, however, that arguably served as a catalyst for the eventual liberalization of women's political and social rights. During that period, many women assumed important social responsibilities and were instrumental in the survival of their besieged community. Some volunteered in hospitals to compensate for the lack of medical staff; others smuggled food, money, and weapons across military checkpoints.

The ousted government made several public promises that after Kuwait was liberated, women would “play a greater role and make more noble contributions” to the country that they had valiantly helped to defend, an apparent nod toward granting them rights on par with men.¹ After the occupation ended, women did assume new and influential titles including university rector, vice-president of the Kuwait Oil Company, and even ambassador when, in 1993, Nabila al-Mulla became the first female ambassador in the Gulf region.² True political equality, however, remained elusive as the Election Law (No. 35 of 1962) continued to ban political rights for women for another decade.

In May 1999, during an interregnum between parliaments, the emir of Kuwait promulgated a decree granting women the right to vote and run for office in parliamentary and municipal elections. However, the decree was overturned by the parliament several months later. In protest, civic activists organized a series of demonstrations, during which hundreds of women stormed registration offices in an attempt to vote and enter their names on the ballots. After being turned away, they challenged this in courts in hopes that the judiciary would hold the election law unconstitutional.³ However, the cases were dismissed on technicalities, sparking

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mass demonstrations and bringing the issue to the international forefront.⁴ Another government-sponsored bill that would give women the right to vote and run in municipal councils was rejected by the parliament in 2003.

Because of the combined efforts of activists, lawyers, politicians, and everyday citizens, women were finally granted full political rights in May 2005. Consequently, in the 2006 and 2008 municipal and national elections, Kuwaiti women voted and ran as candidates. This provided women with the unprecedented potential to directly influence Kuwaiti society, especially because the elected National Assembly has the power to overturn decrees issued by the emir.⁵ The government has also integrated women into the national decision-making process by assigning ministerial portfolios to three women and appointing two others to the Municipal Council, which controls the administration of public services.

Despite these significant developments, Kuwaiti women still face discrimination in many areas of life. They remain prohibited from serving as judges and joining the military, have unequal marital rights, and are not allowed to pass their nationality on to their children and foreign-born husbands. They also lack equal rights in laws regulating social security, pensions, and inheritance. Provisions regarding inheritance, however, are mandated in the Koran and take into consideration that men, legally and socially, bear the burden of fiscal responsibility for all female family members. As a result there is little, if any, political or popular will to change this practice.

Advocacy for women's rights in Kuwait has been strong and visible in recent years, particularly with respect to political participation. Nonetheless, activists today face new challenges: female election turnout has been relatively low, and no female candidates have been elected to the parliament. Furthermore, the amended election law requires all voters and candidates, regardless of their gender or religion, to adhere to the principles and rules of Shari'a (Islamic law). This ambiguous requirement has led conservative Islamist parliamentarians to exert mounting pressure on the government to compel women ministers to wear the veil, with the National Assembly's legal and legislative committee going so far as to find female ministers who refused to wear the *hijab* (headscarf) while being sworn in guilty of having violated the constitution and the elections law.⁶

Islamists have dominated Kuwait's parliament since the first postwar national elections in 1992. Their rise to power is partly the result of their strong grassroots organizations and community-outreach programs. Their message of social justice, anticorruption, and religious authenticity has had a great appeal among the electorate, including women. While the Islamists' call to make Shari'a the main source of legislation has been a contentious issue in national politics, they have succeeded in passing a number of laws with conservative overtones. These efforts include a women's early retirement bill intended to enable mothers to devote their time to child rearing, a measure imposing gender segregation in postsecondary schools, and a law that criminalizes cross-dressing.⁷

Government restrictions on nongovernmental organizations (NGOs) and freedom of assembly present additional challenges to women's rights activists. Formal political parties are banned, but numerous informal political groups are active both inside and outside the parliament. Kuwait's NGOs, which have had a wider impact on society than many political groups, are controlled and funded by the state. The government has, however, made some institutional efforts to address human rights issues directly. The Kuwait Human Rights Society was finally licensed in 2004 after much struggle, and the following year, the Ministry of Justice established a Human Rights Committee to review and address human rights violations in accordance with

national laws. In addition, the parliament's Human Rights Defense Committee set up an Expatriate Workers Affairs Committee to deal with individual complaints from foreigners living in the country.

Despite an apparent interest among the political elite in minimizing abuse and discrimination on a wider societal level, the issue of women's rights is more complex due to the country's patriarchal culture and conservative interpretation of Islam. Existing national laws that enforce gender stereotypes do not individually threaten the great progress made in women's rights in recent years. Instead, these measures, if enforced together and furthered in the name of conservative moral and religious order, may one day cause Kuwaiti women to lose their hard-fought autonomy and personal freedoms. Elastic and outwardly benign laws, such as that which requires voters and political candidates to adhere to Islamic regulations without clarifying what the regulations entail, permit the conservative elements of Kuwaiti society to further their agenda without raising alarm in more moderate segments of society.⁸

This prompts the question of what women's rights NGOs should do to preserve the gains to date and advance citizenship rights in the future. There is no single solution to this challenge. One possible strategy is to engage in an open dialogue with the Islamist groups and their supporters, with the goal of reaching a consensus on what constitutes women's civil rights. Women's groups may also need to influence the representation of women in the media to highlight the social realities of women's lives, as well as reenergize their campaign message with new ideas, such as the notion of social justice, to appeal to a larger segment of society. Finally, they should reach out to other local NGOs both to galvanize support for female political candidates and to encourage greater coordination among such candidates during national and local elections.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Over the past five years, Kuwait has made limited progress in bringing national laws in line with international standards for nondiscrimination. Until recently, the country lacked an institution devoted specifically to the enforcement of human rights, instead relying on several independent committees within different governmental bodies. In 2005, the Ministry of Justice set up a Human Rights Committee to review and address human rights violations. Little information is available, however, on the committee's work or its effectiveness.

Although Kuwait's constitution recognizes the principle of equality among its citizens regardless of "race, origin, language, or religion," it contains no specific protections against gender-based discrimination, and national laws continue to discriminate against women. In a few glaring instances, such as the Social Security Law (No. 22 of 1987) and the Housing Assistance Law (No. 47 of 1993), Kuwait's laws and policies still treat women as dependents of men rather than individuals with equal rights and responsibilities.

Female Kuwaiti citizens remain unable to confer their nationality on their children or foreign-born spouses, while Kuwaiti men are permitted to exercise this right. A Kuwaiti woman married to a foreign national can transfer her nationality to her children only if the father is unknown or has died, or if there has been an "irrevocable" divorce. Conversely, the foreign-born wife of a Kuwaiti man may become a Kuwaiti national after 10 years or less of marriage.

The noncitizen husbands of Kuwaiti women, like temporary foreign workers, are treated as guest workers under the Residency Law (No. 17 of 1959). To remain in the country, both

populations must have valid work permits, pay residency fees, and renew their residency permits every three years or less. The same conditions apply to the mature children of Kuwaiti women married to noncitizens. On the other hand, the foreign wife of a Kuwaiti man is granted immediate residency upon marriage.⁹

Kuwait has a three-tiered judicial system consisting of the courts of first instance, the appeals court, and the Court of Cassation. Additional specialized courts exist for administrative, military, and constitutional cases. Personal matters, including marriage, divorce, and inheritance, are governed by Shari'a but handled in the state's court system. For these matters, Sunni and Shiite Muslims have recourse to courts that adhere to their respective schools of Islam. Family law courts value the testimony of a woman as half that of a man, but all other courts consider the testimony of men and women to be equal. This deeply ingrained tenet of Shari'a has gone unchallenged due to its presence in Islam.

The criminal procedures code provides all residents, regardless of their gender or nationality, with equal access to courts and entitles them to a court-assigned lawyer and an interpreter. All victims have the right to seek recompense through the courts, but enforcement mechanisms to ensure the implementation of judicial decisions remain weak.¹⁰ Most foreign-born domestic workers are unaware of their legal rights and are often reluctant to bring charges if they have suffered a serious offense or violence at the hands of their employers.

Kuwait's penal code is generally nondiscriminatory, although it still permits reduced sentences for men who commit honor killings. In principle, all perpetrators of murder, rape, kidnapping, or violence against women are subject to penalties ranging from lengthy prison sentences to the death penalty. According to Article 153 of the Penal Code (No. 16 of 1960), however, if a husband kills his wife or her illicit partner during an adulterous act, his sentence is capped at three years in prison. The same penalty applies for anyone who, in the heat of the moment, kills his daughter, sister, or mother for their involvement in acts of *zina* (unlawful sexual relations) carried out before him. Honor killings in Kuwait are rare, and in the past five years only one was reported: the murder of a young woman by her brothers in 2006. More recently, a young girl was given police protection after reporting that her family intended to kill her over an affair with an unrelated man in 2008. The male members of her family were arrested, detained for questioning, and later released on bail.¹¹

Kuwait continues to implement the death penalty, but mothers of dependent children are not executed, and the penal code prohibits the execution of pregnant women. Women are housed in a separate prison from men, and those who are pregnant are exempted from prison work and receive special treatment in terms of food and rest.¹² In 2008, the emir responded to a direct appeal by the president of the Philippines and reduced the death sentence of a Filipina domestic worker to life imprisonment for the murder of her Kuwaiti employer. Another Filipina maid is on death row for killing her employers' two children. The Court of Cassation has submitted the death sentence in that case to the emir for final approval.¹³

Sexual relations outside marriage are considered moral crimes, and those engaging in such activities run the risk of arrest, imprisonment, and deportation. Prostitution is illegal. Under Article 194 of the penal code, consensual sexual relationships between adults who are not married to each other are punishable by up to three years' imprisonment. Article 195 mandates an even harsher punishment for adultery: any married person who has consensual sexual relations with a person other than his or her spouse can be punished by up to five years' imprisonment.

Kuwait ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1994 with reservations on Article 9, paragraph 2 concerning citizenship rights and Article 7 regarding equal voting rights. Reservations were also appended to Article 16, paragraph 1(f), which calls for equal rights on guardianship and the adoption of children, on the grounds that they were incompatible with Shari'a. In December 2005, Kuwait lifted its reservation related to women's political participation and subsequently took steps to integrate women into the political sphere as government ministers.

Women's rights activists are generally free to advocate openly against discriminatory laws and women's unequal access to justice. Although activists and organizations, in particular the Women's Cultural and Social Society (WCSS), have lobbied for laws that would permit women to pass their Kuwaiti citizenship to their noncitizen children, the government has not taken any measures to address gender inequality in nationality laws.

RECOMMENDATIONS

1. The government should amend the Kuwait Nationality Act of 1959 to ensure that Kuwaiti women have the same rights as Kuwaiti men to transfer citizenship to their children and foreign-born spouses.
2. The government should remove all reservations to CEDAW and take steps to bring national laws into conformity with the convention; Kuwaiti NGOs should jointly produce a shadow report that monitors the government's implementation of CEDAW.
3. The government and NGOs should create and promote legal resource guides, community seminars, and public awareness campaigns that educate women, particularly domestic workers, about their legal rights and steps to enforce them.
4. The government should amend the penal code to eliminate leniency for honor killings.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

The state religion of Kuwait is Islam, and the majority of Kuwaiti nationals are Muslim; roughly 70 percent of those are Sunni and 30 percent are Shiite. Foreign nationals, however, make up 68 percent of Kuwait's resident population and include Muslims, Christians, Hindus, and Sikhs. The government has actively promoted religious tolerance and interfaith dialogue in recent years.

Muslim women have the freedom to practice their religion. A growing number of Kuwaiti women are choosing to adhere to an Islamic lifestyle by wearing the hijab, attending Islamic schools, and performing the *hajj* (pilgrimage to Mecca). They see Islam as an intrinsic part of their cultural identity and many reach out to teach others the values and principles of Islam, reflecting the long-held practice of Kuwaiti women serving as religious teachers. Non-Muslim women also enjoy religious freedom. Kuwait has officially recognized seven Christian denominations: Roman Catholic, Anglican, Greek Orthodox, Armenian Orthodox, Coptic Orthodox, Greek Catholic, and National Evangelical. Minority groups such as Sikhs, Hindus, Buddhists, and others are allowed to practice their religions but are limited to private homes or the premises of the recognized churches.

Kuwaiti women enjoy relatively uninhibited freedom of movement and may travel abroad without a *muharam* (male relative). Many companies send their female employees abroad for business trips or conferences, and it is uncommon for women to face problems in their employment due to gender-related travel restrictions. Under Article 15 of the Passport Law (No.

11 of 1962), however, a married Kuwaiti woman cannot apply for a passport without the consent of her husband, while an unmarried woman over 21 years old does not require permission to obtain a passport. Social norms, rather than law, require Kuwaiti women to notify or, depending on the strictness of their family, get permission from their parents to travel abroad or visit friends at night. Police generally do not arrest and return a woman to her family if she is found to be traveling alone.

Depending on their sect, Muslim women are affected by one of two sets of active family laws in Kuwait. Personal life for Sunnis is regulated by the Personal Status Law (No. 51 of 1984), based on the Maliki school of Sunni Islam, while Shiite family law is based on the Jaafari school of interpretation. The treatment of women differs slightly under the two schools, particularly in areas of marriage, child custody, and inheritance. For instance, Sunni family law is more restrictive toward women's marital rights, while Shiite family law is more restrictive toward women's custody rights. Furthermore, while Sunni family law allows women to inherit a physical piece of property, under Shiite law a woman can inherit only the value of the property.¹⁴

The personal status law legitimizes male dominance over women. While it requires husbands to support their wives and children, the law nevertheless does not endow the husband with the absolute right to expect *ta'a* (obedience). Article 89 specifies that a husband should not forbid his wife from working outside the home unless the work negatively affects "family interests," but the phrase is ambiguous and can be interpreted as referring to the stability of the marriage or the upbringing of the children.

Kuwaiti society continues to uphold the notion that the role of women should be primarily limited to the domestic sphere, taking care of children. Reflecting this tendency, a 2006 bill that received wide support would have, among other things, granted stay-at-home mothers a monthly allowance of 250 dinars (US\$880). The proposed bill—containing 27 articles regarding women's social security, housing benefits, and work leave—was put on the agenda in the parliament, but it was later withdrawn following objections from women's rights organizations. Objections were raised specifically to articles that would have increased maternity leave from 40 days to 70 days and provided for six months of paid child-care leave with the option to extend it to three years at quarter pay. Women's rights advocates claimed that the prolonged leave would encourage women to stay at home, depriving the labor market of their productivity while discouraging the private sector from recruiting women due to the financial burden it would impose on employers.¹⁵

Women have unequal marriage rights under Kuwaiti law. A husband is allowed to have more than one wife under both Sunni and Shiite family law without the permission or even the knowledge of his first wife. A wife may not petition for divorce on the grounds that her husband has taken another wife. However, the personal status law bars the husband from bringing his second wife to live with the first unless the first wife agrees. Article 85 states that a husband must provide each wife with accommodation, although an aggrieved first wife does not always file a complaint in court. Furthermore, under Article 86, a husband cannot have adult male family members unrelated to his wife live in the same house with her.

Under the personal status law, a divorced woman retains custody of her children until her sons reach 15 years of age and her daughters are married. Shiite family law, however, grants a divorced mother custody of her daughter until the age of nine and the son until the age of two.¹⁶ Child-support benefits offered by the state are allocated solely to men, even when a woman is awarded custody rights. In both schools of Islam, the mother forfeits her right to custody if she remarries. Should a husband divorce his wife on the grounds of her infidelity, he can receive

custody of his young children, and the family courts are often willing to take issues of infidelity into account when judgments are made concerning child custody and maintenance.¹⁷

Kuwaiti women are provided with some protection against arbitrary divorce and mistreatment. A woman may receive financial compensation equal to one year of maintenance if her husband divorces her without her consent, but implementation of court verdicts is often irregular.¹⁸ A woman has the right to seek a divorce if her husband fails to maintain her financially. In that case, the judge can grant the husband a period of time in which to pay maintenance, and if he fails to do so his wife may seek a divorce. She also has the right to seek a separation from her husband on the grounds of *darar* (physical or moral injury) or if he has deserted her, including if the husband is sentenced to a term of imprisonment. In such cases, however, proof of injury is required, which is often difficult to obtain because women are reluctant to file complaints with the police and do not report causes of injury to doctors. Unsupportive and untrained police and doctors who examine abuse cases also hinder the gathering of evidence.

Women do not have the legal right to choose their future marital partners freely and independently. By law, a Sunni woman cannot conclude a marriage contract without the presence and consent of her *wali* (marriage guardian). The wali is usually the woman's father or, in his absence, her brother, uncle, or other close male relative. The presence of the wali is required even in the case of divorcees, widows, and women who have reached the age of maturity, which is 25 years in Kuwait. Under Shiite family law, the participation of the guardian is not required; a woman who has reached the legal age for marriage may marry whomever she wishes, and the validity of the contract is not dependent on the presence of the guardian.¹⁹

A woman may refuse to marry altogether and remain single, but the social burden placed on aging single women is so high that most women prefer an unhappy marriage to the stigma associated with being a spinster. If a wali has refused the choice of husband of a woman over the age of 25, Sunni family law grants her the right to petition the family court to act as a surrogate wali. Regardless, she may not be forced into a marriage and must always agree with the final decision. Some women opt to marry outside Kuwait to circumvent the marriage restrictions, but these marriages are not legally recognized within the country, and the head of the bride's family has the right to ask the court to annul the marriage.

The minimum legal age for marriage is 15 for girls and 17 for boys. Within the urban community, it is rare for girls to be married at an early age or forced into marriage. However, arranged marriages between families of similar social standing are still the norm.

Kuwait's penal code prohibits all forms of slavery, torture, cruelty, or degrading punishments regardless of age, gender, religion, or nationality. No instances of slavery-like practices such as forced marriages and confinement to the home have been formally reported in recent years, but there are no specific protections against these practices either.

Kuwait's Labor Law (No. 38 of 1964) specifies that a working day should be restricted to eight hours. However, this law does not apply to domestic workers, the majority of whom are women working long hours at very low wages. Ministerial Decree (No. 60 of 2007) prohibits the increasingly common practice of employers withholding the passports of domestic workers.²⁰ Domestic workers may take legal action against their employers by filing complaints directly with the police, and all abused employees may complain to Kuwait's administrative courts.

In recent years Kuwait has made strides toward increasing protections for domestic workers. In 2005, the parliament's Human Rights Defense Committee set up the Expatriate Workers Affairs Committee to deal with individual complaints from foreigners living in the

country. In addition, a shelter for runaway domestic workers has been created, and it operates closely with the Kuwait Union of Domestic Labor Offices (KUDLO). Licensed in 2003 for the protection of domestic workers, KUDLO provides a wide range of services for abused workers, including free legal counsel.²¹

Data and research on domestic violence in Kuwait continues to be sparse, making it difficult to assess the severity of the problem. No known NGO or government office works efficiently to collect such statistics. This scarcity of information is partly due to the societal belief that domestic violence is a family affair. Fear and shame often discourage victims of abuse from filing complaints with the police, and little effort has gone into providing assistance or protection to such victims. There are no laws against domestic violence, nor are there any shelters, support centers, or free legal services to aid female victims.

By contrast, gender-based violence such as rape and sexual assault that occurs outside the home tends to receive more scrutiny from the police and the press than incidents of domestic violence. Anyone found guilty of sexual violence may face a prison sentence or the death penalty, depending on the severity of the case. There have been reports of physical abuse of female detainees in police custody, but no monitoring mechanism is in place to record such violations systematically.

Family laws have been increasingly scrutinized in recent years by women's rights NGOs and activists. In 2007, the parliament's Women's Affairs Committee organized a conference on the status of women in national laws, during which calls were made to amend discriminatory provisions of divorce and marriage laws. In 2008, the WCSS, in conjunction with Freedom House and the UN Development Fund for Women (UNIFEM), organized a forum on women's rights and civil status law.²² Despite these efforts, the government has been slow to introduce and implement changes in legislation regarding women's autonomy, security, and freedom of person.

RECOMMENDATIONS

1. The government should amend the Passport Law (No. 11 of 1962) to allow married women to obtain their own passports without the consent of their husbands.
2. The government should amend the marriage contract rules under family law to allow all Kuwaiti women over age 18 to marry the partners of their choice.
3. The government or private institutions should fund domestic violence centers to provide temporary shelter, legal assistance, and counseling for battered women.
4. Government agency personnel responsible for law enforcement and health services should receive in-depth training on dealing with violence against women and children so that they are positioned to assist and protect victims of violence more effectively.
5. The government should seek to protect migrant workers from abuse and exploitation—with special attention to female domestic workers—by introducing tougher penalties for employers who violate their rights and making it mandatory for all families to put the wages of their domestic workers in bank accounts, a rule that currently applies to workers in the public sector.
6. The government or other bodies should create an independent women's rights research center tasked with compiling and publishing qualitative and quantitative data in a range of areas concerning women, such as domestic violence, social policies, employment, and women's health.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Women in Kuwait enjoy high literacy and employment rates, and their enrollment in postsecondary education and participation in the workforce have increased over the past decade. The government has invested efforts to create more employment opportunities for all Kuwaitis, men and women; however, the results have been mixed.²³

Kuwaiti women are entitled to own and have full and independent use of their land, property, income, and assets. Nonetheless, their right to inheritance is unequal to that of men in accordance with the Koran, which stipulates that a woman's share is equal to half that of her brother. This reflects the Shari'a requirement that, while a woman may use her inheritance for her sole benefit, a male beneficiary must use his inheritance to support all the dependent female members of his family.

Kuwaiti women may enter freely into business and financial contracts and activities at all levels without the permission of a male family member. All Kuwaitis over 21 years of age may conduct any commercial activity in Kuwait provided that they are not affected by a personal legal restriction, such as a criminal record. In recent years, women have been increasingly willing to start their own businesses and gain economic independence.

According to Article 40 of the constitution, all Kuwaiti citizens are guaranteed free and equal access to the education system from primary school through university, and male and female students are provided with equal opportunities to study abroad. Women have made significant gains in education over the past three decades, and the percentage of young literate women in Kuwait is now equal to that of young literate men.

Women do not face any extraordinary obstacles in attending universities or enrolling in diverse courses of study, and they graduate at higher rates than men. At Kuwait University, however, female students are required to maintain significantly higher grade-point averages (GPAs) than men in order to be admitted into selected fields. For instance, female students must have a 3.3 GPA to be admitted to the engineering department, while male students need only a 2.8 GPA. As women comprise almost two-thirds of Kuwaiti university students, the disparity in admission requirements is officially justified as positive discrimination intended to increase the percentage of male students in certain academic fields.²⁴ Women outnumber men at the institutions of higher education in Kuwait largely because men often choose to pursue their degrees abroad.

A decade-old debate regarding segregation of postsecondary schools has recently resurfaced in the National Assembly. A 2000 law instituting gender segregation in private postsecondary schools remains unenforced, in part due to the inherently high costs associated with such an endeavor. However, in January 2008 the minister of higher education announced that the law would be implemented. This has left the National Assembly divided as liberal members call for the law to be rescinded or amended while conservative members push for its strict enforcement.²⁵ A similar law applicable to public postsecondary schools was enacted in 1996 and enforced in 2001, but because Kuwait University is the country's only public university, fewer logistical constraints existed to affect its implementation. In debating whether to segregate private universities, many have questioned whether men and women will receive equal educations and whether enforcing such measures will lead to greater segregation and conservatism throughout Kuwaiti society in general.²⁶

Access to education has enabled women to become financially independent and pursue diverse careers. Women are now found in most professions including engineering, architecture,

medicine, and law, as well as on executive boards of major banks and private companies. As of 2007, approximately 51 percent of working age women was employed, with the majority working in the public sector. The Ministry of the Interior has proposed a police academy for women to increase their participation in the police force, and in July 2008, the ministry began accepting applications from women seeking to join. Women still hold predominantly administrative and secretarial positions at the Ministry of Defense, however, and cannot join the army or work as judges in courts. Unemployment has risen recently among both men and women, with 7.5 percent of Kuwaiti female graduates unemployed in 2007, compared with 5.1 percent of Kuwaiti male graduates.²⁷ All citizens, women and men, are entitled to unemployment benefits equal to the minimum salary permitted in Kuwait.

Certain gender-based restrictions govern women's working hours and conditions. Article 23 of the labor law restricts female employees from working at night and, under Article 24, in jobs that may be hazardous to their well-being. Amendments to the law were passed in 2007 that specifically prohibit women from working between the hours of 8 P.M. and 7 A.M., but exempting those employed in medicine and a few other fields. Women are banned from working in positions that serve only men on the premise of protecting them from immoral exploitation. The amended law also includes a provision that gives the Ministry of Social Affairs and Labor (MOSAL) the authority to inspect employers, file reports, and arrest violators.²⁸

Women and men performing the same type of work within the private sector must be paid equal wages under Article 27 of the labor law; similar protections exist in the public sector as well.²⁹ If a woman feels that she has been discriminated against, she may file a complaint directly with the administrative court or MOSAL. However, MOSAL lacks qualified staff to handle and investigate discrimination cases, and it has been swamped by a deluge of complaints that has rendered its work almost ineffectual. In 2007 alone, MOSAL received 14,840 complaints from expatriate workers, all related to unpaid wages and benefits. To date, 42 percent of these complaints remain unresolved.³⁰ Although the penal code generally addresses harassment, no laws specifically protect women from sexual harassment in the workplace despite the urgent need for such legislation, particularly among foreign women and domestic workers.

Gender-specific benefits such as the right to maternity leave and child care exist in both the private and public sectors. Working women are entitled to 40 days of maternity leave after delivery and another four months' leave without pay if they certify that they are ill as a result of the pregnancy. Daycare facilities, both publicly and privately funded, are widely available and affordable in all parts of Kuwait for children aged three to six, although some complain that their hours of operation are not adequate for working women.

Women are entitled to pensions, but upon death their benefits are transferred to their dependent children and spouses under specific conditions. Articles 64 and 65 of the social security law state that the pension of the deceased wife goes to the children if they are younger than 28 years old, and to the husband if he is unable to work due to a disability. If the children are employed or the only children are married daughters, the pension expires. If any other family members prove that they were dependent on the woman's income, they receive part of the pension.³¹

Women's rights organizations publicly protested the 2007 labor restrictions for fear that they could pave the way for further discrimination against women. The WCSS held a rally at its headquarters in June 2007 that drew many influential political figures and women's rights activists.³² Despite this support, gender discrimination and stereotypes are likely to persist in

light of the perceived threat of women's employment to men's job prospects and the dominance of conservative groups in the parliament.

RECOMMENDATIONS

1. The government should enact laws that ensure equal employment opportunities and conduct public-awareness campaigns to eradicate the traditional gender stereotypes that inhibit women's participation in the workforce.
2. The government should set gender-specific hiring targets for government jobs, with an emphasis on recruiting qualified women for expert and supervisory positions in all ministries.
3. The government should establish and provide adequate resources for an independent complaint commission to investigate violations of workers' rights, including gender-based discrimination complaints filed by women against public or private actors and institutions.
4. The government should amend its employment benefits policy to ensure equal rights for men and women.
5. The government should enact legislation that bans sexual harassment in the workplace, assigns penalties for employers who tolerate it, and provides for victim compensation.

POLITICAL RIGHTS AND CIVIC VOICE

The political rights of Kuwaiti women have sharply improved over the past five years. Today, women may vote and run for office in national and municipal elections and have been appointed to ministerial positions. Since 2004, new laws have been adopted that permit greater freedom of association and expression, but political parties remain banned.

Women have the right to peaceful assembly on par with men and may take part in organized protests and marches. In March 2005, a series of public demonstrations against the exclusion of women from the political process took place in front of parliament. Women were the dominant presence at these protests, although men sympathetic to the cause took part. There were no reports of harassment by the authorities taking place, and the protests were guarded by a heavy police presence. The attention created by these rallies increased pressure on parliament to address the issue, and two months later the election laws were amended to permit full political rights for women.³³

The Public Gathering Law (No. 65 of 1979) previously required permission from authorities prior to public meetings or rallies, but it was amended in 2006 so that citizens must simply provide notice of organized public gatherings.³⁴ Neither notification nor permission is required to hold a *diwaniya*, an informal gathering in the home or a room adjacent to the home. Previously confined to the extended family and immediate local community, diwanias now bring together different groups of people, including politicians, and are important arenas for political activity. Only a few are open to both men and women, but during the recent election campaigns a number of women candidates visited diwanias, and some even held their own.³⁵

In 2006, the parliament eased restrictions on freedom of expression by amending the Printing and Publications Law (No. 3 of 1961). The amended law prohibits the imprisonment of authors and journalists without a court verdict and gives citizens the right to appeal in court if their applications for newspaper licenses are rejected by the government. Incitement of religious

hatred, criticism of the emir, and calls to overthrow the government, however, remain criminal acts punishable by up to one year in prison and fines.³⁶ Women's rights issues are discussed freely in the media, representing both conservative and more liberal points of view.

Women are not represented in Kuwait's judiciary. While they may hold positions as investigative judges, they are not permitted to serve as judges in court. Women account for 20 percent of the members of the Kuwait Bar Association.³⁷ Women's participation in the diplomatic corps is restricted, and until recently only a few women were assigned to diplomatic positions.

Kuwaiti women gained access to local and national government structures in 2005, when two were appointed to the Municipal Council. The council, which controls the administration of public services, has 10 elected members and 6 members appointed by the emir. Within the national government, Massouma al-Mubarak became the first woman to hold a ministerial portfolio when she was appointed as minister of planning and minister of state for administrative development affairs in 2005. Currently, two women are ministers in the newly restructured cabinet: Nuryia al-Subeih was appointed minister of education and higher studies in 2007, and Modhi al-Homoud was appointed minister for housing and administrative planning in May 2008. Neither woman wore the hijab when they were sworn in to the new cabinet, and nine Islamist parliamentarians walked out to protest this perceived violation of the Shari'a dress code.³⁸

On May 16, 2005, the parliament amended the election law to allow Kuwaiti women to vote and hold elected office.³⁹ Due to pressure from Islamist parliamentarians, however, the law requires women, both voters and candidates, to "adhere" to the principles and rules of Shari'a. The implications that this provision may have for women's participation in political life are still difficult to gauge; wearing the hijab was not required for women to vote in local and national elections, but segregated polling stations were maintained. Recently, the National Assembly's legal and legislative committee has threatened Ms. al-Subeih and Ms. al-Homoud with dismissal after finding them in violation of the election law and the constitution for their refusal to wear a hijab, indicating that female voters and candidates may be required to do the same in any future elections.⁴⁰

In the 2006 and 2008 parliamentary elections, 27 women ran as candidates, and in 2006 two women competed in a local by-election to fill a vacant seat in the Municipal Council.⁴¹ None of the female candidates were elected, however, perhaps because of low turnout among eligible female voters. Women make up approximately 55 percent of eligible voters in Kuwait, but only 35 percent voted in the 2008 national elections (overall participation among eligible voters was 69 percent).⁴² In an effort to address this issue, women's rights advocates are calling for the adoption of electoral quotas to ensure women's presence in elective offices.

Formal political parties remain banned in Kuwait, but their legalization has been repeatedly called for in recent years. There are a number of informal political groups, the most prominent of which are the National Democratic Alliance (liberal), the Islamic Constitutional Movement, and the Islamic Popular Alliance. These operate without government interference and campaign openly during the national elections. Hizb al-Umma, which has recruited women, is a more controversial Islamic political party that formed in 2005.⁴³ Kuwaiti women are involved in all major political groups and occasionally serve as founding members or contributing board members, with the exception of the Islamic organizations, in which women's participation is often confined to the women's committees.

Women's rights organizations face procedural obstacles to their creation and management. Requests to establish an NGO must be made directly to MOSAL, which has the

authority to license, terminate, and, where fraudulent or criminal activities are involved, dissolve the elected boards of NGOs. Kuwait now has 70 NGOs, 22 of which were licensed between 2005 and the beginning of 2008.⁴⁴ Five women's rights NGOs currently operate in the country, all of which receive funding from the government. No new women's rights NGOs were created between 2005 and 2008 because the government rejects license applications if organizations with similar functions already exist. The women's rights groups that do exist are able to work with international and regional organizations and hold international conferences on women's rights.

Kuwaiti women experience only minor restrictions on their freedom of access to and use of information to empower themselves in both their civil and political lives. The internet remains widely available at home, in offices, and in public cafes, but websites deemed immoral or politically radical are censored.⁴⁵ Nevertheless, the internet continues to play an important role in women's lives and has enabled women's rights advocates to network with international organizations and share resources.

RECOMMENDATIONS

1. Women's rights NGOs should initiate public education and advocacy campaigns on the importance of voting, aimed specifically at women, to increase turnout in the next election.
2. The government and NGOs should initiate nonpartisan programs designed to support female candidates, teach them how to campaign and communicate their message effectively, and provide networking opportunities with other elected women leaders from the Arab world.
3. By using Bahrain and the United Arab Emirates as examples of where such changes recently occurred, Kuwaiti NGOs should lobby the government to appoint qualified women as judges.
4. The government should remove all obstacles to the registration and operation of NGOs.

SOCIAL AND CULTURAL RIGHTS

Kuwait has comprehensive social security and welfare schemes and offers modern health care services to all residents, including noncitizens and migrant workers. Citizens are free to participate in community life and non-Kuwaitis enjoy the right to form their own cultural associations openly.

Women are generally free to make independent decisions about their health and reproductive rights, although limitations to this right exist regarding abortion. Contraceptives are readily available and affordable through government health services, and private pharmacies offer birth-control pills without a prescription. Use of contraceptives is relatively high among educated Kuwaiti women and is the leading method for family planning in the country. As a result, the overall fertility rate decreased from 2.6 births per woman in 2000 to 2.3 births in 2006.⁴⁶

Abortion is legal only if the pregnancy constitutes a serious threat to the health of the mother or if the child would be born with grave, unexpected, and incurable physical or mental defects.⁴⁷ Ministerial Decree (No. 55 of 1984) places strict procedural requirements on such abortions, including prior approval by the woman's husband or guardian. Even when permitted by law, doctors are reluctant to carry out the procedure due to the stiff penalties associated with

abortion. Any woman who deliberately kills her newborn child to avoid dishonor, as well as any person who supplies a pregnant woman with drugs or other harmful substances, with or without her consent, may be sentenced to up to 10 years in prison.

Women have full and equal access to health care. Health care services at government-run clinics and hospitals are generally provided free of charge or at a low cost for all residents of Kuwait, including noncitizens. Since the mid-1990s, the government and women's groups have organized campaigns to raise women's awareness about female health issues like breast cancer and osteoporosis.

Although there are no reliable data available, women seem to be protected from harmful gender-based traditional practices such as virginity tests and female genital mutilation. Early marriage has grown uncommon, and cross-cousin marriages are no longer widely practiced.

Women are legally permitted to own their own housing, but unmarried men and women customarily live with their parents regardless of their age. Although the practice is not promoted by the government, landlords often choose to refuse to rent to Kuwaiti women without proof that they are married. No such restrictions are applied to single foreign-born female residents of Kuwait.

Housing is a serious problem for Kuwaiti women, particularly divorced women from low-income groups. The Housing Assistance Law (No. 47 of 1993) is structured around the traditional notion of a family headed by men and excludes women and unmarried men from the right to apply for government-subsidized housing. Moreover, women receive unequal benefits under the government's low-interest loan policy designed to encourage married men to build their own homes. For instance, a Kuwaiti man can apply for a loan up to 70,000 dinars (US\$246,930) if he has been married for more than four years and has children. On the other hand, divorced or widowed Kuwaiti women with children from Kuwaiti husbands can apply for 45,000 dinars (US\$158,700), payable through monthly installments.⁴⁸ This disparity is commonly justified with the argument that it is the responsibility of men to support the family under Shari'a.

In 2005, amendments were made to Articles 14 and 15 of the housing law to allow disabled Kuwaiti women who are married to non-Kuwaitis and the families of slain war victims and prisoners of war the right to claim housing benefits. However, Kuwaiti women married to non-Kuwaiti men cannot bequeath state housing to their heirs. Article 32 states that in the event of the wife's death, the children (and, by association, their foreign-born fathers) have the right to stay in the house only until the daughters are married and the sons reach 26 years of age. In the case of the war victim's widow, the house is registered jointly in her and her sons' names even if she has daughters, as the daughters are expected to eventually marry.

The state does not provide for, or acknowledge, female-headed households as the main recipients of welfare benefits. The effects of this policy are exacerbated by the fact that there are no immediate penalties for men who do not financially support children in the custody of their divorced wives, even though such support is required by law. Low-income widows and divorced women with dependent children are entitled to monthly income supplements and rent subsidies, but only if they provide evidence that they have no one to support them and are unemployed.⁴⁹ In 2006, 7,087 divorced women and widows received welfare assistance.⁵⁰ However, there are no gender-disaggregated data regarding the economic status of women, which has prevented policymakers from implementing effective measures to protect women against economic hardship.

Kuwaiti women are involved in civic life and participate as both members and leaders of many types of NGOs, including mixed-gender professional associations, service-oriented organizations, human rights organizations, and religious groups. The Kuwaiti Human Rights Society, officially licensed in 2004, has two female board members. Women also have the right to join, vote, and hold office in unions and local cooperatives.

Women participate in and influence the media, holding jobs in both print and broadcast outlets as reporters, broadcasters, and producers. In 2008, Kuwait News Agency had 166 female employees, accounting for 38 percent of its total workforce.⁵¹ Women in Kuwait use the media as a vehicle for bringing gender issues to the forefront of the public debate, and most newspapers devote considerable space to the activities of women's groups. Nevertheless, the media continue to stereotype women, often stressing the divisions between women's groups rather than presenting a more positive image of women's rights activists and female political candidates.

Women's rights groups have publicly addressed the economic and social challenges facing women and have lobbied parliament for policy changes. The National Assembly's Women's Affairs Committee and women's NGOs have held frequent meetings over the past three years to promote legislation that effectively protects women's social and cultural rights. Women's rights NGOs have also organized several conferences that highlight the plight of divorcees and female citizens married to noncitizen men. Despite these persistent efforts, the government and the parliament continue to delay the implementation of policies and legislation that would help to achieve gender equality.

RECOMMENDATIONS

1. The government should commission an independent research institute to review the status of divorced women and female citizens married to noncitizen men. The institute should collect data on their economic situation, paying special attention to their housing rights. Such a project is necessary to assess the needs of these vulnerable groups better and tailor government policies based on the findings.
2. Women's rights NGOs should adopt new information technology and internet tools, such as online petitions or social networking sites, to mobilize support and advocate for reform.
3. The government should promote positive representation and increased participation of women in the media, in part by sponsoring progressive programming and withholding support from counterproductive content in consultation with women's rights NGOs.
4. NGOs should organize workshops to train journalists on gender sensitivity and how to cover women's issues in an effective and objective manner.

AUTHOR

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NOTES

¹ Youssef Ibrahim, "Mideast Tensions: A Kuwaiti Prince Sees Wider Rights," 14 October 1990, http://query.nytimes.com/gst/fullpage.html?res=9C0CE1DC153AF937A25753C1A966958260&sec=&spn=&page_wanted=all.

² Haila al-Mekaimi, "Kuwait Women's Tepid Political Awakening," *Arab Insight* 2, No. 1, (Winter 2008), 54.

³ "Blow for Kuwaiti women's rights," the BBC (London, UK), 4 July 2000, http://news.bbc.co.uk/2/hi/middle_east/818507.stm; "Kuwaiti court rejects vote for women," the BBC (London, UK), 16 January 2001, http://news.bbc.co.uk/2/hi/middle_east/1119722.stm; Natasha Walter, "Electoral Shock," the Guardian (London, UK), 29 September 2003, www.guardian.co.uk/world/2003/sep/29/gender.uk.

⁴ "Women protest for right to get vote," the Times (UK), 8 March 2005, www.timesonline.co.uk/tol/news/world/article421890.ece.

⁵ Article 51 of the constitution provides that legislative powers are vested with both the Amir and the National Assembly.

⁶ B. Izzak, "Hijab-less ministers broke the law," *Kuwait Times*, 20 October 2008, www.kuwaittimes.net/read_news.php?newsid=MTM5NTAzMDUzMg==.

⁷ The bill allowing working mothers to retire after 15 years of service was passed in 1995; the gender-segregation bill was passed in 1996, ending three decades of coeducation at Kuwait University. In 2007, the penal code was amended to criminalize the act of imitating the opposite sex, with penalties of up to one year in prison. This resulted in the arrest and imprisonment of many young Kuwaiti men. For more details, see "Kuwait: Repressive Dress-Code Law Encourages Police Abuse" (Human Rights Watch [HRW], news release, 16 January 2008), <http://hrw.org/english/docs/2008/01/17/kuwait17800.htm>.

⁸ "Kuwaiti women ministers broke law over hijab, says panel," *The Peninsula*, 20 October 2008, www.thepeninsulaqatar.com/Display_news.asp?section=World_News&subsection=Gulf%2C+Middle+East+%26+Africa&month=October2008&file=World_News20081020152.xml.

⁹ In 2006, 638 marriages were contracted between Kuwaiti women and non-Kuwaiti men. Marriages between Kuwaiti women and foreign men represent roughly 5 percent of the total number of marriages contracted in a year, according to the newspaper *Al-Watan*, 15 July 2006, 60.

¹⁰ See Committee on the Elimination of Discrimination against Women (CEDAW), *Summary Record of the 634th Meeting* (New York: Office of the United Nations High Commissioner for Human Rights, 27 January 2004), www.iwraw-ap.org/resources/pdf/SummaryRec_Kuwait1.pdf.

¹¹ "Bail in Honour Killing," *Arab Times* (Kuwait), 5 June 2008, www.arabtimesonline.com/kuwaitnews/pagesdetails.asp?nid=17977&ccid=22.

¹² In 2006, Kuwait had 550 female prisoners, representing 14.9 percent of the total prison population. Roy Walmsley, *World Female Imprisonment List* (London: Kings College, International Centre for Prison Studies, April 2006), www.unodc.org/pdf/india/womens_corner/women_prison_list_2006.pdf.

¹³ "Kuwait: Death Penalty: May Membriri Vecina (F)" (Amnesty International, news release, 4 April 2008), www.amnesty.org/en/library/info/MDE17/001/2008/en; see also Agence France-Presse (AFP), "Kuwait's Emir Grants Clemency to Filipina Maid," *Al-Arabiya News Channel*, 9 December 2007, www.alarabiya.net/articles/2007/12/09/42715.html.

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¹⁵ "Housing, Paid Leave; Panel Nod to Major Benefits for Women," *Arab Times*, 13 May 2007, www.arabtimesonline.com/arabtimes/kuwait/Viewdet.asp?ID=9694&cat=a; Report on Gender Discussion with Women Activists in the State of Kuwait (New York: UN Development Programme [UNDP], 23 April 2008), www.undp-kuwait.org/undpkuw/Meeting%20with%20Dr%20Ade1%20%20Alwugayn%20-%20Proposed%20Gender%20Activities%2004-08.pdf.

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¹⁹ Kuwait Ministry of Justice, *Ministry's News*, 12 September 2006, www.moj.gov.kw/News/newsarchive1303.asp?id=1494&Year=2006&Month=9, in Arabic.

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OMAN

by Rafiah al-Talei*

SCORES	2004	2009
Nondiscrimination and Access to Justice	2.0	2.1
Autonomy, Security, and Freedom of the Person	2.1	2.1
Economic Rights and Equal Opportunity	2.7	2.9
Political Rights and Civic Voice	1.2	1.8
Social and Cultural Rights	2.1	2.5

On a scale of 1-5, with 1 representing the least rights and 5 representing the most rights available.

INTRODUCTION

Oman is a monarchy that has been independent since the expulsion of the Portuguese in 1650. Sultan Qaboos bin Said, who overthrew his father in a coup, has ruled the country by royal decree since 1970. After assuming power, Sultan Qaboos used oil revenues to institute ambitious plans to modernize the country and improve its infrastructure, health services, and educational system. Women took an active role in the process and were visible participants in various fields within the private and public sectors. However, Oman's relatively small job market became virtually saturated in the 1980s, leading to more starkly defined gender roles and setting back some of the progress previously achieved. As a result, women's representation in the labor force decreased from 15 percent in 1980 to 11 percent in 1990.¹

In the mid-1990s, as government's efforts to reduce the number of foreign workers through the policy of "Omanization" came into full effect, national women along with men were recruited to fill jobs customarily held by the expatriates. This had a particularly positive effect on poor, less-educated women, who were increasingly able to obtain jobs as cleaners, hospital orderlies, and kitchen help, allowing them to support themselves in the face of hardship and giving them a new role in the community.² The number of female university graduates also increased during this period, acting as a catalyst for empowerment. By 2003, women's representation in the labor force resurged to 14 percent. Over the last five years, women have continued to enjoy higher levels of economic participation, and according to some sources they now represent 18 percent of Oman's workforce.³

Oman's patriarchal culture, in combination with conservative religious norms, continues to have a profound impact on women. Despite progress, women face discrimination in almost all areas of life. Men are traditionally and legally seen as heads of household, and as such, women are not entitled to certain state benefits including housing loans. Women remain underrepresented in the judiciary and government structures, and do not have full freedom to make decisions about their health and reproductive rights. Moreover, they are afforded unequal

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rights under the personal status law, which governs inheritance, marriage, divorce, and child custody.

Attempts by the government to incorporate a more liberal interpretation of women's rights and duties into the country's laws and practices have had mixed success. Oman was one of the first Gulf countries to provide women with political rights and begin integrating them into government structures. Women have been allowed to vote and stand in elections for the *Majlis al-Shura* (Consultative Council), the lower house of parliament, since 1994, when only select individuals approved by government leaders could vote. Universal adult suffrage was offered for the first time in 2003. In November 2007, the sultan appointed 14 women to the 70-member *Majlis al-Dawla* (State Council), the upper house of parliament, doubling the number of female members from 2004. However, for the first time since they were permitted to run, female candidates failed to win any of the 84 seats contested in the 2007 elections to the Consultative Council. Despite the disappointing result, the traditional image of women is slowly changing as more women are becoming visible in their roles as political candidates, leaders, and decision makers.

One of the major challenges to women's rights advocacy in Oman is the overall denial of basic civil liberties. The rights of assembly and association are restricted for all citizens, men and women, and no meaningful organized political opposition exists. Public gatherings require official permission, and political parties are banned. While the government permits the formation of nongovernmental organizations (NGOs), no human rights or women's rights NGOs exist. Such restrictions impede the ability of women to organize independently and lobby effectively for the expansion of their rights. The Omani Women's Association (OWA), which is supervised by the Ministry of Social Development (MSD), does not address sensitive issues such as civil and political rights or women's autonomy and security. Moreover, freedom of expression and democratic debate are extremely limited. Media outlets are either governmental or under governmental supervision, impeding citizens' ability to start an open debate about their needs and issues. All media institutions, whether broadcast or print, must be licensed by the Ministry of Information.

Oman's ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in February 2006 is viewed as progress toward the realization of women's rights and has encouraged women to fight for their legal rights.⁴ However, implementation of the convention has proven difficult and slow.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Omani women continue to face significant discrimination in domestic laws and difficulty accessing justice through the courts. However, the government instigated an important change by introducing a law in 2008 stipulating that men and women's legal testimonies are now considered equal, although it is unclear to what extent this will apply to personal status law cases. Additionally, over the past five years a growing number of educated women have advocated for greater awareness of laws and policies that women could use to empower themselves. In response, the Ministry of National Economy, in cooperation with international and national organizations, has started issuing booklets outlining laws of specific concern to women. However, the outreach to less-educated and rural women has been less successful, and overall, a lack of legal knowledge remains a significant problem.

Oman's legal system is founded upon the Shari'a (Islamic law) traditions of the Ibadi school of Islam, and its courts are organized into three tiers: courts of first instance, courts of appeal, and the Supreme Court. Rather than having a separate Shari'a court system, as many neighboring countries have, each level of the court system has a department of Shari'a within them that deals strictly with the personal status law. Although the 1996 Basic Law, which acts as Oman's constitution, states that the judiciary is independent, it remains subordinate to the sultan and the Ministry of Justice.

The Basic Law grants citizens limited civil liberties and Article 17 prohibits discrimination on the basis of "gender, origin, color, language, religion, sect, domicile, or social status."⁵ Article 12 further guarantees justice, equality, and equal opportunity. The inclusion of protection from gender-based discrimination in the Basic Law is an important safeguard for women's rights, but because the Article 17 applies only to citizens, the country's large population of foreign guest workers, particularly female domestic servants, is left vulnerable to discrimination.

Despite constitutional guarantees, the laws and policies of Oman continue to subject women to gender-based discrimination. Men are heavily favored in personal status matters, and married women are legally required to secure their husband's permission before they may obtain passports.⁶ Omani women may not transfer citizenship to their noncitizen spouses and children, who must obtain and renew their residency visas every two years, while Omani men may do so without restriction.⁷ Noncitizen husbands are also not permitted to work without a sponsor.

Both men and women are entitled to equal access to justice by law, but access for Omani women is limited as a practical matter, in part because many women remain uninformed about laws and procedures that apply to them. Compounding this problem, women are severely underrepresented in the legal field. While no formal statistics exist regarding the male-to-female ratio among legal professionals, only five women serve as general prosecutors, and of the 117 lawyers permitted to appeal to the Omani high court, only two are women.⁸ Moreover, although no law prohibits it, customs and traditions forbid women from acting as judges, a practice that neither governmental nor nongovernmental entities have challenged. That women constitute such a small percentage of legal professionals is detrimental for many women seeking justice, particularly those living in conservative rural areas who are generally reluctant to discuss their legal grievances with or be represented by male attorneys.

Rules of criminal procedure were established through royal decree in December 1999 to regulate evidentiary processes for criminal cases, measures for entering cases into the criminal system, and detailed provisions for a public trial. Despite those reforms, certain provisions of Oman's penal code continue to subject women to gender-based discrimination. Under Article 252 of the Penal Code (No. 7 of 1974), a man who commits a crime against his wife or a female relative immediately after having surprised her in an act of adultery may receive a reduced penalty or be exempted from penalty altogether. If such an act (e.g. murder) constitutes a felony punishable by life in prison or capital punishment, Article 109 permits the sentence to be reduced to "at least one year."⁹ Additionally, when a gender-based violent crime such as rape is reported, it is often the female victim, in addition to the male perpetrator, whose actions are criminalized. The rape of a spouse is not considered a crime under Omani law.

Women and men are protected against arbitrary arrest and detention under Article 15 of the Basic Law by virtue of their citizenship, and Article 16 prohibits the state from deporting or exiling citizens or preventing their return to the country. Arbitrary arrests and detentions are believed to be rare for both men and women, but information on this topic is scarce as no human

rights NGOs are available in Oman to monitor such issues. In 2005, several people were arrested for an alleged coup plot, although the sultan later pardoned them all. Taiba al-Mawali, a women's rights activist and former member of the elected Consultative Council, was arrested in September of 2005 for slander and sentenced to a six-month term as a political prisoner because of her support for the families of these detainees. In a June 2007 television interview with the American-funded Al-Hurra television channel, al-Mawali claimed that she had limited access to information regarding charges against her before and during her 2005 trial and that she had had only one week to prepare her defense.

Adult women may now be considered full persons before the law if recent amendments to the rules of evidence are fully enforced. Pursuant to Law No. 63 of 2008, the testimony of men and women is now deemed equal in court proceedings, although it is unclear whether this will be fully implemented throughout the legal system, particularly in family law. For example, Oman's personal status law requires that marriage contracts be concluded with the witnessing and testimony of two men; a woman's testimony is not permitted in this instance. Adult women are entitled to file legal suit without permission from a male family member although, in practice, some judges request that women appear in court with their fathers or husbands.

Preliminary discussions regarding how to implement CEDAW are underway after its February 2006 ratification. The MSD, charged with supervising "women's issues," is the governmental body most responsible for CEDAW's implementation. It, along with the Ministry of Legal Affairs, the Ministry of National Economy, and the Ministry of Justice, is reviewing Oman's existing laws to determine whether they satisfy or contradict the convention. Oman has made a general reservation to "all provisions of the Convention" not in accordance with Shari'a law, and has specifically made reservations against Article 9, paragraph 2 (granting women rights equal to men in respect to deciding their children's nationality), Article 15, paragraph 4 (granting women equal freedom of movement and choice of domicile as men), Article 16, paragraph 1 (granting women equal rights regarding marriage and family life), and Article 29 (regarding arbitration of conflicts arising from the convention).¹⁰

RECOMMENDATIONS

1. The government should bring its national laws into conformity with the equality clause in the Basic Law and the provisions of CEDAW to ensure that the laws do not discriminate against women.
2. The government should provide professional training to women to increase their numbers in the judiciary at all levels and create educational programs for the public that will raise awareness about the importance of increasing the number of women in courts as officials, judges, and lawyers.
3. The government should permit the formation of independent women's NGOs and allow them to work with international organizations without government interference.
4. Once formed, NGOs should work to design programs that will educate women about their legal rights and the means by which to effectively exercise them.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

People of different faiths, languages, and cultures have lived in Oman together in relative peace in recent history. While Islam is the state religion, Article 28 of the Basic Law guarantees

freedom of religion as long as it is practiced in a manner that does not “disrupt public order or conflict with accepted standards of behavior.” The government generally respects this right and, overall, promotes religious tolerance. While non-Muslim residents are able to practice their religious rites, they are required to register with the Ministry of Endowments and Religious Affairs and may not proselytize or publish religious materials.¹¹

Oman's Personal Status Law (Royal Decree No. 32 of 1997) is based on Shari'a law, assigning men and women different rights and responsibilities. Men are financially responsible for the family while women have no such economic obligation under law. The law does not require women to be completely obedient to men and it provides women with the explicit right to work outside the home. Moreover, if a woman refuses to breastfeed her children, her husband is legally obligated to find household help.¹² Article 282 of the personal status law allows non-Muslims to follow their own religious rules when it comes to family matters.

The personal status law tends to favor the rights of men over the rights of women in marriage, divorce, inheritance, and child custody. However, its interpretation by Oman's individual judges may vary. A woman may initiate divorce proceedings under certain limited circumstances, such as abandonment or a husband's failure to meet his financial obligations, and must file legal proceedings to make the divorce final. Otherwise, women may invoke their legal right to *khula*, the Islamic practice of unilateral divorce initiated by women if they return their *mahr* (dowry).¹³ On the other hand, Omani men may divorce their wives for any reason by verbally announcing their intent to do so. Men generally retain custody of their children after a divorce except in special situations, such as if the mother is still breastfeeding the children. Regarding inheritance, Shari'a law mandates that women inherit half the amount men receive unless they are bequeathed more in a will.

Women in Oman are not entirely free to negotiate equal marriage rights. Muslim women are forbidden by law from marrying non-Muslim men, while Muslim men are free to marry outside the religion. Additionally, both men and women must seek the permission of the government to marry noncitizens, a process that may include long delays and ultimately end in a denial. Secret marriages are occasionally performed, but the spouse may be barred from the country or a child refused citizenship. Within these constraints, however, Omani women have the right to choose their husbands and are free to accept or refuse marriage partners suggested by their family, although they face societal pressures to accept their family's choice. Women may sign their own marriage contract without a guardian present, but a judge will ask the guardian to attend the marriage's registration. If the guardian refuses, the judge will complete the marriage process and the woman will sign the contract herself.

Currently, women are 25 years old on average at the time they marry, an increase from 17 years old in the 1980s and 21 years old in the 1990s.¹⁴ The trend to postpone marriage is attributed to women's increased involvement in higher education and the workforce. Additionally, studies indicate that such a delay may also be because 45 percent of both boys and girls are afraid of becoming married and starting their own families, while 48 percent of youths are afraid of the opposite sex generally.¹⁵

Omani laws do not prohibit women from traveling abroad, and women in Oman are free to drive cars and share classes and workplaces with men. However, women must obtain written permission from their husbands before they may be issued a passport.

Slavery and slavery-like practices are prohibited under Article 12 of the Basic Law. This article protects a citizen's right to engage in the work of his or her choice “within the limits of the law.” It also prohibits compulsory work except for fair compensation, in accordance with

law, and for the public good. However, many women working in the private sector, both citizens and noncitizens, endure slavery-like conditions because Oman's labor laws do not regulate working conditions for domestic servants, temporary workers, or those with work contracts for less than three months. Some employers withhold wages or the passports of foreign workers so that they may more easily be forced to work. Female foreign domestic workers constitute a significant portion of noncitizen residents in Oman and are known victims of this practice. Although foreign workers have the right to file complaints with the Labor Welfare Board against their employers for illegal practices, most are either unaware of their rights or reluctant to report violations because they are fearful of losing their jobs or being deported.

The international community has recently raised concerns regarding human trafficking in Oman. In November 2006, an independent United Nations expert on human trafficking found that although some progress had been made, Oman was not adequately fulfilling its international obligations.¹⁶ In the 2008 U.S. Department of State's *Trafficking in Persons Report*, Oman was placed in "Tier 3," the lowest possible ranking, due to the country's failure to meet the minimum standards for the elimination of trafficking. The government still does not provide shelter services, counseling, or legal aid to trafficking victims and lacks a systematic procedure for identifying trafficking victims among vulnerable groups like detained migrants and women arrested for prostitution.¹⁷

Article 20 of the Basic Law prohibits physical and psychological torture of any kind, as well as humiliating treatment. There have been no substantiated reports of torture or harsh and degrading punishments of either male or female Omanis in recent years. Although individual complaints have been made, prisons generally adhered to international standards for the treatment of prisoners. However, independent observers lack regular access to prisons, making it difficult to ascertain how female prisoners are being treated.

Oman has no specific legislation that criminalizes domestic violence. While issues of domestic violence are not raised in the media or in public reports, such abuse exists in Omani society at various levels. Undisclosed government sources have indicated that the government conducted a study confirming that domestic violence is a problem that should be addressed, but this study has not been publicly released, and figures and facts are confidential. There is no way to document complaints from victims, no methods that permit women to report violence confidentially, and no facilities for women seeking refuge from violence.

Although the OWA offers temporary aid to victims of domestic abuse, it neither acts as a long-term shelter nor advocates on behalf of victims. Instead, societal pressures encourage battered women to seek assistance and protection from their families rather than from the police or the courts.¹⁸ A number of recent cases, however, have been filed by female victims of domestic violence in Omani courts. Doctors do not have a legal responsibility to report spousal abuse to the police, but they may do so in especially serious instances.

RECOMMENDATIONS

1. A campaign should be launched to educate women about their existing marriage and divorce rights under Islamic law, including the provisions they are permitted to make while negotiating the marriage contract.
2. The government should specifically outlaw domestic violence and provide gender-sensitive training and guidance to medical, police, and judicial officials who handle cases of violence against women.

3. In order to understand the full extent of the problem, Oman's academic community should conduct a quantitative survey of domestic violence, including a diverse sample of women from different geographical areas and backgrounds.
4. The government should either create and maintain long-term domestic shelters or encourage civic organizations to do so.
5. The government should remove all barriers that currently prevent women from making autonomous life choices, such as the requirement for a husband's permission to obtain a passport.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Despite widespread discrimination and traditional cultural attitudes, women play an increasingly influential role in Omani society due to their growing participation in the workforce. Approximately 25 percent of the female population was employed at the end of 2008, representing a 4 percent increase from 2003.¹⁹ Today, parents and husbands alike rely more heavily on the financial support provided by their daughters and wives, and divorced or widowed women actively seek out employment to support their families. Female participation in the workforce is expected to further increase as more women obtain education and delay marriage, but that will be contingent on whether society is able to address existing conservative concepts of appropriate gender roles.

A woman's right to own and use her property independently is protected under Article 11 of the Basic Law, which permits all persons to dispose of their property as they so choose. In practice, though, authorities rarely intervene when men exert control of the property of female family members because these situations are considered by society to be private matters. Choices regarding how a woman can dispose of her income and assets are usually decided by the head of the household, traditionally a man. However, women are gaining more decision-making power within the family due to their increased economic participation and corresponding ability to contribute financially to the family.

While women are legally entitled to enter into business contracts and activities at all levels, the decision to do so is traditionally made within the family and almost never individually. Men are legally required to financially support their families, including all female family members, and courts may judicially enforce this obligation. In case of divorce, however, the amount of maintenance owed to a woman by her ex-husband is generally insufficient to meet her needs.

Article 13 of the Basic Law reaffirms that education is "a fundamental element for the progress of society which the state fosters and endeavors to make available to all." However, women face gender-based discrimination when seeking access to postsecondary education. Women's enrollment in universities increased from 20.7 percent in 2004 to 36 percent in 2006, but a gender-based quota system limits the number of women in disciplines such as agriculture, medicine, and engineering. Disparities also exist in the grades necessary to enroll in universities. Some female college applicants with relatively high grades choose to repeat their final year of high school to increase their chances of being admitted, while boys with lower grades are often accepted immediately.

Notably, Omani women who leave school because of marriage or family issues often return to school after establishing their social life. Women fill 97 percent of literacy classes and

32 percent of adult education classes.²⁰ Domestic and international stakeholders recognize education as a key measure of the status of women's autonomy, and it is commonly assumed that education will lead to increased autonomy for women in Oman.²¹

Women are legally entitled to choose their careers under Article 12 of the Basic Law. This decision, however, is usually made in consultation and negotiation with a woman's father, brothers, and/or husband, and women may face social obstacles if their choices are not supported by their male family members. The government does not interfere in family disputes concerning a woman's career choice, meaning that women are often forced to accede to the decisions of the family patriarch.

Article 12 of the Basic Law specifically prohibits gender-based discrimination in the labor sector and emphasizes justice and equality as pillars of Omani society. By law, men and women should receive equal pay for the same work, although it is legally permissible to provide women with work benefits that are not equal to those of men. No studies have been conducted to examine whether wage disparities exist among men and women who possess the same professional qualifications. Additionally, only divorced or widowed women are eligible for government benefits such as housing and land grants, which are widely available to men over the age of 18. The government has made efforts to hire public sector employees in a nondiscriminatory manner, and over one-third of government employees in Oman are women, but only a few occupy high-level posts.

Article 81 of the Oman Labor Law (No. 35 of 2003) prohibits women from working between 8 P.M. and 7 A.M. without permission from the minister of labor, although exceptions are made in certain instances, such as for health care professionals who need to work overnight. However, women are often forced to work beyond these hours by their employers without additional pay, particularly those working in the private sector. Employers are required to display the entire labor law in the workplace but often fail to do so,²² and this, combined with women's generally low level of legal literacy, prevents them from knowing and demanding their labor rights.

Some gender-specific protections exist for female employees, but women often face discrimination within employment contracts and regarding labor benefits. Women are entitled for 45 days of maternity leave according to the Civil Service Law (No. 8 of 1980) and Article 83 of the labor law. However, while most employers provide insurance benefits to the families of deceased male employees, equal benefits are not provided to the families of deceased female employees, in part because women are not considered heads of households. Additionally, Oman does not have a law against sexual harassment in the workplace. Female employees are discouraged from reporting sexual harassment, not only for fear of losing their jobs but also because social pressures place the responsibility for "proper moral behavior" on them.

In 2006, Sultan Qaboos issued a law that allowed the formation of labor and trade unions and founded the General Labor Union, which was followed by the establishment of smaller labor and workers' unions. Omani workers now have the right to organize strikes and complain about working conditions, and those who participate in union activities are protected from retribution by their employers.²³ No unions, however, currently address women's issues.

Women participate in the workforce at a notably lower rate than men in all age categories. There are 18 women for every 100 men in the Omani workforce. Of the female workforce, 39.7 percent are employed in the education sector, 14.2 percent are in the social and health sectors, and 14.8 percent contribute in the public administration sectors and related jobs.²⁴ As of March 2008, women make up 38.3 percent of government employees and only 17.1

percent of private sector workers.²⁵ This disparity is attributed to the fact that society is more comfortable with women working the shorter hours associated with public sector jobs. To minimize the gender gap that exists in the workforce, more opportunities for women must be provided in both the public and private sector.²⁶

Most women cite the traditional attitudes of men as the single greatest obstacle to their advancement in the workplace. These attitudes range from disapproval of women working outside the home to lack of acceptance of women holding senior positions. Further complicating matters, tradition encourages women to have a poor self-image and lack confidence, attitudes that in turn negatively impact their work performance and affect their motivation to pursue work opportunities. In addition to discrimination and lack of viable employment opportunities, these cultural issues must be addressed if women are to be fully integrated into the formal workforce.

Ideally, unions and women's rights organizations should form to address these inequalities, but this is not possible under the current Law on Nongovernmental Societies (No. 14 of 2000—NGO Law). In recent years, however, several organized events have focused on increasing women's economic participation. "Women in Focus," Oman's first business forum for professional women, was organized by a loose affiliation of businesswomen in Muscat in April and June 2004. It aimed to provide networking opportunities for female professionals and presented a variety of keynote speakers from the region. When the businesswomen who organized it attempted to register as an NGO, their application was denied and all further meetings were prohibited as illegal gatherings. In March 2008, the "Women in Business Conference" provided businesswomen with the opportunity to share their success stories and exchange experiences in an effort to encourage young women to become more active in Oman's economy.²⁷

RECOMMENDATIONS

1. The government should work with the OWA to provide skills training and create centers that offer career counseling and opportunities for networking between working women.
2. The OWA should organize classes in both rural and urban areas that provide instruction on how to start small or home-based businesses, as well as community courses on basic accounting and management.
3. The government should enact laws criminalizing sexual harassment in the workplace and should establish programs to provide information and support to female victims of sexual harassment.
4. The government should eliminate gender discrimination in the education sector and provide women with equal resources, funding, and access to higher and technical education facilities.
5. The government should ensure that all jobs are open to women by establishing affirmative action programs in both the public and private sectors.

POLITICAL RIGHTS AND CIVIC VOICE

Omani men and women do not have the right to change their government democratically, and have only limited rights to peaceful assembly and freedom of speech. All organized activities require prior government approval, political parties continue to be banned, and all opposition to the government is prohibited. Nevertheless, Oman is liberalizing gradually as women are beginning to play more important roles in the upper level of government, are registering to vote

in larger numbers, and are increasingly running as candidates in parliamentary elections. Universal suffrage was offered for the first time to both women and men in the 2003 elections, although selected groups of citizens of both genders had been voting since 1994. Recently, civic associations have been established in a variety of fields, and in November 2004, the Oman Journalists Association was approved three years after submitting its application.

Oman has a bicameral advisory parliament consisting of the appointed State Council and the elected Consultative Council, neither of which has legislative powers. Elections for the Consultative Council most recently occurred in October 2007, drawing approximately 63 percent of the more than 388,000 registered voters. The number of female candidates increased from 15 in the 2003 election to 21 in the 2007 election, but for the first time since they were permitted to run as candidates in 1994, no women were elected.²⁸ Some analysts blamed this on widespread vote-buying, while others contended that there were no qualified female candidates that could capture widespread support. Meanwhile, many women argue that they need extraordinary skills to compete with ordinary men if they are to overcome the bias against women leaders that continues to pervade Oman's increasingly conservative society.

Women occupy only 5.15 percent of the leadership and decision-making positions in government and are not allowed to serve as judges in Omani courts, despite constituting approximately half the population.²⁹ They also hold few positions within the upper level of the government: 14 women were appointed by the sultan in a royal decree issued in November 2007 to serve in the 70-member State Council, and there are currently only four female ministers. In 2003, Aisha al-Siyabia was appointed head of the Public Authority for Craft Industries, giving her the rank of minister. The remaining three are ministers with portfolio. The first, Dr. Rawiyah al-Busaidiyah, was appointed as minister of higher education in March 2004, making her first female minister with portfolio in the Gulf Cooperation Council states. Later in 2004, Rajiha bint Abdulamir became minister of tourism and Sharifa al-Yahya was appointed minister of social development. Of the four women appointed as undersecretaries in 2003, only one remained as of June 2008. In 1999, the country's first female ambassador was appointed to the Netherlands, and in 2005, a second was appointed as ambassador to the United States.

Women and men both have the right to participate in civic life and influence decision making under Article 34 of the Basic Law, which states that citizens may "address the public authorities on personal matters or on matters related to public affairs." In practice, however, men fill the majority of policymaking positions in the executive, legislative, and judiciary branches of government, thereby limiting the influence women may have on shaping and enforcing policy.

Restrictions to freedom of expression and the press are applied equally to both men and women in Oman. In theory, the Basic Law protects all forms of free expression under Article 29, but because it is illegal to criticize the sultan in any manner, journalists practice self-censorship to avoid criminal prosecution. The Oman Journalists Association is prohibited from demanding more freedoms for its members and all of its activities must be reported to the government. Women's rights issues are not frequently covered in the media and public discourse on the subject seems to be discouraged by the government.

Women are generally free to access and use information to empower themselves, as well as to share their experiences regionally. The internet and new media have played a significant role in encouraging new generations of young women to become involved in civic work. Women are increasingly using the internet as a means to gain and exchange information.

Few NGOs are active in Oman, and those that exist are predominantly concerned with charitable causes. Although Article 33 of the Basic Law grants citizens freedom of assembly, it

limits such association to “legitimate objectives” that do not conflict with the aims of the Basic Law. Article 4 of the NGO Law limits the scope of NGOs to charitable social work or any other area approved by the minister of social development.³⁰ Article 5 forbids organizations from engaging in politics and interfering with religious matters; prohibits association with tribal or sectarian groupings; bans groups from associating with, participating in, or joining a foreign association without prior government approval; and requires government approval before NGOs may organize any “public ceremony, festivals or public lectures,” send delegations outside the country, or host a foreign delegation.

The MSD supervises the activities of the OWA, which was established by a group of educated, elite Omani women in 1971. It is considered to be the first women’s organization in Oman and now has 47 branches and an estimated membership of more than 3,550 women. It promotes traditional Omani customs and values but does not address sensitive issues such as civil and political rights or women’s autonomy and security. The OWA satellite branches offer services such as informational lectures on health practices, childcare, crafts training, and support for women seeking legal action or subjected to domestic abuse or forced marriages.

In 2005, newly appointed OWA board members sought government approval to address a more diverse set of issues concerning women. While programs such as computer skills and legal education were accepted by the government, the OWA was unable to secure approval for voter education courses or issues related to politics. No international women’s rights NGOs operate in Oman, and it is very difficult for international or foreign organizations to gain permission to research or conduct studies about human or women’s rights.

RECOMMENDATIONS

1. The government should appoint women to policymaking positions and the State Council at a rate that is representative of their proportion of the population.
2. The government should allow independent political associations to operate freely so that they may encourage and support women’s issues through their agendas and empower female party members.
3. The government should allow independent civil society organizations to operate freely so that women’s rights NGOs may address issues that directly affect women, as well as compile and distribute information about their social and economic standing.
4. The OWA should organize girls’ debate clubs to encourage women to develop oratory and persuasion skills, which are often necessary for successful political careers.

SOCIAL AND CULTURAL RIGHTS

Omani women face significant obstacles in their efforts to establish social and cultural equality with men. Although women are respected and appreciated in community life, there is a clear cultural preference for males. When the growing rights of women threaten the traditional privileges of men, society tends to err on the side of men.

Women are not entirely free to make decisions about their health and reproductive rights. The written consent of a male relative is necessary before a woman may have surgery of any kind, and a husband’s permission is necessary before birth control may be made available to a woman. Also, abortion continues to be illegal except to save the life of the mother.³¹ Beyond those limitations, women are entitled to equal access to health services, which is free in public

hospitals and widely available, even in rural areas. Family planning is practiced in Oman, and a birth-spacing program was initiated by the government in 1994 in an effort to educate married couples about the benefits of family planning. Unattended births and the maternal mortality rate have decreased; the number of children per mother has also declined to 3.1 in 2007 from 6.6 in 1990 to 4.4 in 2004.³²

The Omani government has neither formally prohibited female genital mutilation (FGM) nor initiated any public education campaigns regarding its dangers. FGM is not common in Oman, but it is still performed in some small communities in the Dhofar and Al-Batinah regions, although the practice seems to be declining. This is hard to determine because no formal statistics exist. Like domestic violence, FGM is considered to be a private matter about which society is reluctant to talk.

A woman who is not the head of her household faces significant challenges to her right to property and ability to secure loans. Oman's housing benefits are granted only to heads of households, thereby excluding the majority of women, who can only achieve this status if they are widowed or divorced. Land grants are offered only to men over the age of eighteen or women who are divorced or widowed. The government rationalizes such discrepancies by the fact that men are charged with providing housing for their families and must take responsibility of their female relatives. Additionally, older, illiterate women have difficulty owning property or participating in economic activities in the modern sector of the economy. The MSD has increasingly taken into account the housing needs of individuals, particularly women who are widowed and/or poor, by either providing free housing, collecting housing payments in low monthly installments, or sharing expenses depending on the financial condition of the person or the family.

Omani women are active participants in community life and help to implement social development policies, which are generally formulated at the national level. Local elected offices do not exist, but women often belong to their local associations, which combat poverty and educate women regarding pressing health issues. Local Al-Wafa centers that help children with disabilities also attract female volunteers.

Women can influence and participate in the national media, but freedom of expression is very limited in Oman (see "Political Rights and Civic Voice"). While prohibited from accusing the government or sultan of any wrongdoing, male and female members of the media are generally permitted to discuss social and cultural issues. Whether a woman may discuss political issues depends more on her social status than on government restrictions, and her family or husband may forbid her to appear on television or talk to the press. Despite these social constraints, many women work in the media, especially television and radio, and hold some supervisory positions within the state-run media outlets. All higher-level positions, however, are held by males.

The poor in Oman are entitled to financial assistance from the MSD, but it is not enough to meet their basic needs. As women in Oman typically rely on male relatives for financial maintenance, divorced and widowed women often lack the means to support themselves and their children. Recognizing that single women are the most vulnerable to poverty, the Social Security Act was amended in 2008 to increase monetary support for widows, divorcees, abandoned women, unmarried girls, and women with a family member in prison. This increase, however, does not adequately correspond to the recent sharp rise in the cost of living felt throughout the world, and these women remain vulnerable to poverty.

The government has designed programs that provide support services and income-generating training programs in an effort to aid those deemed susceptible to poverty, particularly widows and unemployed women. The Sanad Project, or support project, for example, helps young men and women start their own businesses and provides vocational training for women in industries such as tailoring and childcare.

Organizations are limited in their ability to advocate freely for the promotion and protection of women's rights in Oman. The OWA and the local organizations it controls work to provide vocational training, health care, and literacy campaigns for women, but these groups do not have the authority to address more sensitive issues regarding women's rights and lack the proper training and knowledge necessary to do so. Although there seems to be a lack of general awareness regarding the importance of volunteer work, many Omanis volunteer for the civic organizations that do exist.

Omani women often do not exercise their existing rights because of societal pressures and a lack of legal knowledge. When they do, they are faced with additional barriers such as unsympathetic government officials, prejudiced judges, and disapproval by family and society. Thus, even though there are laws that protect women, greater effort must be made to create a supportive, gender-sensitive environment that addresses the legal rights of women in the implementation of such laws.³³

RECOMMENDATIONS

1. The government should remove all requirements that male relatives approve health procedures, including birth control and surgeries, for women.
2. The government should encourage the Ministry of Social Development to develop programs that directly address societal perceptions about women.
3. The government should provide housing and land grants to women and men on an equal basis.
4. The government should establish a 10-year strategy to address gender discrimination in its various forms. The strategy should include short-term goals that establish gender-sensitive education curriculum and encourage the media to address gender inequalities and biases.
5. The government should allow women's associations and women's rights groups to work freely and choose issues that they deem to be important to women's lives.
6. The government should issue a law that bans female genital mutilation and initiate public education campaigns against this harmful practice.

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QATAR

by Julia Breslin and Toby Jones *

SCORES	2004	2009
Nondiscrimination and Access to Justice	1.8	2.1
Autonomy, Security, and Freedom of the Person	2.0	2.3
Economic Rights and Equal Opportunity	2.7	2.9
Political Rights and Civic Voice	1.7	1.8
Social and Cultural Rights	2.4	2.5

On a scale of 1-5, with 1 representing the least rights and 5 representing the most rights available.

INTRODUCTION

With major reforms beginning as early as 1995, Qatar has taken several steps in recent years toward promoting equality and addressing existing cultural and social traditions that discriminate against women. The 2004 enactment of a new constitution provides hope that equality will be achieved both in law and in practice, but to accomplish this, existing laws must be brought into accord with the nondiscrimination clause in the constitution and women need to be educated about their new rights. These efforts on the part of the government are necessary in light of the challenges to gender equality presented by strict cultural norms, as well as sheer demographics. Traditional social perceptions of appropriate roles for women persist, often dictating their decisions or influencing their free choice in private matters. As in many other oil-rich nations that depend on foreign guest workers to fuel their national economy, women in Qatar are outnumbered by men nearly two to one, creating a society saturated by men. This, in turn, inherently influences women's economic participation and involvement in all aspects of Qatari society.

Overall, equality and access to justice have improved since the enactment of the new constitution, which specifically prohibits gender-based discrimination. The creation of the Constitutional Court in 2008, a division of the Supreme Court, should help enforce this prohibition and encourage its implementation throughout Qatar's laws and policies, although only time will tell whether it is an effective institution. The 2005 Qatari Citizenship Act (No. 38 of 2005) represents an improvement over its 1961 predecessor, but it retains a preference for native, as opposed to naturalized, citizens and continues to discriminate against Qatari women's right to transfer citizenship to their children and spouses. Human trafficking remains a major issue, but the National Office for Combating Human Trafficking (NOCHT) was established in 2005 to address the needs of trafficking victims in Qatar, many of whom are female domestic workers laboring in slavery-like conditions or women trafficked into the sex industries. New

* Sanja Kelly and Tyler Royslance also contributed to this report. Freedom House would like to thank Mona al-Mutawa and Timothy Nundwe for their review of and helpful insights regarding this chapter.

guarantees of equality and nondiscrimination are welcomed, but they must be properly enforced in order to make a practical impact on the day-to-day lives of women.

Women's sense of security, enjoyment of personal freedoms, and ability to make autonomous life decisions has improved with the enactment of the country's first codified family law in 2006. While the new law is perceived as a notable improvement over the old system, women remain disadvantaged in comparison to men in matters such as child custody, marriage, and divorce. The Supreme Council for Family Affairs (SCFA), the government entity charged with protecting and supporting the family unit, now formally recognizes that domestic violence is an issue and has openly initiated a social dialogue on this previously taboo subject.

Women remain underrepresented in the workforce, predominantly as a result of cultural and social, rather than legal norms. Citizens are entitled to free education through secondary school, and today, more women are literate than men. A woman's ability to choose her profession remains legally and socially restricted to fields that offer "acceptable" roles for women, and in practice, most women are employed as health care or education professionals or fill clerical jobs. Very few women work in the private sector, and even fewer hold top-level positions, but the government has established the Qatari Business Women Forum to encourage female leadership in private businesses. The new labor law also explicitly requires that men and women be paid equal salaries if they perform equal work, although this rule is often violated in practice.

Political rights for all Qataris remain limited despite provisions within the new constitution that promised an elected parliament, and women remain underrepresented at various levels of government. In 2007, only one woman succeeded in her bid for a seat in the citizen-elected Central Municipal Council, an advisory body for the minister of municipal affairs. Freedoms of assembly, expression, and the press are also restricted for all Qataris, although women are now employed as media and press professionals in greater numbers than before. Government posts have been filled by women more often in recent years, but not at a rate representative of their proportion of society, and men continue to hold the primary positions of power. For women to have an opportunity to effect change in their lives, the political rights of all Qataris must be improved and society must address the cultural biases that currently prevent women from being viewed as suitable leaders.

Several governmental and quasi-governmental organizations have been created to analyze and address human rights concerns. The National Human Rights Committee (NHRC) is an often bold quasi-governmental organization established in 2002 for the purpose of monitoring the rights of all residents of Qatar. In an effort to ensure greater personal safety, the government established a shelter for women and children in 2003. Other centers and forums have been founded to develop women's roles in society, such as the Center for Girls' Creativity, the aforementioned Qatari Business Women's Forum, and a committee concerning women's sports. Government institutions have made efforts to adopt, either formally or informally, policies that increase participation by women in their activities.

Despite many legal changes, however, traditional gender roles continue to persist. Qatari women are conditioned from an early age to avoid direct confrontation with their male counterparts, relying instead on dialogue and gradual persuasion as means through which to achieve their goals. While this allows women to exercise some rights without causing friction within their families, adhering to customs that retain women's traditional role within family and society often inhibits the overall improvement of women's rights. It is not enough to have laws and organizations that support women if the social value system and the stereotypical image of

women remain unchanged. As such, it is important to alter the content of educational material, the media, and the socialization of children to reduce gender bias and create a new image of a Qatari woman.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Although the principles of equality and nondiscrimination are enshrined in Qatar's constitution, de jure and de facto gender discrimination continue to exist. Noncitizen husbands of Qatari women and their children are greatly disadvantaged in their ability to obtain Qatari citizenship, particularly as compared to the noncitizen wives of Qatari men and their children. The government—especially the SCFA and the Qatar Foundation for the Protection of Women and Children (Qatar Foundation)—has made efforts to inform women of their legal rights and provide them with social and legal services. However, the 2004 law governing private associations is so restrictive that independent women's rights NGOs remain nonexistent, thereby limiting civil society's influence on related legal and policy issues.

Qatar's constitution explicitly prohibits gender-based discrimination under Article 35, which reads: "[A]ll people are equal before the law. There shall be no discrimination on account of sex, origin, language or religion." Article 34 also provides that all citizens have equal rights and duties, thereby providing female citizens with additional legal protection against discrimination. Women who feel they have been the victims of gender-based discrimination may complain to the police, appeal through the judicial system, or approach the NHRC, although not many use these complaint mechanisms. Any individual who has been affected by a discriminatory administrative decision may file a claim with the Administrative Court under Law No. 7 of 2007, or, if the complaint is labor-related, the affected woman can file a case with the labor court or complain to the Ministry of Labor. Most rights in the constitution (among them, rights related to employment and property ownership) apply only to Qatari citizens, which is significant in a country where the majority of residents are noncitizens.

Qatari women have the limited ability to pass their nationality to their non-Qatari husbands and children. The Qatari Citizenship Act (No. 38 of 2005) replaced its 1961 predecessor, a notoriously exclusive law that previously limited citizenship to descendants of those persons living in Qatar before 1930. The new law provides several avenues by which citizenship may be obtained, but it retains preferential treatment for native as opposed to naturalized citizens and continues to discriminate against Qatari women. For instance, Article 8 grants citizenship to the foreign wives of Qatari men after five years of marriage and upon notification to the Ministry of the Interior, but the noncitizen husbands of Qatari women face far more onerous preconditions for obtaining citizenship under Article 2.

Article 2 permits any person—including noncitizen husbands and children—to seek Qatari citizenship subject to extensive restrictions. The applicant must have maintained 25 successive years of residence in Qatar; traveled abroad for less than two months each year; maintained legal employment; established a good reputation and maintained good behavior; and learned to communicate adequately in Arabic. As noted by the NCHR, the 25-year residency requirement limits this law's value because children's needs for the benefits conferred by citizenship, such as health care and education, are most acute while they are still young.¹ On the other hand, children of native-born Qatari fathers gain full citizenship rights upon birth.

Under the Judicial Authority Law (No. 10 of 2003), Qatar's judicial system is comprised of the Supreme Court, the court of appeals, and courts of first instance. The Shari'a courts that existed prior to 2003 were abolished and any matters pending before them were assimilated into the new court system under Article 77 of the judicial authority law. The courts of first instance are divided into criminal, administrative, and civil courts. The appeals court is divided into circuits and hears both civil and criminal matters. Most recently, a Constitutional Court was created in October 2008 as a division of the Supreme Court under Law No. 6 of 2008, the purpose of which is to settle disputes between opposing lower courts and determine the constitutionality of laws and regulations.² This added layer of independent oversight regarding judicial decisions, legislation, and regulations could help to ensure enforcement of legal protections for women and eliminate discriminatory provisions that currently exist.

The new courts still apply Shari'a principles when dealing with family and probate issues between Muslim couples. In at least some instances within family law a woman's testimony or worth as a witness is unequal to that of a man's. For example, under Article 36 of the newly codified Family Law (No. 22 of 2006), two men must witness a marital contract and may testify to its validity before a court of law while women are excluded from acting as witnesses in such cases. Additionally, when determining the identity of a child's father, Articles 93 through 95 of the same law require either two men or one man and two women as witnesses. No such gender-based testimony or witness preferences exist within the criminal and civil code.

Women usually attend court proceedings in which they are involved and may either represent themselves or, increasingly, be represented by an attorney. There are no female judges in Qatar, the result of social rather than legal norms. Many, including legal professionals, deem women too emotional or inconsistent to be competent judges, although this opinion may change with the increasing number of women in the legal profession.³ After the first woman, Haifa al-Bakr, was granted a license to practice law in 2000, the number of female lawyers in private practice has increased sharply, and there are now more female than male students in Qatar University's college of law.⁴ However, women remain underrepresented within the legal profession, although they are permitted to be professors in the Shari'a law faculty at Qatar University.

Most foreign female laborers in Qatar are domestic workers and have only moderate access to justice, both because many are illiterate and consequently face difficulties in learning their legal rights and because inadequate efforts have been made to enforce existing laws and inform such workers of their rights. All forms of compulsory labor are prohibited under Emiri Decree (No. 74 of 2006), which amends in part the Labor Law (No. 14 of 2004).⁵ Domestic workers are protected under a different decree issued in 2008, which stipulates that domestic workers are to work only in conditions agreed upon by both parties and should not be forced to work in a way that would insult them either mentally or physically. The sponsor must provide them with suitable accommodation and health care and pay the agreed-to salary into the worker's bank account at the end of every month or three days after. If the worker has no bank account there should be a proof that the salary was paid in full.

Despite legal protections, domestic workers who do face physical, mental, and sexual abuse are often reluctant to seek court protection due to fears of job loss and deportation. It is thus too early to tell how effective the new laws will be, particularly without significantly strengthened enforcement mechanisms and public education about their existence.

Both the Penal Code (No. 11 of 2004) and the Code of Criminal Procedure (No. 23 of 2004) treat men and women equally. Accused criminals are presumed innocent until proven

guilty in a court of law and are entitled to all “necessary legal assistance” under Article 39 of the constitution. Although Shari‘a law prohibits all forms of physical violence, the Qatari legal system often treats leniently those men who commit acts of violence against women who, in their view, behave immodestly.⁶ In January 2007, the sentence of a Jordanian teenager convicted of murdering his sister was reduced by an appeals court from three years’ imprisonment to a one-year suspended sentence. The sentence was reduced because the court found there to be insufficient evidence to establish premeditated murder. This ruling overturned the lower court, which had held that it was a premeditated murder based on the suspect’s admitted displeasure that the sister had been having a “telephone affair” with one of his friends. The lower court, however, stopped short of calling it an honor killing because the autopsy proved that the sister was still a virgin.⁷

Article 36 of the constitution protects all persons from arbitrary arrest and detention, and Article 38 protects citizens from exile. In practice, unjustified gender-based imprisonment and detention are rare. Prisons generally meet international standards, with overcrowding as the main concern, and women are held separately from men. At the end of 2004, women constituted only 1.1 percent of convicted prisoners, down significantly from 11.8 percent in 2000.⁸ Detention centers for noncitizens awaiting deportation, however, have been roundly criticized by both the NHRC and international bodies as failing to satisfy detainees’ basic rights to personal freedom and safety. Those awaiting deportation are generally simple laborers who often spend six months to two years in the detention centers, with extreme cases ranging up to four years or more, as they await final adjudication on labor disputes or a paid flight home from their former employers. In 2006, out of the approximate 1,500 detainees in such centers only 250 were women, reflecting the lower number of female compared to male migrant workers in Qatar. All such detainees faced overcrowding and other unhealthy living conditions, and according to the NHRC, nine children were detained with their mothers in 2006.⁹

Qatar is the only Arab country that has not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but there is a strong push by domestic activists and governmental officials, particularly from the NHRC, for its ratification.¹⁰ Accordingly, Qatar seems to be in the process of ratifying CEDAW and has indicated interest in ratifying the International Convention on Civil and Political Rights in the near future.¹¹

Women’s rights organizations continue to be predominantly state-run, mainly because of the strict regulations placed on nongovernmental associations. Freedom of association is guaranteed under Article 45 of the constitution. The Associations and Private Institutions Law (No. 12 of 2004) was passed in 2004 and, as a practical matter, originally allowed only for professional associations and trade unions.¹² Civil society organizations such as the Migrant Workers Protection Society have since formed, but their finances and activities are heavily monitored.¹³ Organizations are prohibited from participating in undefined “political issues” under Article 35(3) and existing NGOs do not generally have goals that push the bounds of culturally accepted topics.¹⁴ NGOs are also not free to affiliate with foreign organizations. Article 31 initially prohibited domestic organizations from partnering with foreign NGOs at all, although a 2006 amendment now permits such affiliations upon approval by the Ministry of Civil Services and Housing.¹⁵ Although the association law is a step in the right direction, it is too restrictive to permit the existence of an effective civil society.

As a result, it falls upon governmental and quasi-governmental organizations to advocate for equality in Qatar. In particular, the Qatar Foundation provides women with legal aid, advocates for policy reforms that would better protect women, and raises awareness of women’s

issues.¹⁶ The SCFA has, among other things, compiled gender statistics and has issued reports on Qatar's implementation of the Beijing Declaration, the World Millennium Challenge, and the UNDP *Human Development Report*. In 2005 and 2006, the NCHR issued frank, critical, and relatively thorough human rights reports that outlined legal provisions related to equality and nondiscrimination and highlighted the plight of vulnerable populations such as women, children, and migrant workers.¹⁷ Finally, a variety of charitable associations, including the Qatar Red Crescent Society, focus on the welfare of Qatar's residents and in so doing sometimes address gender issues.¹⁸

Despite the progress made by these governmental entities, most Qatari women remain unaware of their impact or even their existence. According to one survey, 53 percent of female respondents had not heard of the Qatar Foundation.¹⁹ Traditional cultural norms hold a family's honor above all other considerations, preventing many women from approaching these organizations for fear of bringing shame to their families. For the government entities to be truly effective, these social norms must be addressed and women must be made aware of the nature of the organizations so that they feel comfortable asking for help.

RECOMMENDATIONS

1. The government should ensure that all laws are consistent with constitutional guarantees of gender equality and train judicial personnel to enforce them effectively.
2. Article 8 of the citizenship act should be made gender neutral, thereby permitting all noncitizen spouses of Qatari nationals to become naturalized citizens after maintaining five years of residence in Qatar.
3. The SCFA should publish brochures containing information about women's legal rights, and the channels through which to uphold them, and distribute them to the most vulnerable portions of society, with a special emphasis on impoverished women and foreign female guest workers.
4. Adjudication of deportation should occur at a much swifter pace, and the number of detainees in deportation centers must be reduced. To increase the number of cases being heard at any given time, the government should allocate resources toward training deportation judges, lawyers, and ancillary personnel (courthouse clerks, legal aids) to increase the number of cases heard.
5. To encourage women's rights organizations to form without fear of undue influence by the government, the Associations and Private Institutions Law (No. 12 of 2004) should be amended to ease registration requirements for new societies. Additionally, the government's ability to monitor the activities and finances of organizations should be limited to instances where fraud or criminal activity is reasonably suspected.
6. The government should ratify CEDAW without making substantive reservations and bring domestic laws into accord with its provisions.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

Qatar has taken notable measures to ensure freedoms for women in recent years, but it remains a patriarchal society in which men are the primary decision makers of the family. Activism by the SCFA pushed the government to codify a new family law in 2006, and although the new law succeeded in instituting some improvements, women continue to be treated unequally. The

government has recognized that violence against women is an issue but has not yet specifically outlawed domestic violence. Despite increased legal protections, noncitizen women continue to be subject to harsh treatment and exploitation, particularly at the hands of their employers.

The state religion of Qatar is Islam, and women of all faiths are largely free to practice their religion and beliefs. Article 50 of the constitution formally guarantees freedom of worship to all. Although the national population is overwhelmingly Sunni, there is also a significant Shiite minority, and the expatriate population includes practitioners of many other religions. In March 2008, Qatar's first Christian church, St. Mary's Roman Catholic Church, opened in Doha on land donated by the emir, and five additional churches are under construction. A 2004 law criminalizes the possession of non-Muslim missionary materials and proselytizing, with penalties of up to 10 years in prison, and it is illegal for Muslims to convert to other religions. While Muslim men may marry non-Muslim women of monotheistic faiths, Muslim women are not permitted to marry men of other faiths.

Qatari women face certain restrictions in their freedom of movement. While foreign women may obtain a driver's license, Qatari women are required to have the permission of their male guardian.²⁰ Social norms restrict interactions between unrelated men and women, and some areas of the public sphere such as workplaces and public schools are largely segregated. As Qatar has no religious police, these practices are enforced by social norms and traditions. Law No. 5 of 2007 permits adult women to obtain a passport without the permission of a male guardian and they are not legally required to have a male guardian's approval to travel abroad, but few women travel alone. Men can prevent female relatives from leaving the country by giving their names to immigration officers at departure ports, but women in this situation may appeal to the NHRC to intervene on their behalf.

Employers often restrict the freedom of movement of noncitizen women, particularly domestic workers, and their ability to travel abroad.²¹ Employers must give consent before exit permits are issued to foreign workers wishing to leave the country.²² The NHRC reported in 2006 that more than 200 non-Qatari women were detained in deportation centers in unhealthy conditions. While some of the women have been detained to provide them shelter, others are kept in detention at the request of their sponsors.²³

Largely as a result of the advocacy of the SCWA, Qatar ratified the new family law in 2006 that regulates engagements, marriage contracts, separation and divorce, child custody, guardianship, and inheritance, among other things. Where the law makes no specific proscriptions, it allows judges to draw upon any of the four main Islamic legal schools in rendering decisions when appropriate. For non-Muslims the law stipulates that their cases be determined by "the respective laws of the groups concerned."²⁴ Women are now granted custody of boys up to the age of 13 and girls up to the age of 15; previously, mothers lost custody once boys turned seven and girls hit puberty.²⁵ Fathers, however, have retained the right to gain custody of older children should they so desire.

Women have the legal right to negotiate a marriage contract, which may grant them greater rights than those guaranteed by law, but they do not have full and equal freedom to choose their marriage partner. While a woman's consent is necessary for a marriage contract to be legal, Article 28 of the family law stipulates that her guardian carries out the contract on her behalf, ultimately subjecting her choice of husband to the guardian's approval. If the guardian is not present, a prospective bride can ask the judge to carry out the contract instead. Both husband and wife may include conditions in the marriage contract and both are legally required to uphold such conditions.

Men in Qatar have the right to divorce by verbally announcing their intent to do so three times, a common Shari'a practice found throughout the Gulf region. Options for women are far more limited. They may seek a judicial divorce by citing injury caused by the husband, or they may invoke *khula*, a Shari'a practice that permits women to obtain a divorce unilaterally upon satisfaction of certain conditions. The first option requires that a woman go before a court and satisfy one of several codified reasons for a divorce. These relate to the husband's failure to uphold his marital duties, and many are difficult or embarrassing to prove. They include, for example, his inability to provide adequate fiscal support, an absence lasting longer than a year, and his contraction of a contagious disease. The second option for divorce, *khula*, is codified in Article 122 of the family law. A rapid resolution requires the husband's consent, but if he does not agree to the divorce, a mandatory six-month period of arbitration and reconciliation is necessary. If the spouses still cannot be reconciled, the court may order the divorce, though this obliges the woman to give up any right to financial support and return her *mahr* (dowry).

The codification of *khula*, despite its restrictions, is considered a boon to women's rights in that it provides the opportunity to escape unhealthy marriages. However, it is rarely invoked. The divorce rate in Qatar is high, with one in three marriages ending in divorce in 2007.²⁶ The vast majority of these were initiated by men, and of the 971 registered divorces, only 41 were *khula* divorces.²⁷ Divorce stigmatizes women more than men, both socially and psychologically, leaving them less desirable to potential future husbands, potentially limiting their ability to remarry. In a society in which women are often dependent upon their spouses for financial support, *khula* carries high risks for those who do not have extended families on which to rely.

The terms and conditions of polygamy are outlined in Article 14 of the personal status law. Polygamy is an accepted tradition but has become less widespread due to changing social and economic realities that place a heavy fiscal burden on the husband.

An update to the penal code in 2004 formally criminalized slavery, bondage, and forced labor. Violations can result in prison terms of up to seven years.²⁸ Yet, despite measures taken by the government, including the creation of NOCHT, Qatar remains a destination country for women who are trafficked and placed in situations of coerced labor.²⁹ In its 2006 annual report the NHRC reported that trafficking in foreign women was on the rise.³⁰ Although Qatar codified expanded protections for foreign workers, domestic workers, particularly from Asia, often labor under conditions approaching involuntary servitude (long hours, withheld pay, restricted movement), and some are sexually exploited.³¹ The government has put in place punishments for violators of the labor laws, and those found guilty of withholding pay for forced labor are subject to prison terms of up to six months and fines of up to 3,000 riyals (US\$824).³² The Department of Labor has punished companies that violate these rules, but despite legal protections, the laws are not consistently enforced, particularly for domestic workers, many of whom are unwilling to report abuses.³³ Foreign embassies occasionally provide shelter for their citizens who have left employers due to abuse or for other reasons.³⁴

Women are generally free from torture and cruel, inhuman, and degrading punishment, and violence against women outside the home is rare. Pursuant to Article 279 of the penal code, the maximum penalty for rape in Qatar is death, although no specific law protects women from domestic violence.³⁵ Article 57 of the 2006 family law, however, states that a woman's marital rights include the right to be free from physical and mental harm at the hands of her husband. The Qatari Foundation reported 107 instances of domestic abuse in 2007.³⁶ Additionally, according to a 2006 survey carried out by the SCFA, nearly 20 percent of the 2,787 female Qatar University students questioned had been subjected to childhood violence.³⁷ In an effort to further

understand the role of violence in Qatari society, the SCFA is currently conducting a survey of violence against married women.³⁸ The Qatar Foundation has established a family consultation center and a hotline for women and children to report abuse and continues its efforts to educate women on their legal rights and advocate on their behalf.³⁹

Violence against women has been officially recognized by government officials as an important issue in need of attention. During a two-day seminar held in November 2008, a representative of the SCFA called upon the country to address violence against women openly and without shame. The event, which followed another held in November 2006, gathered women's rights leaders from around the world, including the UN special rapporteur on violence against women, to discuss how to prevent violence from occurring, protect victims, and effectively prosecute perpetrators.⁴⁰ Some protection from domestic violence is provided by social networks rather than by law. Notably the tendency toward family endogamy (a cultural preference for marriage between cousins) offers some protection to women because an abuser married to his cousin would have to answer to his wife's parents, who are members of the same clan and may come to her defense. As family standing is critical to economic and social access and success in Qatar, this pressure can be formidable.

There are few, if any, independent, nongovernmental women's rights groups working on domestic violence or immigrant women's rights issues in Qatar, and no organizations of female lawyers or independent legal aid groups operate in the country.

RECOMMENDATIONS

1. The government should criminalize domestic violence and take effective measures to prosecute offenders and protect victims by, among other things, increasing police and medical training to recognize and intervene where abuse is evident, continuing to conduct workshops and seminar series intended to help society overcome its reluctance to address the issue, and providing shelter and economic aid to victims of domestic abuse and their dependent children.
2. The government should rescind the law requiring a male guardian's permission for a woman to obtain a driver's license and abolish rules that may prohibit women from travelling freely.
3. The government should deepen its commitment to fighting human trafficking by establishing more severe punishments for violators and by more strictly enforcing existing labor laws.
4. To further understand the extent to which trafficking is an issue and how to allocate its resources better, the government should collect gender-disaggregated data regarding how many people are trafficked each year, their countries of origin, and their intended role and alleged treatment while residing in Qatar.
5. Child custody should not be allocated based on the age and sex of the children. Instead, each case should be decided based on the best interests of the children in light of the individual parent's ability to provide care for them.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Despite fluctuating oil prices, Qatar has experienced unprecedented economic growth since the discovery of oil in the 1940s and has become per capita one of the wealthiest countries in the

world. Women's economic rights and academic opportunities have also increased in recent years as more women pursue university education and seek employment outside the home. The education system is undergoing extensive reform, and courses are being offered for women that reflect the actual market demands for labor. As a result, women are increasingly encouraged to enter fields traditionally deemed inappropriate for them. Despite progress, women in Qatar remain underrepresented in the workforce, particularly in leadership positions, and are subjected to strong cultural and familial pressures when making career and academic choices.

Women in Qatar have property rights similar to those of men. Law No. 40 of 2004 provides Qatari men and women with the same rights of guardianship over their individual incomes, and no legal restrictions exist on women's right to own and have independent use of their land and property. Noncitizens, however, are not permitted to own property, and cultural norms tend to inhibit the ability of all women to exercise these rights fully.

In Qatar, as in many neighboring states, Islamic women do not have equal inheritance rights. An Islamic woman inherits half what a similarly situated male relative would receive. The common rationale behind this tenet is that Shari'a law and cultural traditions require men to bear the financial burden for their entire families, including all female family members, while women may retain their inheritance and any other assets for their own personal use.

A woman has the right to enter into business and economic contracts and activities without the permission of her husband or legal guardian. A woman's participation in business activities that require close contact with unrelated men, however, will typically face family opposition. Several mechanisms exist to support the participation of women in the sector, including the Women's Investment Company of Qatar and the Businesswomen's Club, a division of the Qatar Chamber of Commerce and Industry. Although only a small fraction of women engage in investment activities, anecdotal evidence shows that those numbers have increased recently, particularly with the advent of online banking. Internet-based investment tools appeal to women because they allow transactions to be conducted from home without requiring interaction with financial advisers, most of whom are male.

The government emphasizes the importance of education for the continued economic growth of Qatar, and beginning in 2001, the Supreme Education Council spearheaded intense reform efforts for the primary, secondary, and post-secondary education systems. On the outskirts of Doha, Education City now houses campuses for more than half a dozen foreign universities, including Northwestern University and Georgetown University. The entire public education system in Qatar is segregated by gender, and Qatar University has separate campuses for men and women. However, foreign universities within Education City are not required to be gender-segregated.

Article 49 of the constitution grants the right to free and compulsory education up to the secondary level to all citizens. Noncitizens, however, are not entitled to free primary and secondary education. Women are slightly more likely to be literate than men,⁴¹ and women constituted 50 percent of students enrolled in secondary education and 68 percent of all graduates from post-secondary education in 2007.⁴² Women's outstanding achievements in academia indicate that society has put credence in the idea that education will eventually lead to gender equality. Promoting education among women, however, is not enough if they are unable to find positions of power in their chosen professions or if they are not accepted by society as adequate leaders. In late 2008, women were accepted into the electrical engineering program at Qatar University for the first time in the hope of cutting back Qatar's dependence on foreign workers

for research and development jobs. The university also recently permitted women to study architecture and chemical engineering for the first time.

Employed women tend to be highly educated compared to their male counterparts, with 66.6 percent of female citizen laborers and 35.1 percent of female noncitizen laborers holding degrees.⁴³ Despite this, they remain underrepresented in the workforce, constituting only 14 percent of the total adult workforce, a statistic tempered only by the fact that there are half as many women as men in Qatar to begin with.⁴⁴ A large gender gap exists, however, regardless of the countrywide male-to-female ratio, with only 37.2 percent of all working-aged women in Qatar participating in the workforce, compared to 89.3 percent of all men.⁴⁵

Although women's academic choices are increasing, long-standing cultural ideals regarding proper professions for women persist. Article 94 of the labor law prohibits women from undertaking dangerous or arduous work, or that which could be deemed detrimental to their health or morals, while Article 95 permits the minister of labor to determine suitable work hours for women. Both of these provisions treat women as minors who are unable to make decisions regarding their own safety. Additionally, Qatari women remain excluded from the diplomatic service.⁴⁶ In practice, women are employed almost entirely in the health care, education, and clerical professions,⁴⁷ fields that are predominantly gender segregated and do not challenge traditional female gender roles. Qatari men, meanwhile, are distributed relatively evenly across most professions except education, where they are significantly underrepresented.⁴⁸

Qatari nationals generally, and women in particular, exhibit reluctance to work in the private sector, an additional limitation for women. Instead, 9 out of 10 Qatari citizens are public employees, and women make up 33.6 percent of the total government workforce.⁴⁹ A recent government-sanctioned study analyzed the reasons behind Qataris' prejudices against the private sector. Of the women surveyed, 76 percent cited concerns over a mixed-gender work environment, 53 percent felt it conferred a low social status, and 18 percent cited low wages. Conversely, the men surveyed cited low wages as their top concern, followed by poor working hours and low social status. Based on these findings, societal restrictions regarding what constitutes a proper work environment for women play heavily into women's occupational choices, while men tend to have other concerns.⁵⁰

As academic choices for women are slowly growing, so too are occupational choices, and a small percent of women are now doctors, lawyers, and police officers.⁵¹ Nevertheless, social opinions still affect the nature of women's participation in the workforce, and this will continue for years to come if the situation remains unaddressed. Formal statistics indicate that very few upper management positions are occupied by women, regardless of the fact that they have the necessary skills. In 2005, only 8.1 percent of all management and senior positions were held by women.⁵²

The government has also encouraged female leadership within the private sector by establishing the Qatari Business Women Forum, which has more than 500 registered members. According to the Qatar Chamber of Commerce, women were issued approximately 1,360 business licenses between 2003 and 2005. Moreover, approximately 17 percent of all entrepreneurs in 2005 were women.⁵³

In accordance with the government's goal of preserving the family unit, female employees are eligible for maternity benefits. Under Article 96 of the labor law, if a woman has worked for her current employer for at least a year, she is entitled to 50 days of maternity leave, at least 35 days of which must be used after the baby is delivered. If the birth renders a woman unable to return to work, she has 60 days (continuous or interrupted) of unpaid leave pending

medical certification of such need. Additionally, Article 97 provides new mothers with an hour per day to breast feed in addition to normal rest periods required by law.

Sexual harassment is punishable by imprisonment and fines under Article 294 of the penal code, which the public prosecutor has invoked against men who harass women with obscene gestures or phone calls. In 2006, there were eight reported cases of sexual harassment, five of which ended in convictions.⁵⁴

Article 93 of the labor law mandates equal pay for men and women if they perform the same work, as well as equal opportunity for training and promotion. The NHRC found that employers consistently violate the principle of equal pay for equal work. In particular, the NHRC noted that this form of discrimination tended to manifest itself in benefits provided by the employer, such as “residence allowances, or senior official loans or allocation of land.”⁵⁵

Several governmental and quasi-governmental organizations monitor women’s economic rights. The Women’s Affairs Department was established by the Council of Ministers in 1996 for the purpose of “finding work opportunities compatible with the Qatari women’s nature and role in society.”⁵⁶ The Women’s Affairs Committee of the SCFA proposes “policies, plans and programs” that it deems necessary for the improvement of women’s cultural, economic, and political standing.⁵⁷ Although the NHRC does not focus solely on women’s issues, portions of its annual reports are dedicated to analyzing violations of women’s rights, including their economic rights. Additionally, the Social Development Center is a nonprofit organization established by Her Highness Sheikha Moza bint Nasser al-Missned, the emir’s wife, that attempts to empower low-income families and women with the goal of creating self-sufficiency. These entities have stridently advocated on behalf of women, albeit within the traditional social and cultural constraints.

RECOMMENDATIONS

1. The government should encourage women’s participation in the private sector by directly addressing and, where possible, remedying the cultural stigmas associated with such work.
2. The government should continue to tailor academic opportunities for women to the actual market needs of Qatar in an effort to diversify future job options for women. Additionally, high schools and universities should coordinate with local businesses to create internship programs that involve female students in fields in which women are underrepresented.
3. The government should amend Articles 94 and 95 of the labor law, which treat women as minors who are unable to make informed decisions when choosing their professions, and should permit women to act as representatives of Qatar abroad by allowing them to participate in the Foreign Service.
4. The government should actively recruit qualified female jurists to serve in all levels of the judiciary, thereby expanding professional opportunities for women and encouraging more women to study law.
5. The work of the SCFA should be expanded to prepare women for professional careers outside the home and should include training programs that encourage women to work in sectors traditionally dominated by men such as banking, science, and technology.

POLITICAL RIGHTS AND CIVIC VOICE

Qatari women remain underrepresented in political life even within the limited field of activity allowed by the emir, who appoints the government and rules without an elected parliament. Although the 2004 constitution has the potential to increase male and female citizens' participation in public affairs, promised legislative elections have been delayed, and there has been little progress in easing legal constraints on political activity.

Qatari women began participating in a form of electoral politics in 1996, when elections were established for the country's commercial and industrial chambers. Female candidates have since been nominated for membership many times, but none have won. Women's electoral participation expanded after Law No. 12 of 1998 created the Central Municipal Council (CMC), a 29-member body tasked with advising the minister of municipal affairs and agriculture on issues including trash collection, street repair, and other public works.

The emir granted women suffrage in a 1999 decree. In the first CMC elections that year, women accounted for about 45 percent of the 13,656 voters who took part. However, none of the 6 women in the field of 230 candidates were successful. The sole female candidate in the 2003 elections won a seat, but only after her male opponent withdrew. In the 2007 election the percentage of female voters rose to 46.6, but there were just 3 female candidates facing 118 men. Sheikha Yusuf al-Jifairi, an incumbent and the only one of the three women to win, was reelected to her seat with 96 percent of her constituency's votes.⁵⁸ The role of women in CMC elections is noteworthy, but the body has no power to make policy, and the eligible electorate consists of only about 28,000 people. This leaves hundreds of thousands of male and female residents entirely out of the process. Of those eligible to vote, about 51 percent turned out in 2007, up from 32 percent in 2003.⁵⁹

Article 77 of the new constitution intended to convert the country's appointed 35-member Consultative Council into a 45-seat body with 30 elected members, offering female voters and candidates a more substantial role in national politics. The envisioned legislature would have the power to approve the government's proposed budget, draft legislation and pass it with a two-thirds majority (although the emir's approval would be required for a bill to become law), and scrutinize cabinet ministers through questioning and confidence votes.⁶⁰ The first elections for the new council were repeatedly postponed, however, after the constitution took effect, and they have not taken place to date. In the meantime, Qatari women have prepared for the promised elections by attending training courses organized by the Elections Committee and monitoring elections in neighboring countries.

As with the few available elective positions, women are not adequately represented in appointive government offices, although their numbers have increased in recent years. As previously mentioned (see "Nondiscrimination and Access to Justice"), the emir, who appoints judges, has chosen no females for the positions. However, women now head the Ministry of Health and the Ministry of Education and have been appointed as president of the Supreme Council for Information and Communication Technology, president of Qatar University, manager of NOCHT, president of the Elections Committee, executive director of the Family Consultation Center, and executive director of the Social Development Center. Despite these advances, women fail to hold positions of power such as ambassadorships or as police commissioners, or any positions within the security systems and planning fields. On the other hand, women dominate leadership positions in education.

Political parties are banned in Qatar, meaning the country's limited political and electoral activity is generally based on family and local ties. While the constitution does guarantee freedom of association within the confines of the law, the relevant legislation imposes a number of bureaucratic obstacles to the formation and operation of civil society groups. Licensed groups are barred from straying beyond their approved missions and into politics or other sensitive areas.⁶¹ Government-affiliated organizations like the NHRC, however, have advocated improvements in women's rights, including political and associational rights.

The constitution guarantees the right of assembly "in accordance with the provisions of the law" under Article 44, but this right is severely restricted for both men and women.⁶² The few demonstrations that have been allowed in recent years are typically aimed at supporting foreign policy positions favored by the government. For instance, an officially sanctioned rally in March 2007 expressed support for Iraqi unity and the Palestinian cause.⁶³

Similarly, the constitutionally guaranteed freedoms of expression and the press are curtailed rather than protected by the law.⁶⁴ The country's only broadcasters—Qatar TV, the satellite television station Al-Jazeera, and the Qatar Broadcasting Service radio network—are either run by or financially dependent upon the state. Al-Jazeera's international programming has highlighted women's issues on occasion, however, and local newspapers have highlighted the plight of women evicted from their homes for failure to pay rent.

While the media environment on the whole is restrictive, women have increased their participation as professionals in the press and broadcast media in recent years. Female writers work in various fields, in many cases displaying courage in the issues they discuss. Some women, such as Miriam al-Saad, have gained significant recognition through their writing.

Women's participation in civic affairs is further limited by social conventions that hold certain fields to be unfit for female involvement. It is acceptable for women to engage in charitable activities, for example, but it is not as readily accepted for women to take on political or leadership roles. Nevertheless, in the past three years, women have started to break into more public activities within the small civil society sector, expanding beyond charitable and humanitarian fields.

In a 2007 study that investigated political attitudes, 55 percent of the survey sample supported women's political participation.⁶⁵ However, when the respondents were asked whether they would elect a male or female candidate, approximately 62 percent said they would choose the male. Interestingly, this figure was the same for both male and female respondents. Although the existing laws and government policies officially aim to raise the status of Qatari women and increase their involvement in political life to some extent, the social and cultural structure is unlikely to change radically in the near term.

RECOMMENDATIONS:

1. The legislative body envisaged by Article 77 of the constitution should be fully realized.
2. In keeping with the current positive trend, women should be progressively appointed to leadership roles within diverse areas of the government and should be given positions of power at a rate on par with their proportion of the citizen population.
3. Female candidates for municipal elections should receive training on how to effectively communicate their message and campaign for public office.
4. Existing laws on peaceful assembly should be reformed to meet international standards, and demonstration permit denials should be subject to appeal in the courts, thereby permitting all legal protesters, including women, to fully realize their right to assembly.

5. Annual conventions should be held for high-school girls that show distinct leadership qualities that provide them with the opportunity meet with female politicians, activists, and government officials from the region. Speakers should discuss obstacles that they faced as women and offer the girls advice on how to avoid or address such obstacles.

SOCIAL AND CULTURAL RIGHTS

As the Qatari government takes a mostly hands-off approach in addressing women's social and cultural issues, tradition and custom continue to control the extent of women's activities at home and in the community. The government, however, has taken some measures to improve the lives of divorced and widowed Qatari women who lack families that can provide them with support by providing housing programs. In recent years activism on behalf of women has been directed from government leaders, and few grassroots organizations have been established to help address the concerns or interests of citizen and noncitizen women alike.

Family dominates the social lives of Qatari men and women. Little meaningful social, economic, or political life takes place outside the family. In the home, women organize the daily routine and holiday family gatherings and play a central role in arranging marriages. While women are able to participate in all matters related to the family (marriage, children's education, health care, housing), tradition holds that men have the final word regarding many key decisions, particularly with regard to finances. Public life is customarily segregated by gender; many public places have separate times or spaces for men and for "families" (women and children). Although they are not compulsory, most women wear the hair-covering *hijab* and the black cloak-like *abaya* in public.

Qatar nationals have free access to a government-supported health care system while noncitizens must generally pay for services. The labor law stipulates that employers must provide health care for their workers and improves care for expatriates, although these relatively new regulations are not often carried out in practice.⁶⁶ Qatar's health care system covers a range of health issues, including mental, dental, and complete maternity care programs.⁶⁷ Women have significant freedom to make independent decisions about their health, and the vast majority of women receive professional pre- and postnatal care.

Women's reproductive rights are rarely discussed in public, although birth control is widely available; issues such as rape and non-marital sex are seldom addressed. Based on laws passed in 1971 and 1983, abortion is permitted in the first trimester if a physician determines that the pregnancy would cause harm to the mother's health or if the fetus has a serious, incurable physical or mental defect. Both husband and wife must consent to the abortion, and it must be carried out in a government hospital. Qatari society traditionally values large families, and women are typically pressured by their families to have children. Abortions are not legal in cases of rape or incest.⁶⁸

While it is not formally prohibited, few Qatari women or men live alone. Young women are likely to face opposition from their families and possibly male harassment if they try to live on their own. The man is considered the head of household in Qatar and is therefore responsible for providing housing for his wife and the family. In 2007 the government passed a new law expanding opportunities for Qatari and non-Qatari women to take advantage of government housing programs. Qatari women married to foreign nationals are eligible for government housing, as are widows and divorced women with children who did not inherit homes from their

husbands. Unmarried women over 35 who support members of their family are also eligible for state housing assistance.

Women work in both print and broadcast media in Qatar, employed as journalists, reporters, broadcasters, and producers, but their numbers in the field are modest. Among the obstacles to women's participation in the media are the social customs that restrict women's work to a narrow field of careers. The media tend to portray women in stereotypical roles and rarely cover the problems of and restrictions on women's lives.

Although little research has been conducted on the problem of poverty in Qatar, local observers note that small numbers of Qatari nationals struggle to make ends meet. Widows, divorced women, and deserted wives make up a significant proportion of the ranks of the Qatari poor.⁶⁹ Information on the economic, social, and cultural problems of non-Qatari women is scarce, partly due to the lack of independent groups to investigate these issues.

While the government has undertaken important steps toward improving the lives of women in recent years, the future of these reforms continues to remain uncertain. The reforms that have provided women with important rights have come about not through democratic mechanisms but through decrees from the top, with many reforms the result of the activism of Her Highness Sheikha Moza. For progressive reforms such as these to endure beyond the current heads of state, they must be institutionalized through democratic means. Moreover, in a society where cultural norms are the source of most restrictions on women's lives, and where laws are often unknown to people and inconsistently enforced, legal reforms alone will be of limited consequence.

RECOMMENDATIONS

1. The government should implement improvements to and ensure enforcement of health insurance and health care for non-Qatari women.
2. The government should allow and encourage the creation and institutionalization of nongovernmental organizations serving women and addressing women's concerns.
3. The media should examine the impact of increased economic participation on women's role in society and consistently report on violations of women's rights, paying particular attention to the plight of impoverished women.
4. Foreign embassies should make efforts to provide basic computer literacy courses to their citizens residing in Qatar and offer online and printed materials that inform these individuals about their employment, housing, and health care rights and the means by which to invoke them in the Qatari legal system.

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SAUDI ARABIA

by Eleanor Abdella Doumato *

SCORES	2004	2009
Nondiscrimination and Access to Justice	1.2	1.4
Autonomy, Security, and Freedom of the Person	1.1	1.3
Economic Rights and Equal Opportunity	1.4	1.7
Political Rights and Civic Voice	1.0	1.2
Social and Cultural Rights	1.6	1.6

On a scale of 1-5, with 1 representing the least rights and 5 representing the most rights available.

INTRODUCTION

The Basic Law of the Kingdom of Saudi Arabia does not guarantee gender equality. To the contrary, gender inequality is built into Saudi Arabia's governmental and social structures, and is integral to the country's state-supported interpretation of Islam, which is derived from a literal reading of the Koran and Sunna.¹ In issuing religious opinions, state-funded *ulema* (religious scholars) generally avoid consideration of judicial precedent and evolving social contexts, so that their official posture resists pressure for change, especially when it comes to controlling women's behavior.

A healthy majority of Saudi citizens agree with the social agenda of the *ulema*, and would not view the inequalities between men and women as discrimination, but as equivalence—a balance between the rights and duties of men and women as prescribed in Islam and necessary to uphold honor and family values.² A vigorous progressive movement, however, is pushing to improve women's bargaining power in Islamic family law courts and to create parity with men in terms of civil rights, including the right to vote, drive, work, and obtain better access to health care and educational opportunities. Progressive spokespersons are hampered by the kingdom's limits on political activism and by opposition to legal reforms by religious leaders, but King Abdullah ibn Abd al-Aziz al-Saud has shown himself to be an ally in the liberal-feminist struggle, and positive changes are occurring.

For example, while women are still at a disadvantage when it comes to family law—men are allowed four wives, the right to divorce at will, and custody of children—yet-to-be-implemented court reforms call for specialized family courts staffed by judges educated in family welfare as well as in family law, and by women with law degrees who can act as advocates for women litigants. Due to an enforced separation between men and women in public, the opportunities for women's employment remain limited, with the vast majority of working women employed in the kingdom's single-sex education bureaucracy or in health care. At the same time, new opportunities have opened up in women-only manufacturing and shopping malls,

* Freedom House would like to thank Dr. May al-Dabbagh for her review of and helpful insights regarding this chapter.

the hospitality industry, and government commissions that cater to women's needs. Furthermore, some courses of study that were previously closed to women, such as engineering and law, are now available to them on the premise that work in these fields will become more widely available to women in the future. Higher education, in fact, is one area in which women have significantly out-performed men in terms of PhD degrees earned.

Women's lack of mobility remains a salient point of contention in the kingdom, as they still are not allowed to drive a car. They are not allowed to travel abroad by airplane without the express permission of a male guardian, and their right to travel internally without a guardian's permission is subject to the arbitrary approval of airport personnel. When it comes to civil rights, women were not permitted to vote in Saudi Arabia's first elections for municipal councils, yet a number of women put their names forward as candidates and expectations are high for women's inclusion in future scheduled elections. In addition, while a 2007 reform in Saudi citizenship laws allows non-national women who have been divorced by Saudi husbands to apply for Saudi citizenship, Saudi women nationals married to non-Saudi husbands remain unable to pass their citizenship on to their children or spouses. However, their sons, but not their daughters, may apply for citizenship at the age of 18.³

NONDISCRIMINATION AND ACCESS TO JUSTICE

The manner in which Islam is incorporated into the Saudi judicial system and governance has a profound impact on gender relations and access to justice for both men and women, with particularly discriminatory effects on women. In recent years, however, there have been improvements, or the promise of improvements, in women's access to courts and their rights as citizens.

Article 8 of the Basic Law requires that the government be premised on justice, consultation, and equality in accordance with Shari'a, or Islamic law. However, Shari'a in Saudi Arabia does not offer equality to women, particularly regarding family law. Instead, women are considered legal minors under the control of their *mahram* (closest male relative) and are subject to legal restrictions on their personal behavior that do not apply to men. The religious police, known as the Committee for the Promotion of Virtue and Prevention of Vice (*al-hay'at al-amr bil ma'ruf wa al-nahia 'an al-munkar*), are concerned with overseeing public moral behavior, including proper dress and the interaction between men and women.⁴

Saudi Arabia's laws and policies do not generally protect women from gender-based discrimination. Numerous enforcement authorities, including the regular, religious, and *mubahith* (secret police), have the power to accuse and detain suspects, and each may apply the laws of the country arbitrarily. Saudi Arabia has a hierarchical society that provides privileges to men over women and the elite over the common people. These biases are reflected in the kingdom's laws, in the latitude afforded to well-connected Saudi citizens by the judicial system, and in the differential treatment of workers based upon their country of origin.

In 2004 a royal decree affirmed the principle of equality between men and women in all matters relating to Saudi nationality,⁵ but women remain unable to pass their Saudi citizenship automatically to their noncitizen spouses and children. However, amendments to the citizenship law in October 2005 allow non-Saudis, including foreign-born husbands of Saudi women, to apply for citizenship if they have lived in the kingdom for at least 10 years and have professional qualifications deemed desirable by the interior ministry. A new amendment in 2007 allows the

sons of citizen mothers and noncitizen fathers to apply for Saudi citizenship once they reach age 18. Similarly situated daughters, however, may obtain citizenship only through marriage to a Saudi male citizen.

Additionally, Article 16 of the citizenship law was amended in 2007 to grant Saudi citizenship to noncitizen women married to or widowed by Saudi men on the condition that they relinquish any other citizenship.⁶ An additional amendment grants the government the discretion to revoke a foreign-born woman's Saudi citizenship upon divorce if she has retained her original citizenship. These two amendments benefit women by letting them remain in the country to be near their children after being divorced or widowed, but they also limit their future options for residence in their home countries by requiring renunciation of their original citizenship.⁷

In 2002, women were allowed to apply for their own individual civil status (ID) card rather than, as in the past, having a legal identity only as a dependent on their guardian's identity card. The Executive Regulation for the Travel Documents Law states that at 15 years of age all persons must obtain a civil status card, with the approval of their guardian. In 2008, according to the independent Saudi National Society for Human Rights, women for the first time were allowed to receive their civil status cards without their guardian's permission.⁸

In practice, women in Saudi Arabia lack equal access to courts because they must rely on a male relative or lawyer to represent them. Many judges arbitrarily require that before a woman may represent herself in court, a guardian must be present to verify her identity and grant her permission to do so. Identification by a guardian is necessary because women's faces must be covered and judges do not accept the ID card as proof of a woman's identity. This is particularly detrimental in divorce and child custody cases in which the guardian is also likely to be the husband, who is also the woman's legal adversary. Women are at a further disadvantage in the courts in that the testimony of one man is taken to be equal to that of two women, and for the purpose of compensation for accidental death or injury, a woman's worth is calculated at half that of a man.

Access to justice for women, however, may soon improve. In 2004, a National Dialogue Conference on Women, initiated by then-Crown Prince Abdullah, recommended that women be allowed to sit as judges in family court and that family law be standardized so that decisions are not left to the arbitrary opinions of individual male judges.⁹ That conference has sparked change in the judicial system, and as of 2007, three Saudi Arabian educational institutions now permit women to study law. While women are currently not allowed to be judges or act as lawyers on behalf of clients in court, the Ministry of Justice announced in 2007 that it will allow women to act as legal consultants to other women.¹⁰ The justice minister, Dr. Abdullah bin Muhammad al-Ash-Shaikh, announced in March 2008 that courts would soon have reception centers for women staffed by female law graduates.¹¹

Saudi Arabia lacks a written penal code. Men and women are subject to arbitrary arrest and detention, and convicted persons are punished in accordance with Shari'a law as interpreted by individual judges. In the absence of a written penal code, judges may determine punishments arbitrarily for crimes both real and imaginary, a practice to which non-Saudis and marginal persons are particularly vulnerable. For example, in 2007 an Egyptian man named Mustafa Ibrahim was executed for sorcery in Riyadh, and in April 2006 a Jordanian woman named Fawza Falih was sentenced to death for witchcraft.¹² Sorcery, witchcraft, magic tricks and wearing amulets are forbidden practices that are discussed in Saudi public school textbooks, and are punishable crimes under Islamic law as interpreted by Saudi ulema.

One crime for which women are especially targeted is *khulwa* (the illegal mixing of unrelated men and women), which can occur whether men and women are dining together in a restaurant, riding in a taxi, or meeting for business. In February 2008, a 37-year-old American businesswoman and mother of three was arrested by the Riyadh religious police for sitting at a table in public with a male colleague, who was also arrested. The police took her to Malaz prison, where she was strip-searched and forced to remove her clothes, which were wiped over the floor of a wet, filthy bathroom. She was then told to put her clothes back on and taken before a judge, who berated her for her behavior, telling her that filthy clothes were appropriate for the filthy person that she was. After signing a confession, she was released to the custody of her husband.¹³

The religious police are notorious for their abuses. When two people died in their custody in 2007, instead of punishing the individuals responsible, the Committee on Vice and Virtue created a Department of Rules and Regulations for future guidance of religious policemen. Meanwhile, in response to these deaths, the Ministry of the Interior issued a decree requiring that the committee surrender detained persons promptly to the regular police and to have no involvement with them from that point forward.¹⁴ This decree has not been enforced, however, and detainees continue to be abused at the hands of the religious police. The extent to which the religious police are insulated from governmental oversight is illustrated by an event that occurred in 2002, when members of the religious police refused to allow fleeing schoolgirls out of a burning building without their *abayas* (the cloak worn over clothing), and 15 girls subsequently died. Despite local and international protests, no one from the religious police force was punished.

Saudi Arabia ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2000, with reservations stating that the kingdom is under no obligation to observe terms of the treaty that contradict Islamic law. One such contradiction, noted by the CEDAW Committee that reviewed Saudi Arabia's compliance with the treaty, involves the provision for equal citizenship rights between men and women, which goes against the presumed Shari'a requirement permitting citizenship to be passed to children exclusively through fathers.¹⁵ The committee's 2008 report was critical of Saudi Arabia's compliance with the convention and called for Saudi Arabia "to enact a gender equality law." Dr. Musfir al-Qahtani, deputy chairman of the Saudi National Society for Human Rights, responded by saying that laws related to marriage, inheritance, and women's testimony—examples cited by the committee as discriminatory—are fixed by religious law, and are, by implication, non-negotiable.¹⁶

RECOMMENDATIONS

1. The government should review all laws and policies and amend the Basic Law to ensure gender equality and to explicitly prohibit discrimination.
2. The government should implement the court reforms that were approved by King Abdullah in 2004 by creating separate family courts, codifying family law, and allowing women to act as lawyers and judges in family courts.
3. The private sector should partner with universities to create legal internship programs in order to encourage more women to enter the profession and to provide them with practical training.
4. Women should be allowed to represent themselves in court without a male guardian and as citizens with full rights.

5. Women should be awarded equal citizenship rights as men and be able to pass citizenship to their spouses and children.
6. The Interior Ministry should enforce its decree preventing the Committee for the Promotion of Virtue and Prevention of Vice from detaining apprehended individuals, including women.

AUTONOMY, SECURITY AND FREEDOM OF THE PERSON

Autonomy, security and freedom of the person, male and female, are areas much in need of improvement, especially for women, and most especially for foreign women who come to the kingdom as domestic workers. Whether the issue is religious freedom, freedom to choose one's marriage partner, lack of access to public accommodations, lack of freedom of movement, or gender-based violence, a rising public awareness has yet to produce legal protections.

Freedom of religion is highly restricted in Saudi Arabia for both men and women. Saudi public schools, religious spokespersons, and media present Islam as one monolithic faith to which all citizens must adhere. All variant Muslim schools of thought, ritual practices, and sectarian differences are ignored or openly disparaged and considered illicit, while in the textbooks of public schools Shiite and Sufi practices are singled out as signals of apostasy. The public practice or preaching of religions other than Islam is forbidden and subject to punishment, and Saudi citizens who disagree with the official version of Islam lack a safe way to express their dissent or advocate for alternative interpretations. Despite the pivotal role of women historically in the foundations of Islam, women are excluded from leadership positions within the country's religious institutions and are encouraged to pray at home even though prayer, as described in Saudi school books and standard prayer manuals, is considered best when performed in congregation in the mosque.

Freedom of movement for women in Saudi Arabia is limited by overlapping legal constraints and social controls, and as a result women may not drive cars, travel on airplanes, work, or be outside their own home without a guardian's permission.¹⁷ In 2007 and 2008, renewed pressure mounted to allow women to drive, and an ad hoc Committee for Women's Right to Drive organized a petition addressed to the king.¹⁸ In January 2008, days after Saudi Arabia faced criticism by the CEDAW committee for restricting "virtually every aspect of a woman's life,"¹⁹ the government announced that a royal decree allowing women to drive would be issued "at the end of the year."²⁰ In March, the Consultative Council recommended that women be allowed to drive during the daylight hours of weekdays if they get permission from their guardians, undergo drivers' education, wear modest dress, and carry a cell phone. To allay concerns about women's safety, the council added the imposition of a sentence and a fine on any male in another car talking to or sexually harassing a female driver.²¹ As of December 2008, no steps had been taken toward implementing these goals, but government approval for the idea of women's driving is a milestone for the kingdom. Only three years earlier, Consultative Council members threatened to expel another member for merely suggesting that the council discuss the same issue.

At the end of 2007, the longstanding bans on women checking into hotels alone and renting apartments for themselves were lifted by royal decree, and a women-only hotel opened in 2008 in Riyadh.²² Despite these improvements, limitations continue on women's freedom of movement. Women are prohibited from most ministry buildings and discouraged from walking

along public streets or attending mosques except at pilgrimage. Where separate accommodations are available to both men and women, such as hospital waiting areas, dining areas in restaurants, government office buildings, and prayer rooms in public facilities, the men's accommodations are always of a quality superior to those of women. The public spaces in Saudi Arabia that are intended for the enjoyment of the general public, such as parks, zoos, libraries, museums, and the national Jinadriyah Festival of Folklore and Culture, are also segregated by hours of access, with men allocated the greater number and most convenient time slots.

Foreign women, especially those from developing countries, are particularly affected by restrictions to their freedom of movement. Saudi employers routinely take their employees' passports on arrival, thereby preventing foreign female workers from traveling outside their town of residence or leaving the country of their own volition. Some employers use the requirement of a guardian to justify locking women employees in at night. Prohibited from driving themselves, unable to afford private taxis or cars, and faced with a lack of accessible public transportation, working women are often forced to walk on the streets, where they may be apprehended by the religious police on accusations of soliciting sex.

The personal status laws of Saudi Arabia are determined by the Shari'a and favor men in matters of marriage, divorce, child custody, and inheritance. A marriage contract is executed by the prospective husband and the guardian of the intended bride. Today, it is a simple form that asks for the amount of the *mahr* (dowry) and permits stipulations to be made by the contracting parties, such as the prospective husband's pledge to grant his wife a divorce if he should take a second wife. The contract requires the intended bride to specify whether she is a virgin, widow, or divorcee but does not require the same information of the man. The formal contract excludes the bride as a signatory and is merely the legal confirmation of decisions taken jointly by two families or, increasingly, by the prospective husband and wife.

The degree to which a woman participates in decisions regarding her own marriage depends on her family's predilections and her own professional or social situation. Technology, however, has opened new avenues for single Saudis. Two satellite television channels that broadcast in Arabic are devoted entirely to marriage advertisements. There are no photographs, but Saudi men and women describe their physical characteristics, what they are looking for in a spouse, their ages, their professions, and their finances. These singles appear to be searching for partners who are outside the circle of family alliances within which marriages are traditionally arranged.²³

Saudi women are marrying foreign men on a rapidly increasing basis, with approximately 20,000 such marriages carried out in the past five years. Both men and women must obtain permission from the Interior Ministry to marry a non-national under Article 6 of the Saudi intermarriage bylaw. The ministry requires proof that the intended spouse is Muslim and has an "acceptable character, nationality, and religion."²⁴ Men's applications on behalf of foreign-born wives are routinely accepted without undue delay, while the intended spouses of Saudi women must provide the ministry with medical records, a passport, a formal petition for marriage, and other supporting documents. Even then, a positive response is not guaranteed and is often based on the woman applicant's age and her perceived ability or inability to find a Saudi husband.²⁵

A Saudi woman may initiate and obtain a divorce if her husband had granted her the right to divorce at the time of signing the marriage contract, although there is a likelihood that stipulations in marriage contracts deemed contrary to Shari'a will be invalidated by judges when presented for enforcement before the courts. Otherwise, a woman may petition for divorce in a court if she can show that her husband has deserted her, is impotent, or has a loathsome disease,

which is humiliating and a logistically difficult claim to present before a court of male judges. Alternatively, she may also buy her way out of her marriage by forgoing her maintenance rights and mahr, a practice known as *khula*. By contrast, a Saudi husband is entitled to a divorce without explanation simply by registering his intent to divorce with a court and repeating his intent three times. A man is obligated to provide maintenance for his wife for a period after divorce, but a gap exists between legal obligation and its enforcement.

In some sectors of Saudi society, the family group retains a legal interest in individual marriages, even consummated marriages of long standing, and a legal guardian may initiate divorce proceedings on behalf of a woman without her approval. In 2005, a 34-year-old woman named Fatima Azzaz was legally divorced from her husband, Mansour al-Timani, after her half-brothers claimed that al-Timani had misrepresented his tribal affiliation when he asked his wife's now-deceased father for her hand. The brothers successfully argued that al-Timani's lineage was beneath that of their own family and the marriage was detrimental to their family's reputation. Azzaz refused to return to the home of her half-brothers, where she had previously experienced physical violence, but could not remain with her husband because of the divorce. In desire of a safe place to live, she and her children were held in a detention center administered by the Ministry of Social Affairs. In 2007 the divorce decision was upheld by a Riyadh Court of Appeals.²⁶

Women rarely receive custody of their children upon divorce, although the age at which a child is surrendered to his father in Saudi Arabia is seven if a boy, but not until puberty if a girl. For some Saudi women, family connections may be sufficient to influence court negotiations or the husband's decision regarding his claim for custody, and some judges may grant custody to the mother if a father is found unfit. In the absence of codified law, however, decisions regarding custody are left to judges who lack training in social and family welfare. Cases exist in which patently unfit fathers have been awarded custody or judges recognize paternal grandparents' claim to the child over the mother's.

A royal decree in 2007 announced a comprehensive overhaul of the judicial system. The system is currently comprised mainly of religious courts headed by judges with wide discretion to issue rulings according to their own interpretation of Shari'a. Proposed changes establish a supreme court that will, among other tasks, take over the functions of the high judicial council, which currently is composed of ulema, to review capital sentences and oversee the implementation of Shari'a and royal decrees. Under the new system, disputes related to divorce and other personal status issues are to be adjudicated in specialized personal status courts,²⁷ one of the recommendations from the 2004 National Dialogue Conference on Women.²⁸ Another positive initiative, which is receiving some government support, is a web-based grassroots movement (www.saudidivorce.org) whose purpose is to effect change in divorce laws.

Slavery in Saudi Arabia was outlawed in 1962, but, like all the other countries in the Gulf Cooperation Council, the kingdom continues to be a known destination for persons trafficked for the purpose of involuntary servitude. The U.S. State Department's 2008 *Trafficking in Persons Report* indicates that Saudi Arabia has not taken corrective measures to end the practice. Some people who are voluntarily recruited as domestic workers continue to be routinely forced by their employers to remain in the country as unpaid workers.²⁹ In its report on compliance with specific articles of CEDAW, Saudi Arabia denied that such practices exist to any significant degree.³⁰ Yet particularly vulnerable to this form of abuse are women from developing countries. Although there are approximately 1.5 million domestic workers in Saudi Arabia in 2008, they are

specifically excluded from the protections afforded to foreign workers in the current Saudi labor law.³¹

Domestic workers rarely complain to police about sexual exploitation or other abuses at the hands of their employers for fear they may face criminal charges for making false allegations. For instance, Nour Miyati, an Indonesian domestic worker, claimed that she was forced to work long hours without rest or pay and was beaten daily by her employers, resulting in a lost tooth and damaged eye. When she tried to escape, she was locked up and denied adequate food. At the time of her first hospitalization in 2005, she was suffering from malnutrition and gangrene that required the amputation of her toes and fingers. Despite the severity of her injuries, Miyati was convicted of making false accusations against her employers and sentenced to 79 lashes, although the ruling was overturned in April 2006.³² Meanwhile her employers were exonerated from any wrongdoing after a Riyadh appeals court reversed the guilty verdict of a lower court in 2008.

A new level of awareness may be emerging in Saudi Arabia regarding the mistreatment of domestic workers. In May 2008, an employer was forced to pay seven months' back wages and a return flight to an Indian female domestic worker who had been physically abused. In this instance, the Indian Embassy and the local Indian community supported the domestic worker after she came forward with accusations, and the police took her to the hospital so that her injuries could be treated.³³

There are no reports of female Saudi citizens living in involuntary servitude. Within the framework of marriage and family, however, women can be trapped in similar conditions due to poverty, illiteracy, physical isolation, or dependence upon their guardian. The potential for entrapment is exacerbated by the idea that a woman must always be obedient to her husband, an Islamic legal principle taken literally by the Saudis and culturally reinforced for girls in the national religious curriculum.³⁴

Domestic violence became the subject of public discussion in 2004 when a well-known television personality broke a Saudi taboo by allowing photos of her battered face to be published after she had been savagely beaten by her husband. Open and honest public discussions regarding domestic violence are made difficult by Saudi political culture, which promotes the Muslim family as "the fundamental building block of society" that allocates rights and duties to each family member according to age and sex. The privacy of women, which involves their anonymity and chastity, is fused with ideals of family "honor," so society cannot talk about the reality of domestic violence without challenging public myths about themselves. Women in particular cannot talk about their personal situation without damaging their family's honor and their own reputation. Guardianship laws make it very difficult for battered wives to find a safe haven, there are few government support services and shelters for victims of domestic violence, and women die because police are not willing to intervene in domestic situations. In one case, when one of five daughters being sexually molested by their father sought police protection, she was turned away and told to bring her father in to file the complaint.³⁵

Women have no legal protections against gender-based violence outside the home. Women who report sexual abuse or rape are unlikely to find sympathetic judicial authorities, and instead of receiving protection, they are often accused of having had illicit sex. In rape cases, the burden of proof lies with the victim, and the offense may only be proven through the perpetrator's confession or the testimony of four witnesses.

The presumption on the part of police, judicial authorities, and society in general is that if something untoward happens to a woman, it happened because she asked for it. In October 2006,

a young woman from Qatif was sentenced to 90 lashes for khulwa after being kidnapped and gang-raped. Allegedly, the woman had met in a car with a former male acquaintance to retrieve a photo that she had given him before she was married, at which point they were both abducted and raped by a group of seven men. The rapists as well as the victims were all found guilty and punished. Only after the woman received her sentence of 90 lashes did she learn that she had been indicted, and she was never directly presented with charges.

When she appealed the case, the conviction was upheld and the sentence increased to six months in prison and 200 lashes. In November 2007, the Ministry of Justice issued a statement explaining that the woman was being punished because she was a married woman who admitted to having an illegal affair and to meeting with the other victim alone, both of which are religiously prohibited crimes.³⁶ The following month King Abdullah pardoned the woman so that the punishment would not be carried out but did not nullify the verdict.³⁷

RECOMMENDATIONS

1. The government should continue to eliminate guardianship requirements and clarify rules regarding when a guardian's permission is required so that there will be consistency and uniformity in their application.
2. The government should enforce existing criminal and civil laws, such as those against rape, physical abuse, forced confinement, and payment of wages, that are directed toward employers who abuse foreign workers.
3. The government should enact both anti-trafficking laws and laws that protect trafficking victims.
4. The government should amend labor laws to include the protection of domestic workers from cruel, degrading, and slavery-like treatment.
5. The government should implement the criminal procedure code that was adopted in 2002, which prohibits torture or other harmful treatment of detainees (Article 2) and forced confessions (Article 102), ensures the right to counsel, and requires a public trial and public announcement of the verdict (Article 182). Positions for professional advocates for victims of crime should be incorporated into the justice system so that victims will not be subjected to further abuse during criminal court proceedings.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

In Saudi Arabia, obstacles to women's economic independence and work opportunities have not been adequately addressed, especially as women continue to graduate with university degrees in greater numbers than their male counterparts and seek professional employment. Government efforts to support women's legal right to work are in reality ambiguous, giving comfort to those who believe that women should stay at home as well as to those who demand the right to pursue economic independence.

Islamic law provides women with the right to own and manage their property and other assets, including real estate, the mahr, inheritance, investments, and earned income. The distribution of inheritance is fixed according to Shari'a, and women are generally entitled to half the amount allocated to a male relative who is equally distant in relationship to the deceased. In practice, women's ability to manage their own assets and to earn an income are restricted by a combination of social customs and religious values that have been incorporated into the

kingdom's commercial regulations, codes of public conduct, and the minds of the bureaucrats who administer them. Gender segregation in the workplace, government ministries and offices, retail establishments, hotels, restaurants, recreational facilities, and banks greatly affects women's ability to manage and make use of their own assets. Until 2005 a woman could not legally obtain a commercial license for a business without proving first that she had hired a male manager, and she needed permission from her guardian to go into business or take out a bank loan.³⁸

The female employment rate in Saudi Arabia is among the lowest in the world and, specifically, the Middle East. Statistics on women's economic activity vary somewhat depending on the source. According to the Ministry of Economy and Planning, women constituted only 5.4 percent of the total Saudi workforce in 2005, a figure that was expected to rise to 14.2 percent by the end of the 2005-09 five-year development plan.³⁹ In 2005, the Information Office of the Saudi Embassy in Washington claimed that women already constituted 15 percent of the Saudi workforce,⁴⁰ while the World Bank put the figure for female labor force participation in 2007 at 14 percent.⁴¹ Government-sponsored projects aimed to increase women's economic opportunities have repeatedly failed to reach targets in the past. The five-year development plan implemented in 2005 anticipates tripling the rate of women's employment within the plan period by increasing occupational training for women and "eliminating obstacles" to their participation.⁴²

Two such obstacles include the prohibition of mixing the sexes in the workplace and the requirement that a woman's guardian give permission for her to work. A new labor law enacted in 2005 does not include either requirement and appears to support women's right to work; as Article 3 states, "work is the right of every citizen" and "all citizens are equal in the right to work." Article 4 of the new law, however, requires that all workers and employers adhere to the provisions of Shari'a when implementing this law, implying that gender segregation remains in force. Article 149 says that women shall work in all fields "suitable to their nature," excluding jobs "deemed detrimental to health" and "likely to expose women to specific risks."⁴³ In effect, this new law offers an ambiguity that can be used by those arguing either for or against women's increased participation in the workforce. Those in favor can cite the equality and right to work clauses and can also argue that Shari'a law and the terms "women's nature" and "risk" are subject to interpretation. However, those against women in the work force except in jobs stereotypically suitable for women's nature can use Articles 4 and 149 to legally deny employment to women in most fields.⁴⁴

Softening legal restrictions on women's employment does not mean the public will embrace these changes, as evidenced by the outcome of the government's attempt to permit women to work as sales clerks in stores that cater to women's needs. In response to women's complaints of feeling embarrassed to have to buy intimate items from men, the government ordered all shops selling women's undergarments to hire all-female sales staff by July 2006; the policy was extended to stores selling dresses and abayas by 2007 as well.⁴⁵ The labor ministry organized training courses to prepare women for these jobs and also produced a list of conditions under which saleswomen would be allowed to work.⁴⁶ However, an outcry against this policy emanated from conservative ulema, including the Grand Mufti, who did not think women should be working in retail under any conditions and personally criticized Dr. Ghazi al-Ghosaibi, the minister of labor who originally promoted the policy. Some women shoppers did not like the policy either, complaining of the potential discomfort and humiliation that would arise from buying underwear in a place where windows had to be papered over and doors kept locked just

because everyone inside was a woman.⁴⁷ The issue was put on hold for a year, and in 2008, women were being employed as sales clerks, but only in segregated areas of shopping malls.

The Council of Ministers, the appointed body that controls most aspects of government, promulgated a directive that requires all ministries to open positions for women. In 2007, the Ministry of Foreign Affairs provided positions for women in several departments, including those that address political rights, economic rights, and women's rights. The Ministry of Education has placed women in some senior positions, including five deanships. The Ministry of Labor is seeking to provide 200,000 jobs for women in different sectors of the economy and has initiated technical training programs to help women become cashiers and receptionists.⁴⁸ The question remains, however, how these jobs will be created and in what sectors of the economy, as well as what kind of logistic accommodations will be devised so that sex-segregation on the job can be maintained.

A Saudi woman's freedom to choose her profession is limited more by social than by legal norms. The vast majority of working women are employed in the public sector, and of these 84.1 percent work in education. Additionally, 40 percent of the kingdom's doctors with Saudi citizenship are women.⁴⁹ In spite of the social forces militating against women in the private sector, Saudi businesswomen own nearly 20,000 companies, and women's investments amount to about 21 percent of the total volume of private sector investment in the kingdom.⁵⁰ In 2006, the National Commercial Bank reported that Saudi women owned 40 percent of the kingdom's real estate assets, 20 percent of stocks, and over 18 percent of then-current bank accounts. In Jeddah, women have taken out more than 3,000 commercial licenses in their own names, and even more are reported in Riyadh.⁵¹ Enterprising women have set up a number of women-only light manufacturing plants, and in Jizan, an underdeveloped region on the western coast of Saudi Arabia, women's response to the prospect of employment at a planned women-only shrimp-processing factory was overwhelming positive.

With 121,000 female students graduating from secondary schools and 44,000 from universities every year, the government must do much more to facilitate job creation.⁵² Lack of transportation options for women further limits their participation in the work force by creating a potential burden for employers. Most women who are assigned jobs as teachers in remote towns have to carpool long distances over rough roads, and fatal accidents happen. During the 2007–2008 school year, 21 female teachers were reported killed and 38 others injured while commuting to their teaching jobs.⁵³

The 2005 labor law provides women with substantial maternity and childcare benefits. Unfortunately, these benefits discourage private employers from hiring women because they are so costly. Women are guaranteed maternity leave four weeks prior to and six weeks after delivery at full pay if employed for at least three years and at half pay otherwise.⁵⁴ The employer is responsible for the woman's medical care during pregnancy and delivery and must provide paid rest-periods for nursing once the woman returns to work. In addition, a woman's employment cannot be terminated while on maternity leave. A business that hires at least 50 women must provide babysitters and a suitable place for child care, while those hiring 100 women or more may be required to set up a daycare facility or contract with an existing professional daycare facility in the vicinity.⁵⁵

There are no legal protections for women against sexual harassment, but as of June 2008, sexual harassment policies for women in education and in the workplace are under consideration in the Consultative Council.

Public education in Saudi Arabia is free at all levels, and in 2004 primary education became compulsory for both boys and girls aged six through fifteen.⁵⁶ The enrollment rate for girls equaled that for boys around 2000, and since 2004 the Ministry of Education has aimed to expand school availability so that secondary education can also be made compulsory for everyone. Girls' secondary education is now within the domain of the Ministry of Education, which until 2002 oversaw only boys' education.⁵⁷ The kingdom's current 10-year plan for the development of public education makes no distinction between boys and girls in goals, funding allocation, or curriculum except to expand girls' course options to include information technology and vocational training.⁵⁸ In practice, girls continue to be denied access to sports programs in schools, although a 2004 ministerial decree called for the creation of sports and cultural centers exclusively for women.⁵⁹

Secondary education is currently undergoing an extensive reform effort which is experiencing both successes and set-backs. The greatest beneficiaries of these reforms are private schools, which now are able to run International Baccalaureate and American Diploma programs. Dropping the National Secondary Exam also was a boon to private schools which can now focus their teaching on more rigorous, creative, and gender-inclusive materials, but is less helpful to public schools which do not have personnel trained to take advantage of reform opportunities.

In 2004, 79 percent of all PhD degrees awarded in the kingdom went to women, and if the 102 all-women's colleges for teachers are included, about 75 percent of all students are women.⁶⁰ However, according to the Minister of Education, women constituted only one-third of students at public universities.⁶¹ Not all universities have women's sections, and where they do, women's facilities are often inadequate and inconveniently located, libraries are open to women's use only at limited times, and fewer courses are offered to women.⁶² Some professors simply refuse to admit females to their programs regardless of the policies of the university or Ministry of Education. At the King Fahd Teaching Hospital in Al-Khobar, for example, females have not been admitted to programs in general surgery, orthopedic surgery, or pediatrics due to faculty resistance.⁶³

Course options in higher education are to some extent keyed to the job market. Since women are not expected to be employed in mechanical or civil engineering, for instance, these programs were not available to women in public education in the past. However, these courses, as well as interior design and law, have recently opened for women, prompting expectations that more women will be able to obtain jobs in those fields in the future. Furthermore, study abroad offers a wider range of educational options for women.⁶⁴ Women are entitled to apply for government scholarships that will pay tuition, living stipend, medical insurance, and school fees for any accompanying children, as well as financial accommodations for a spouse.⁶⁵ To qualify for a scholarship to study abroad, a woman should be accompanied by her legal guardian the whole time she is abroad, but in practice this requirement is not enforced.

Two new institutions with Western curricula and designed to eventually become coeducational are in the process of construction. One of these is the King Abdullah University of Science and Technology, located near a Red Sea fishing village 50 miles from Jeddah, which will be a research institution initially for foreign scholars. The other is Al-Faisal University in Riyadh, which will be coeducational in the sense that men and women will attend the same classes but be segregated in transit by separate corridors and entrances, and in the classroom by different floor levels and glass partitions. In the past decade, a number of private colleges for women have been founded. Dar Al-Hekma College and Effat College, both in Jeddah, offer an American curriculum in English that includes engineering and nursing, as well as work/study

internships and exchange programs with American universities. The Prince Sultan University College for Women in Riyadh also teaches in English and offers among other subjects a bachelor's degree in law.⁶⁶

Women's access to education is affected by guardianship laws even though the government has moved to void some of them. Some universities require that women have their guardian's approval before they are permitted to register for classes and then have permission for each individual class they choose to take.⁶⁷ In January 2008, the College of Education at the University of Riyadh permitted women students to register using only their civil status cards instead of by their guardian's consent. In this instance, it was the students rather than the administration who complained that the state was breaking the rules of religion by not asking for a guardian's permission. Others accused the Ministry of Education of voyeurism because male employees in the ministry would be able to view the photographs on women's civil status cards.⁶⁸

RECOMMENDATIONS

1. The government should reform the religion curriculum in public schools, especially in areas that teach women to be obedient to men and equate their invisibility with religious piety.
2. Women should be permitted to drive or, at a minimum, should be provided with safe public transportation that would adequately meet their employment needs.
3. Women's sections of chambers of commerce must be empowered and given opportunity to shape policies that better serve the needs of the female business community.
4. Educational opportunities for women in public educational institutions should not be decided by the goodwill of faculty members but by clearly stated and implemented educational policies.
5. The government should introduce athletic programs for girls at every level of education.

POLITICAL RIGHTS AND CIVIC VOICE

Saudi Arabia remains a country without the basic freedoms necessary for civil society to take root. Political parties are prohibited, there are no constitutionally guaranteed rights to free speech, press, religion, or assembly in the Basic Law of the Kingdom, and forming trade unions, striking, and engaging in collective bargaining are forbidden. Article 39 of the Basic Law prohibits unspecified "acts leading to disorder and division," rendering anyone who engages in political activity, including human rights advocacy, vulnerable to prosecution. While Article 36 of the Basic Law prohibits arbitrary arrest and detention, Saudi laws are applied to individual cases arbitrarily by judges trained in religion in a manner that fails to guarantee due process.

The Kingdom of Saudi Arabia is a monarchy ruled by the al-Saud family. When King Abdullah took the throne in 2005, he established the Bay'ah Commission the following year. This entity may accept or reject the king's chosen nominee for succession and declare the reigning monarch unfit to rule.⁶⁹ There are no elected legislative institutions, but the king appoints the Council of Ministers, responsible for all aspects of government administration, and the 150-seat Consultative Council, which offers advice to the king and, as of 2004, initiates legislation and amends existing laws.

The sole public means of direct access to the government is through the weekly majlis held by the king and by each governor in the provinces which citizens may attend and petition for redress of grievances or personal favors. Although the majlis is "open to all citizens and to anyone who has a complaint or a plea against an injustice," women are not admitted and instead must send a written petition to be delivered by a male relative.⁷⁰

Women were prohibited from voting or running as candidates for municipal councils during Saudi Arabia's first elections for public office in February 2005.⁷¹ The question of whether women have the right to vote in Saudi Arabia, however, remains unresolved. When the Consultative Council announced in October 2003 that municipal council elections would be held, no criteria for voters or candidates were mentioned, and a few women put themselves forward as candidates. The justice ministry supported full voting rights for women,⁷² but objections came primarily from conservative ulema.⁷³ Eventually, Interior Minister Prince Naif bin Abd al-Aziz announced that women would not be voting because polling places and the municipal meetings themselves would have to be sex-segregated for women to take part. By citing logistic rather than religious reasons against women's participation, he left the door open for women to take part in future elections.⁷⁴

Women have not been appointed to the Consultative Council, but the king appointed three women to serve as advisers to the council on women's issues. These appointments are either a first step toward council membership or a dead end, as the appointees' duties were unspecified and they have not been invited to sit in on council deliberations. In July 2006, six more women were appointed advisors to the council with portfolios as nebulous as that of the first group.⁷⁵

However, women are now more able to participate in civic life than ever before as high-profile women have recently been appointed to elite ministry posts, university deanships, and directorships in quasi-governmental civic organizations. Female physicians were appointed for the first time as Deputy Director of Health Affairs for the Mecca region and head of the General Directorate of Nursing in the Ministry of Health.⁷⁶ A member of the royal family, Princess al-Jawhara Fahad bin Mohammed bin Abdel Rahman al-Saud, was appointed as undersecretary of the Ministry of Education, the highest position ever held by a Saudi woman. The opening of a women's department in the law faculty at King Saud University in Riyadh raises the possibility of appointments to judgeships for women in the future, however distant. Additionally, a National Organization for Human Rights was established in Saudi Arabia in 2004, and 10 of the 41 members appointed were women with a mandate to monitor women's rights.⁷⁷ Women have also run for election in the Jeddah and Riyadh Chambers of Commerce and Industry, organizations normally dominated by men.⁷⁸ Finally, in 2005 Nadia Bakhurji was elected to the board of the Saudi Engineers Council, an organization with only 20 women among its 5,000 members.⁷⁹ As women emerge into spaces that were previously considered the exclusive domain of men, systemic changes in society may take place. On the other hand, the electoral successes and high-profile appointments of women may turn out to be empty gestures, with elected and appointed women finding themselves in powerless and non-participatory positions.

Advocating for political reforms outside of the framework of government-approved organizations presents activists with risks. In recent years, numerous prominent political activists have been fired from their jobs or detained without a clear statement of charges or fair trial.⁸⁰ Lawyers who have advocated for feminist causes have been detained, admonished, and threatened with loss of their license to practice.⁸¹ The lawyer who appealed on behalf of the Qatif girl sentenced to 90 lashes after being kidnapped and raped (see "Autonomy, Security, and

Freedom of the Person”), had his law license suspended by the Qatif court for having undermined Saudi Arabia’s reputation by bringing the case to the attention of the international media. Wajeha al-Huwaider, a human rights campaigner, was taken from her home in 2006, interrogated, and forced to sign an agreement to stop engaging in women’s rights protests.

The internet has played a major role in political activism in Saudi Arabia by helping to bring human rights abuses to international attention. One example of such influence occurred in 2006 when a Mecca government committee proposed that women be prohibited from praying in view of television cameras near the Kaaba and instead be removed to a reserved area off to one side of the mosque. A well-reasoned letter of protest written by King Saud University professor and historian Hatun al-Fasi was widely circulated on the webpage of Muslim, women’s, and human rights groups. This letter provoked enough international attention and letters of support that the order to remove women from Islam’s holiest site was rescinded. However, in practice women continue to be intimidated by religious police and forced to remove themselves to an area distant from the Kaaba.

RECOMMENDATIONS

1. The government should allow women to vote and run for office in the 2012 municipal elections and allow the candidates to use public media in their campaigns.
2. Women should be appointed to the consultative council as members with full rights, and not only in advisory capacities for select issues.
3. The government should appoint a greater number of qualified women to high-profile positions so that the public will become accustomed to the idea of women in leadership roles.
4. The government should amend Article 39 of the Basic Law to allow for lawful civil dissent so that those who sign petitions or engage in peaceful protest demonstrations on behalf of women’s rights need not fear arrest and punishment.

SOCIAL AND CULTURAL RIGHTS

The social and cultural rights of women are circumscribed by the same sex-segregation values that limit the expression of all other forms of women’s activities. Tolerance for women in public life, however, is changing, as women’s presence in public life has grown, with women appointed to high-profile positions, elected to office in mixed-sex business organizations, and filling indispensable roles on the staff of public hospitals. The determination of women’s rights activists not to tolerate discrimination and violence against women has also grown, which in turn gives impetus to the movement for increased social, cultural, and other rights for women. The Ministry of Social Affairs is engaged in implementing a social awareness campaign on domestic violence, working with professional counselors, physicians, judges, and police officers who are training in recognize and deal with cases of domestic violence.⁸²

Women’s access to health care and freedom to make independent decisions regarding their health and reproductive rights are curtailed by hospitals that require their guardians’ permission before they may be treated. Although no law requires this, hospitals in Saudi Arabia consistently exercise the discretion to refuse treatment without guardian consent, thereby creating life-threatening challenges to women and ill children with absentee fathers.⁸³ Hospitals are not consistent in this practice, however, and some do permit women to consent to their own

treatment. Urban centers offer free, state-of-the-art, government-funded medical care for Saudi citizens, and Saudi Arabia ranks high in the UNDP's human development index for its commitment to health care. Remarkable improvements have been made to health care over the last quarter century, and indicators for women's health do not show an imbalance in allocation of health care resources between men and women. All clinics and hospitals offer reproductive health services, and methods of contraception are readily available at public and private pharmacies.⁸⁴

Life expectancy overall was up over 17 years between 1975 and 2000, and women are living about four years longer than men according to the 2008 Human Development Report.⁸⁵ Among married women aged 15 to 49, 32 percent use contraception, a low figure that is reflected in Saudi Arabia's high birth rate of 3.89 births per woman.⁸⁶ The vast majority of births (91 percent) take place attended by skilled health personnel,⁸⁷ but the maternal mortality rate is 18 per 100,000 live births (compared with 11 in the United States, 7 in Canada, 4 in Israel, and 130 in Syria).⁸⁸ The infant mortality rate also needs to improve, as there are 21 deaths per 1,000 live births (compared to 6 in the United States).⁸⁹ The mortality rate for children under age 5 is 26 per 1,000 live births, which is very high compared to almost all other countries in the "High Human Development" category but marks a huge improvement since 1970, when children in Saudi Arabia under 5 died at the rate of 185 out of 1,000. While there is no evidence that women receive less medical care than men do, the rates of death for infants and children raise questions about the quality of child care, prenatal care, and parents' access to doctors and hospitals.

Female genital mutilation (FGM) is not a common practice in Saudi Arabia, although anecdotal evidence suggests that the custom exists in some Shiite communities in the Eastern Province. FMG was also documented earlier in the 20th century among some Bedouin communities. No Saudi religious scholars endorse FMG, however, and interviews with nurses at the Saudi Arabian National Guard hospital in 2002 produced evidence of only one case.⁹⁰

The extent to which women are free to participate in and influence community life, policies, and social development depends on their family's support for such activities, their family connections, their education, and their personal abilities. Family networks are the easiest route to communicating with the broader community for Saudi men and women alike. Saudi women influence policies and social development in their roles as teachers, doctors, social workers, journalists, university professors, investors, and religious scholars engaging in public debates on the role of women. If they have the connections they can also communicate their objectives directly to members of the royal elite.

While women do participate in and influence media content, their impact is limited by self-censorship. Women are employed as journalists, television presenters, producers, bloggers, and newspaper columnists, and they are members of research and advocacy groups that disseminate information to the media. The content of their messages and how they appear on television, however, are tempered by the political realities of the moment, which are constantly shifting.

Women in Saudi Arabia are disproportionately affected by poverty due to their gender because they have limited options for employment, access to justice, access to transportation, and ability act as independent entrepreneurs as compared to men. They are under the legal control of their closest male relative and often lack choices regarding fundamental life decisions such as marriage, childbearing, and whether to work outside the home. Additionally, if a woman enters into a marriage as the second or third wife, she may lack a sense of proprietorship in her own home and a stake in its economic value. Together, these factors greatly affect the economic well-

being of women and prevent those women facing economic hardship from taking care of themselves.

Women's rights activists who advocate for change outside government-sponsored channels, particularly in the area of human rights and political reform, face sanctions regularly. However, several women's organizations do operate, including the women's welfare associations supported by the royal family that exist in all major cities. Additionally, the Khadija bint Khuwailed Center for Businesswomen in Jeddah, a research institute operating under the auspices of the Jeddah Chamber of Commerce, advocates for increased participation by women in education, business, and employment.

RECOMMENDATIONS

1. The government should require medical staff to treat all adult patients at their own request and allow women to approve medical care for themselves and their children.
2. The government should provide adequate public transportation and an ambulance system so that mothers and other female care-givers can have access to emergency medical assistance for themselves, their children, and others in their care.
3. The government should permit human rights and democracy advocates, including women's rights groups, to operate without threat of arrest and detention.
4. Media restrictions should be relaxed so that images of women in all walks of life may appear, with the goal of raising public consciousness of women as citizens, as individuals, and as people with contributions to make to society.
5. Saudi universities should initiate research and data collection projects that examine issues related to women, including the prevalence of domestic violence, treatment of women under the law, and economic activities, among others.

AUTHOR

Dr. Eleanor Abdella Doumato writes on gender, Islamic education, and the Gulf region. Her most recent book, *Teaching Islam: Religion and Textbooks in the Middle East* (edited with Gregory Starrett), is the product of a collaborative research project designed to determine what kind of Islam is being taught in state schools in the Middle East, including Iran, Turkey, Palestine and Israel. Dr. Doumato is currently a Visiting Fellow at the Watson Institute for International Studies at Brown University and a past president of the Association for Middle East Women's Studies. She serves on the boards of *Hawwa* and the *Journal of Middle East Women's Studies*, and is a frequent consultant for government agencies.

NOTES

¹ The Koran is the holy book of Muslims, and Sunna is the tradition of the Prophet Muhammad.

² The concept of gender equivalence is commonly held in Muslim-majority countries. According to this view, the roles of men and women complement each other but are not equal, and this complementarity is thought to work in women's favor. For example, while men are required to provide for their families, women are expected to manage the household and care for children and elderly parents; daughters inherit half of what sons inherit, but women retain ownership of their property after marriage and have no obligation to spend their wealth on household expenses as married men must.

³ Hassna'a Mokhtar, "Saudi Women Demand Equal Citizenship Rights," *Arab News* (Jeddah), 7 March 2007, www.arabnews.com/?page=1§ion=0&article=93232&d=7&m=3&y=2007. Daughters of Saudi women married to foreigners have not always been so disadvantaged when it comes to obtaining Saudi nationality: the 1954 Law of the Saudi Arabian Nationality, issued by Royal Decree 8/20/5604 (Umm Al-Qura, No. 1539, 16/3/1374H) makes no distinction between sons and daughters in their right to Saudi citizenship. A non-Saudi widow of a Saudi could also apply for citizenship according to the 1954 law. The issue of women nationals' inability to pass citizenship to their children is common region-wide. More information on this subject is available through The Women's Learning Partnership, a women's rights organization based in Washington, D.C., which has been leading a campaign on behalf of women's citizenship rights in Muslim countries. See the organization's web publication, "Claiming Equal Citizenship: The Campaign for Arab Women's Right to Nationality,"

www.learningpartnership.org/citizenship/category/countries/.

⁴ Members of the religious/moral police force are known as *mutawwa'in* (literally "obedience causers").

⁵ Royal Decree no. M/54 (29 Shawwal 1425 AH). "Consideration of reports submitted by States Parties under article 18 of the Convention, Combined initial and second periodic reports of States Parties: Saudi Arabia" (United Nations, Committee on the Elimination of Discrimination Against Women, CEDAW/C/SAU/2, 07-29667 [E] 120507 230507, 29 March 2007), 16,

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>.

⁶ Maha Akeel, "New Law May Help Non-Saudi Wife," *Arab News*, 25 June 2007.

⁷ Sarah Abdullah, "Foreign-Born Women Married to Saudis Concerned Over New Citizenship Rule," *Arab News*, 18 June 2007.

⁸ Awad al-Maliki, "Saudi Women Can Obtain ID Cards without Guardian's Permission," *Al-Madinah*, 4 March 2008, in Arabic.

⁹ Abd al-Raheem Ali, "Saudi Family Courts, Female Judges Recommended," islamonline.net (Doha, Qatar), 14 June 2004, www.islamonline.net/English/News/2004-06/14/article03.shtml.

¹⁰ Hamid al-Shahri, "Saudi Justice Minister Says Female Lawyers Permitted Only To Provide Legal Advice," *Al-Watan*, GMP20070201614006, 1 February 2007, in Arabic.

¹¹ "Women to work in Saudi courts," *Arab News*, 31 March 2008. Dr. Al Ash-Shaikh noted that in his view women have the right to practice the legal profession. Mariam al-Hakeem, "Saudi women 'have right to practise law,'" *Gulf News*, 25 October 2007.

¹² "Saudi Arabia: Halt Woman's Execution for 'Witchcraft': Fawza Falih's Case Reveals Deep Flaws in Saudi Justice System" (New York: Human Rights Watch [HRW], 14 February 2008).

¹³ "Religious Police in Saudi Arabia Arrest Mother for Sitting with a Man," *TimesOnline*, 7 February 2008, www.timesonline.co.uk/tol/news/world/middle_east/article3321637.ece.

¹⁴ "Saudi Arabia: Morality Police under Pressure," in "News and Views," *Arab Reform Bulletin* (Carnegie Endowment) 5, no. 5 (June 2007).

¹⁵ For the text of the hearing on the report, see "Summary record of the 815th meeting held 17 January 2008, Consideration of reports submitted by States parties under article 18 of the Convention (United Nations, Convention on the Elimination of Discrimination against Women, Committee on the Elimination of Discrimination against Women, Fortieth session, CEDAW/C/SR.815, 18 February 2008),

www2.ohchr.org/english/bodies/cedaw/docs/CEDAWSR815.pdf. For discussion of the Saudi reaction to the committee report, see Muwaffaq al-Nuwaysir, "Saudi Official Explains Reservation on 2 Clauses in Agreement on Women," *Al-Sharq al-Awsat* (London), 23 August 2000, 4.

¹⁶ Mustafa al-Anssari, "Riyadh Jurists Consider UN Report on Saudi Women as Contrary to Reality," *Al-Hayat* (Beirut), 2 February 2008.

¹⁷ The mahram's permission is legally required for women to travel internationally, and in practice, it is also required for them to travel domestically despite there being no such official requirement. According to Human Rights Watch, women who do not present proof of their mahram's permission may be prevented from boarding domestic flights as well. See "Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia" (HRW, April 2008), section II, www.hrw.org/reports/2008/saudiArabia0408/.

¹⁸ "Saudi Arabia: Succession Law; Judicial Reforms; Women Driving Campaign," *Arab Reform Bulletin* 5, no. 8 (October 2007).

¹⁹ Reuters, "Saudi Restrictions on Women Questioned," *Los Angeles Times*, 18 January 2008.

²⁰ Damien McElroy, "Saudi Arabia to lift ban on women drivers," *The Telegraph* (London), 21 January 2008.

²¹ "Saudi Shura Council Recommends Allowing Saudi Women to Drive with Limitations" (Middle East Media Research Institute [MEMRI], Special Dispatch Series No. 1875, 18 March 2008),

www.memri.org/bin/latestnews.cgi?ID=SD187508; this “special dispatch” cites *Alarabiya.net* (Dubai), 17 March 2008, as its source.

²² “Saudi Arabia opens its first women-only hotel,” *Chinadaily.com.cn*, 20 March 2008.

²³ Louay Bahry, “Marriage Advertisements in Saudi Arabia,” *Middle East Institute Encounter* no. 7, (March 2008).

²⁴ Interior Ministry, Law of Marriage of Saudi Citizen with a Non-Saudi, Number 874, 12/20/1422 H, in Arabic.

²⁵ Najah Alosaimi, “Saudi Women Marrying Foreigners on Rise,” *Arab News*, 14 September 2007.

²⁶ “Perpetual Minors” (HRW, April 2008), 30–31, www.hrw.org/reports/2008/saudiarabia0408/.

²⁷ “Saudi Arabia: Succession law; Judicial Reforms; Women Driving Campaign,” *Arab Reform Bulletin* (October 2007), www.carnegieendowment.org/arb/?fa=show&article=20823.

²⁸ “Saudi to Get Supreme Court, Other Tribunals,” *IslamOnline.net*, 14 June 2004.

²⁹ “Trafficking in Persons Report 2008” (Washington, D.C.: U.S. Department of State, Office to Monitor and Combat Trafficking in Persons, 4 June 2008), www.state.gov/g/tip/rls/tiprpt/2008/105386.htm.

³⁰ “Consideration of reports submitted by States Parties under Article 18 of the Convention, Combined initial and second periodic reports of States Parties: Saudi Arabia” (United Nations, Committee on the Elimination of Discrimination Against Women, CEDAW/C/SAU/2, 07-29667 [E] 120507 230507, 29 March 2007), 22 (hereafter cited as CEDAW/C/SAU/2),

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>. Article 6 of the convention requires that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.” In addressing this issue, the Saudis indicate there is no such problem in the kingdom: “In view of the fact that the Kingdom applies the Islamic Shariah, which exhorts to virtue and forbids vice, fornication and immorality, as well as the fact that these conflict with tradition and custom, traffic in women and exploitation of prostitution of women are practices unknown to Saudi society... The Kingdom has been able to take practical measures to close all the loopholes through which unlawful sexual practices might establish a presence in the country.... These efforts have achieved notable success, reflecting the State’s sincere desire to combat such unlawful practices. It should be stated that these practices are limited and almost negligible, and are contained by the authorities....”

³¹ Labor Law, Royal Decree M/51, 27 September 2005, First Edition (English), 2006, Part I, Chapter 2, Article 7. Article 7 also includes a directive to the Labor Ministry to “draft regulations for domestic helpers and the like to govern their relations with their employers and specify the rights and duties of each party....”

³² “Saudi Arabia: Nour Miyati Denied Justice for Torture, Judge Ignores Evidence in Case of Extreme Abuse against Indonesian Domestic Worker” (HRW, 21 May 2008).

³³ “Dammam Police Helps Maid Get Her Rights,” *Saudi Gazette*, 25 May 2008, accessed at the National Society for Human Rights, Kingdom of Saudi Arabia website: www.nshrsa.org/newsdetail.php?NID=407.

³⁴ *Hadith for the 12th Grade* (Riyadh: General Presidency for Girls’ Education, 2000), in Arabic.

³⁵ “Perpetual Minors” (HRW), 22. Sexual abuse within families is historically a problem in the sex-segregated societies of the Gulf. American physicians running hospitals in Kuwait and Bahrain from about 1912 documented cases of “honor killings” that were meant to hide incest. For more on this topic, see Eleanor Doumato, *Getting God’s Ear* (New York: Columbia University Press, 2000).

³⁶ “New explanatory statement by the Ministry of Justice on Qatif Girl,” Saudi Press Agency (Riyadh), 24 November 2007, www.spa.gov.sa/English/details.php?id=502890.

³⁷ Ebtihal Mubarak, “Pardoned rape victim subjected to ‘brutal crime’ —Saudi king,” BBC Monitoring, Arab News website, 20 December 2007. For more analysis of the legal reasoning behind the judicial decisions and the king’s pardon in the “Qatif girl” case, see “Precarious Justice: Arbitrary Detention and Unfair Trials in the Deficient Criminal Justice System of Saudi Arabia” (HRW, 24 March 2008),

<http://hrw.org/reports/2008/saudijustice0308/>.

³⁸ Resolution no. 120 (12 Rabi II 1425 AH) says that “government bodies which issue licenses to practice economic activities receive applications from women for such licenses, which are granted and issued accordingly,”

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>.

Cabinet Decree no. 187 (17 Rajab 1426 AH) allows “private enterprises to open sections employing women without a licence being required.”

³⁹ Khalid al-Gosaibi, Minister of Economy and Planning, “Plan aims to triple the number of Saudi women in the workforce by 2009” (Washington, D.C.: Royal Embassy of Saudi Arabia, 4 November 2007), www.saudiembassy.net/2007News/News/NewsDetail.asp?cIndex=7062.

⁴⁰ *Political and Economic Reform in the Kingdom of Saudi Arabia* (Washington, D.C.: Royal Embassy of Saudi Arabia, Information Office, September 2005), www.saudiembassy.net/ReportLink/Reform-Report-September-2005.pdf.

⁴¹ World Development Indicators 2008 (online database), World Bank, <http://web.worldbank.org/WBSITE/EXTERNAL/DATASTATISTICS/0,,contentMDK:21725423~pagePK:64133150~piPK:64133175~theSitePK:239419,00.html>.

⁴² Khalid al-Gosaibi, op cit.

⁴³ Kingdom of Saudi Arabia, Labor Law, Royal Decree Number M/51, 23 Shaaban 1426, 27 September 2005, First edition, 2006.

⁴⁴ A summary discussion of the obstacles to women's employment in the private sector was prepared by Noura Alturki, "Gender Analysis of the Eighth National Development Plan, 2005–09" (Jeddah: Khadijah bint Khuwailid Businesswomen Center, unpublished manuscript, 27 August 2007). These obstacles are more fully detailed in a report issued by the Khadijah bint Khuwailid Center for Businesswomen, located in Jeddah, available on the Jeddah Chamber of Commerce website, www.jcci.org.sa/JCCI/AR/Specialized+Centers/Khadija+Bint+Khuwailid+Center/, in Arabic.

⁴⁵ Women's complaints were mainly about feeling humiliated at having to endure snide sexual remarks from the clerks. See, for example, Arifa Akbar, "Hello boys: lingerie leads the fight for Saudi women's rights," *Independent News*, 27 April 2006.

⁴⁶ "Hiring of foreign women in lingerie shops ruled out," *Gulf News*, 11 April 2006.

⁴⁷ Anton La Guardia, "Muslim clerics' anger delays Saudi plan to let women sell lingerie," *The Telegraph*, 16 May 2006.

⁴⁸ "Foreign Ministry to Appoint Women in Various Departments" (Washington, DC: Royal Embassy of Saudi Arabia, 27 February 2005),

www.saudiembassy.net/2005News/News/RigDetail.asp?cIndex=5088.

⁴⁹ "Saudi UN representative hails 'growing role' of women," Saudi News Agency, SPA, 8 March 2007.

⁵⁰ Ibid.

⁵¹ "Women said to Own 40 % of Saudi Real Estate Assets," *Arab News* website, 27 April 2006.

⁵² In the 1990s, 80 percent of all working Saudis were employed in the public sector. "Public sector employment as a share of total employment in MENA countries," in *The Road Not Traveled: Education Reform in the Middle East and North Africa* (World Bank, 2008), Fig. 2.2, 53.

⁵³ Donna Abu-Nasr, "Female Teachers Dying on the Roads in Saudi Arabia," Associated Press, 29 April 2008.

⁵⁴ Kingdom of Saudi Arabia, Labor Law, Articles 151–152.

⁵⁵ Kingdom of Saudi Arabia, Labor Law, Articles 153–159.

⁵⁶ Royal Decree no. 22646/R (22 June 2004), CEDAW/C/SAU/2, 16.

⁵⁷ Girls' education was consigned to the ulema-controlled General Presidency for Girls Education, a measure put in place to mitigate conservative opposition to opening schools for girls. It was for this reason that the education policy for the kingdom incorporated language limiting the purpose of girls' education to helping them become good wives and mothers, and to work only in fields that are considered to suit their nature, such as child care and teaching.

⁵⁸ "Executive Summary of the Ministry of Education Ten-Year Development Plan (2004–2014)," 2nd ed. (Riyadh: Kingdom of Saudi Arabia, Ministry of Education, General Directorate for Planning, 2005).

⁵⁹ Deputy Prime Ministerial Order no. 8110 (11 Safar 1425 AH, 2004 CE).

⁶⁰ "Saudi Education Minister on Universities and Curricula," *Al Hayat*, 23 April 2004.

⁶¹ Ibid.

⁶² "Perpetual Minors" (HRW), 16. For instance, at King Saud University in Riyadh 14 languages are offered for male students but only 2 for females.

⁶³ "Perpetual Minors" (HRW), 16.

⁶⁴ Royal Order no. 651/M (8 Jumada II 1422 AH) requires that scholarship grants for overseas study be made available for "medical and health-related specializations and other fields in which women work and where the demands of work require qualification through overseas study, in response to a pressing need which cannot be fulfilled by the programs of study available at Saudi universities."

⁶⁵ "Saudi Education Minister on Universities and Curricula," *Al Hayat*, 23 April 2004.

⁶⁶ For issues arising from the attempt to found new universities on American models see Zvika Krieger, "Saudi Arabia: Reforms in Higher Education Raise Questions," *Arab Reform Bulletin* 5, no. 10 (December 2007). See

also Beth McMurthie, "New University Seeks to Help Saudi Arabia Broaden its Economy," *Chronicle of Higher Education* 53, no. 30 (30 March 2007): 41.

⁶⁷ "Perpetual Minors" (HRW), 16–17.

⁶⁸ Haya al-Manie, "Paranoia in Society," *Al Riyadh*, reprinted in *Arab News*, 9 January 2008.

⁶⁹ Text of the Allegiance Institution Law of 20 October 2006,

www.saudiembassy.net/2006News/Statements/TransDetail.asp?cIndex=651;

Hugh Miles, "Saudi king loses power to choose his successor," *The Daily Telegraph*, 10 February 2007;

Text of Law of the Provinces, www.saudiembassy.net/Country/Government/law%20of%20the%20provinces.asp.

⁷⁰ Basic Law, Article 43.

⁷¹ The prohibition on government employees' political activism is broad. In September 2004, the Council of Ministers announced that public employees are forbidden to challenge government policies by "participating, directly or indirectly, in the preparation of any document, speech or petition, engaging in dialogue with local and foreign media, or participating in any meetings intended to oppose the state's policies," *Arab Reform Bulletin* 2, no. 9 (October 2004).

⁷² As reported in a Saudi newspaper, a ministry spokesman said that "there is no reason to stop them from participating in the elections.... Trends coming from the West which are beneficial and do not contradict our laws and religion should not be banned." *Okaz*, 4 December 2004, www.aljazeera.com.

⁷³ Nawaf Obaid, "Clerical Hurdles to Saudi Reform," *Washington Post*, 9 March 2004.

⁷⁴ "Women Shut out of Upcoming Saudi Vote," Associated Press, 12 October 2004.

⁷⁵ Maha Akeel, "More Women Consultants Join Shura," *Arab News*, 29 June 2006. Hatoon al-Fassi, an associate professor at King Sa'ud University and one of the women appointed, commented that "If the committee is to be as described, there is no need for it and I object to being included. This is not a first step; it is very much the same as what we have now. Women are asked as consultants with no right to make decisions, no authority and their opinions are not taken."

⁷⁶ Abeer Mishkhas, abeermishkhas@arabnews.com.

⁷⁷ Khalid al-Dakhil, "2003: Saudi Arabia's Year of Reform," *Arab Reform Bulletin* 2, no. 3 (March 2004); Abdul Ghafour, "First independent Human Rights Organization established," *Arab News*, 3 March 2004.

⁷⁸ Maha Akeel, "Women in JCCI Poll Fray," *Arab News*, 3 October 2005.

⁷⁹ Somaya Jabarti, "Engineers Council Poll: One More Step for Saudi Women," *Arab News*, 28 December 2005.

⁸⁰ See, for examples, "Saudi Arabia: Free Detained Advocates of Reform," "Secret Police Arrest 7 Prominent Reformers in Replay of Events in 2004" (HRW, 8 February 2007).

⁸¹ See, for example, "Teachers Silenced on Blasphemy Charges" (HRW, 16 November 2005), <http://hrw.org/english/docs/2005/11/16/saudia12049.htm>; "Saudi Arabia: Lift Travel Ban on Government Critics" (HRW, 13 February 2007), <http://hrw.org/english/docs/2007/02/14/saudia15335.htm>.

⁸² Royal Order no. A/14 (2 April 2005) established the program on domestic violence.

⁸³ "Perpetual Minors" (HRW), 20. The HRW report contains a copy of a surgical procedure consent form for King Fahd hospital in al-Khobar, which asks for the agreement to accept the risk of surgery of both the patient and her guardian. The form is dated 1985.

⁸⁴ Saudi Arabia CEDAW report, op cit., 40,

<http://daccessdds.un.org/doc/UNDOC/GEN/N07/296/67/PDF/N0729667.pdf?OpenElement>.

⁸⁵ *Human Development Report 2007–2008* (New York: UNDP, 2008), Table 10, Survival: Progress and Setbacks; "Mortality Country Fact Sheet 2006" (World Health Organization), indicates that in 2004, women on average lived six years longer than men.

⁸⁶ Ibid.

⁸⁷ Ibid., Table 6, Commitment to health: resources, access and services, 248. For comparison, 75 percent of women in Canada use contraception, and 98 percent are attended by skilled health personnel.

⁸⁸ Ibid., Table 10, Survival: Progress and Setbacks, 263–264. "Mortality Country Fact Sheet 2006" gives the maternal mortality rate in 2000 at 23 per 1,000 live births.

⁸⁹ *The CIA World Factbook* for 2008 gives a much lower figure for infant mortality, at 12.01 deaths per 1,000, double that of the United States. www.cia.gov/library/publications/the-world-factbook/geos/sa.html#People.

⁹⁰ Interviews conducted by author in Riyadh at the National Guard Hospital, Riyadh, January 2002.

UNITED ARAB EMIRATES

by Serra Kirdar*

SCORES	2004	2009
Nondiscrimination and Access to Justice	1.7	2.0
Autonomy, Security, and Freedom of the Person	2.1	2.3
Economic Rights and Equal Opportunity	2.8	3.1
Political Rights and Civic Voice	1.2	2.0
Social and Cultural Rights	2.3	2.5

On a scale of 1-5, with 1 representing the least rights and 5 representing the most rights available.

INTRODUCTION

The United Arab Emirates (UAE) is quickly transforming its formerly tribal Bedouin society into an emerging economy that is catching the eye of the world. Dubai, one of the seven emirates, has established itself as a financial hub that attracts expatriate workers and investors from around the world. Over the past decade, it has become a sprawling metropolis sporting an array of ambitious real-estate projects. With Emirati citizens comprising only 20 percent of the five million inhabitants, the country is faced with a growing contingent of foreign residents that directly affects Emirati national identity. Abu Dhabi, the largest of the seven emirates and home to the federal capital, has also driven the UAE's economic boom. It is the top oil producer in the federation, controlling more than 85 percent of the country's total output capacity and over 90 percent of its crude reserves.¹ The economic metamorphosis that the UAE is experiencing dramatically influences the standard of living of its citizens and is pushing the small country into the 21st century at lightning speed. The effects of these factors on women and their rights cannot go unnoticed.

Emirati women are undergoing a transition as their society, exposed to foreign influences, adapts to changing identities while protecting cultural and religious traditions. The government has worked to improve certain aspects of women's rights over the last five years, though some reforms have been slow to take effect. Certain steps in the right direction are obvious: women are entering new professional fields such as engineering and information technology; there has been a rapid expansion in higher education for women; the ratio of females to males in the workforce is increasing; and women have been appointed to high-profile positions within the government and the business world. Nevertheless, restrictions still apply to some professions, and support for advancements in women's rights varies among the emirates. Moreover, societal and familial perceptions of a woman's proper role continue to pose a significant barrier to advancement.

Women have experienced little change since 2004 in their ability to access justice through the courts and combat discrimination, although they are now able to serve as judges and prosecutors. However, their personal autonomy and economic rights have improved.

* Freedom House would like to thank Dr. Rima Sabban for her review of and helpful insights regarding this chapter.

Furthermore, women have experienced gains in political, social, and cultural aspects of their lives, as the government has recognized both the need to support women's participation in these areas and the significance of such participation as a measure of success in national development. Although legal changes have been made to acknowledge women's pivotal role, there remains considerable resistance to change in practice. The UAE must carry out reforms at both the governmental and societal levels for any lasting development to take root.

NONDISCRIMINATION AND ACCESS TO JUSTICE

Women in the UAE are informally divided in several categories based on their standing in the society: UAE citizens, foreign professional women temporarily residing on an employment contract, foreign women employed in the informal sector such as domestic work, and the wives of temporary foreign workers. This division is particularly evident in the ability of women to access justice through courts and exercise their rights. Female domestic workers are the most vulnerable group, as they are often denied basic protections under the law. Despite some modest improvements over the last five years, many noncitizen women remain uninformed of the rights and legal protections available to them.

The UAE is governed both by Shari'a (Islamic law) and civil law. Some criminal activities as well as personal status and family issues are subject to Shari'a, while the codified criminal, civil, and commercial law apply to select issues such as traffic rules, immigration, fraud, and the trafficking of illegal substances. The extent to which Shari'a-derived legislation applies varies from emirate to emirate. Shari'a rules on marriage only apply to Muslim marriages and where a Muslim man marries a Christian or Jewish wife.

Article 25 of the constitution provides for equality among Emirati citizens, "without distinction between citizens of the Union in regard to race, nationality, religious belief, or social status."² Although the law states that all people are equal, there is no mention of gender equality, nor are there any laws or policies designed to eliminate existing gender-based discrimination. Additionally, the constitution controls personal status in two separate articles. Article 15 states that the family is the basis of society, while Article 16 requires that welfare and social security legislation be promulgated to protect "childhood and motherhood," as well as those who are unable to look after themselves. As a result, laws and policies tend to reinforce traditional roles for women rather than encourage true equality between the genders.

Gender discrimination is built into the laws governing citizenship in several ways. First, an Emirati woman loses her citizenship upon marriage to a foreign man in the absence of a special dispensation from the Naturalization and Residence Directorate of the emirate in which the wife lives. Even with such a dispensation, she may not transfer her citizenship to her foreign husband unless the couple was granted permission from the Presidential Court prior to marrying. Conversely, in the case of a marriage between a national man and a non-national woman, the man need only submit a copy of his wife's passport, a copy of the marriage contract, and proof of his nationality, at which time a family book is issued within 24 hours as proof that their marriage is sanctioned by the state. Second, only fathers can pass their nationality to their children. The children of an Emirati mother and noncitizen father have no claim to UAE citizenship. On the other hand, the children of an Emirati father, whether he is dead or divorced from their mother, automatically receive his nationality. These children, even if they are minors, can sponsor their

non-national mother's residency in the UAE.³ Related to this, foreign women continue to be unable to sponsor their children's residence permits in the UAE, unlike their male counterparts.

The extent to which women are treated equally under criminal law has not changed much over the past five years. Apart from immigration cases and prostitution by noncitizens, crimes committed by women in the UAE receive very little publicity and little material is published about the subject. Due to the lack of data, it is difficult to determine a specific rule regarding the treatment of women accused of crimes. Instead, several factors affect the outcome of each individual case, including the woman's identity, family name and influential standing, the identity of the victim, the location, the severity of the crime, and the level of publicity that the crime received. Discussions with legal sources confirm that often, to avoid bringing shame on an arrested woman's family by sending her to prison, police officers "allow women to pay a penalty" instead of facing prosecution, but the issue is left to the discretion of the local police station and arresting officer.

All articles in the Federal Penal Code (No. 3 of 1987) are addressed to both men and women equally. Although citizens and noncitizens are generally subject to the same crimes, except those related to immigration, the penal code is often applied to them in a discriminatory manner, particularly if the offender is female. One journalist has noted that the "punishment for drug offences is severe, although the severity of your sentence is likely to depend upon your nationality." She cites a case in which a Pakistani woman was sentenced to death by Fujairah's Shari'a court after having been found guilty of possessing cannabis with intent to supply. Conversely, a male UAE national convicted of the same offence had his sentence reduced from 12 to 8 years upon appeal.⁴ There are numerous cases in which the severity of sentences appears to correlate closely to one's ethnic background and status within the society.⁵

Article 26 of the constitution guarantees personal liberty to all citizens and prohibits arbitrary arrest, searches, detainment, and imprisonment, as well as torture and other degrading treatment. Article 28 protects criminal defendants by stipulating a presumption of innocence, guaranteeing the right to appoint one's own legal counsel, providing for publicly funded defense counsel in certain circumstances, and prohibiting physical and "moral" abuse of accused persons. The Criminal Procedure Law (No. 35 of 1992) permits public prosecutors to hold a suspect for up to 21 days without charge, which may be extended by the judge and court. No reports indicate that women are particularly subject to arbitrary arrest or harassment by the police.

Women are not considered full persons before the law in all instances. According to the Hanbali school of Shari'a, a woman's testimony in criminal matters is equal to only half of a man's, although their testimony is considered to be equal in some civil matters.⁶ A woman may seek legal counsel and representation without a guardian at the age of 18 and, with the exception of cases involving marriage contracts, no cases were reported in which a woman was required to appear in court with her husband or father. Such a request would be in violation of Article 41 of the constitution, which grants all persons the right to submit claims before competent authorities concerning abuse of or infringements upon their constitutional rights.

No specific provisions or allowances guarantee gender equality with respect to access to justice at all levels. In practice, social mores discourage women from seeking legal protection because it involves recourse to the male-dominated public sphere. As such, family-related problems are typically dealt with in private. Women are similarly discouraged from entering the legal profession, even if they studied law at university, because it would entail mixing with men in courts and police stations, and with male clients and lawyers.

The UAE ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in October 2004, but has reserved the right to implement Articles 2(6) (inheritance), 9 (discrimination in granting nationality to children), 15(2) (testimony and right to conclude contracts), 16 (discrimination in marriage and family relations), and 29(1) (jurisdiction) in a manner compatible with Shari'a.⁷ Several cases that have occurred since then—most notably a case in which a 14 year-old girl was sentenced to sixty lashes for engaging in illicit sex while the male involved was sentenced to six months' imprisonment—have led human rights organizations to claim that the UAE is in contravention of CEDAW's prohibition of gender-based violence.⁸ Such cases serve to highlight the fundamental inequality and injustice of mandating different sentences for the same "crime," irrespective of which punishment is considered to be worse.

Significant restrictions are placed on the formation and effectiveness of independent women's rights groups. In 1975, the UAE Women's Federation was established by Sheikha Fatima bint Mubarak, the wife of the former president. It now serves as an umbrella group for women's organizations in the country and covers such topics as religious affairs, mother care, both pre- and postnatal care and childcare, social affairs, cultural affairs, arts, and sports.⁹ In essence, it serves to reinforce the accepted female gender roles as perceived by Emirati society.

The Women's Federation also provides access to legal counsel for women who cannot afford their own lawyer, but this is rarely used, either out of shame, concerns about confidentiality, or lack of knowledge about the service.¹⁰ It does not deal with the promotion of women's freedoms, nor does it address, aside from the occasional press conference, the issues of human trafficking, domestic and public violence against women, discrimination, or other controversial problems that hinder women's rights. Some governmental and charitable organizations such as the Red Crescent and the Dubai Foundation for Women and Children attempt to address such issues, but few NGOs are able to do the same. Activists and philanthropists have run up against bureaucracy that has made it nearly impossible to gain the necessary approvals to operate legally as a NGO in the traditional sense seen in the West.

RECOMMENDATIONS

1. The constitution should be amended to permit Emirati women to transfer citizenship to their husbands and children.
2. The Women's Federation should publish a legal resource guide for women that clearly defines their political and legal rights and provides them with practical tips on how to better exercise such rights.
3. The government should encourage women to participate more at every level of the judiciary, particularly as lawyers, by offering scholarships and awards to female law students and introducing a gender-based quota system at the Ministry of Justice.
4. The government should fully adhere to CEDAW by removing its reservations and prohibiting all forms of gender-based violence.
5. The government should remove the obstacles that currently exist to the formation of independent women's rights NGOs. Instead, such NGOs should be encouraged to develop in recognition of their importance for a healthy civil society that adequately addresses the needs of Emirati women.

AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

The Personal Status Law (No. 28 of 2005), enacted in November 2005, is the first of its kind for the UAE. Previously, personal status issues were decided by individual judges' interpretations of Shari'a. The codification of such issues is viewed by many as a positive development for women's rights as it guarantees Emirati women certain rights, including greater personal freedom regarding marriages. Most notably, it legally recognizes *khula* (divorce that may be initiated by a woman in exchange for her dowry) and permits women to make stipulations within marriage contracts. The extent to which these measures have in fact improved women's autonomy, however, is subject to debate, and other provisions of the personal status law simply codify pre-existing inequalities.

Under Article 32 of the constitution, women enjoy the right to practice their religion and follow their religious beliefs in a manner "consistent with public order and with public morals," while Article 7 establishes Islam as the state religion. All mosques, including those in Dubai, are accountable to the federal Ministry of Islamic Affairs and Awqaf for the content of their sermons, whether they are publicly or privately funded, Sunni or Shiite. The ministry releases weekly lists of approved topics and follows up on individual imams to ensure compliance.¹¹ In recent years, various emirates have individually authorized increases in non-Muslim houses of worship.¹² Women are permitted to serve as religious teachers, both in schools and for adults through the Ministry of Islamic Affairs and Awqaf. Moreover, women, like men, may convene private religious discussion groups and study sessions, but they are subject to government restrictions if they intend to publish anything discussed.

Article 29 of the constitution guarantees all UAE citizens, men and women, freedom of movement and residence within the limits of law. However, in practice, some restrictions on freedom of movement for both Emirati and foreign women still exist. Women who are citizens may be restricted from leaving the country if they lack permission from their husbands or guardians. According to custom, a man may prevent his wife, children, and adult unmarried daughters from traveling abroad by confiscating their passports, and government institutions will not challenge a husband's right to do so. In addition, the courts have restricted freedom of movement for a small number of women who have left their husbands by ordering them to return to the marital home.¹³ Foreign women are not protected by Article 29, an oversight that employers often exploit by illegally confiscating their passports, thereby restricting their ability to leave the country or run away and forcing some to live in involuntary servitude.¹⁴

The new personal status law codifies many of the common Shari'a provisions that previously controlled the UAE's family courts, interpretations of which were left to individual judges. Some, such as the Article 56 requirement that a husband has the right to obedience from his wife "in accordance with custom," sanction and encourage the perpetuation of traditional gender roles and stereotypes. Others potentially provide safeguards for women, assuming they are properly enforced. For instance, Article 110 codifies the Shari'a practice of *khula*, which allows women to request a divorce from their husbands if they return their *mahr* (dowry).¹⁵ This is a welcome alternative to their other option, a cumbersome judicial procedure that only allows women to petition for divorce based on extremely limited circumstances. Additionally, Article 20 permits women to include stipulations regarding education and work in the marriage contract, another significant assurance of women's rights. This has precedents in all four Sunni schools, and some women made such stipulations prior to the law's codification, but the status of the practice was ambiguous. Now women are officially and unambiguously permitted to include

terms in a marriage contract specifying that, among other things, they have the right to work or finish a master's degree. However, because the vast majority of Emirati nationals are not aware of these new amendments, they are not often used in practice.

The ability of women to negotiate an equal marriage remains limited. Under Article 39 of the personal status law, a woman's guardian and prospective husband are the parties to the marital contract, although its validity is contingent upon her approval and signature. The guardian's signature is necessary except where the woman was previously married, is over a specific age, or, in certain circumstances, where she has asked the court to serve as her marriage guardian. The justifications given for requiring a guardian vary, but in general, it is regarded as protection for the bride.¹⁶

Muslim women, unlike men, are prohibited from marrying outside their faith. Moreover, men are legally permitted to have up to four wives, as long as they obtain permission from their existing wives. The khula reform has been applauded as a step in the right direction, but it still requires women to give up all their financial rights from the marriage (namely, the mahr) for the sake of their freedom. Conversely, Muslim men are permitted to divorce their wives simply by verbally proclaiming their wish to do so. In such cases, the women keep the mahr if the marriage has been consummated.

If a woman is granted a divorce, she receives custody of female children until they reach the age of 13 and male children until they reach the age of 10. According to the UAE government, once the children reach these predetermined ages, the family courts reassess custody.¹⁷ If a woman chooses to remarry, she forfeits her rights to custody of her children from the previous marriage.¹⁸

The UAE remains a destination country for trafficked men and women, but the government has invested certain efforts to combat the problem in recent years.¹⁹ While men tend to be trafficked for the purpose of forced labor in the construction industry, women of a variety of nationalities tend to be trafficked either into the sex industry or as domestic workers, where their passports are often removed and they are forced to work without pay. To combat forced labor, employers are now required to pay foreign workers via an electronic system monitored by the government.²⁰ Additionally, Federal Law (No. 39 of 2006) lays the framework for bilateral cooperation with countries that supply labor to the UAE. Enacted months later, Federal Law (No. 51 of 2006) defines human trafficking as an element of organized crime and sets stiff penalties for convicted traffickers, ranging from one year to life in prison, as well as civil fines of between 20,000 and 1 million dirham (approximately US\$5,500 to US\$270,000).

These new anti-trafficking laws appear to be the result of the government's effort to improve the country's human rights reputation. The UAE ratified the UN Transnational Organized Crime Convention in May 2007, which calls for international cooperation in efforts to combat human trafficking. In January 2008, the Red Crescent Society in Abu Dhabi announced the establishment of the first shelter exclusively for victims of human trafficking,²¹ but despite these gains, victims continue to be prosecuted for prostitution if they turn to the police for assistance.

Domestic laws regarding torture and degrading forms of punishment have not changed in recent years. Despite the prohibition against torture under Article 26 of the constitution, Amnesty International reports that flogging sentences continue to be carried out, most commonly as punishment for adultery. In June 2006, in the emirate of Fujairah, a Shari'a court sentenced a Bangladeshi national to death by stoning for adultery with a migrant domestic worker. Although the death sentence was revoked, he was imprisoned for one year and subsequently deported.²²

What became of the female domestic worker, who was sentenced to 100 lashes and imprisonment for one year, is unknown. In October 2005 it was reported that Shari'a courts in the emirate of Ras al-Khaimah sentenced a female domestic worker to 150 lashes for becoming pregnant outside marriage.²³ Other such cases of cruel and inhumane punishments are not uncommon in the UAE.²⁴ Furthermore, the UAE still has not ratified the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UN Convention against Torture).

Physical abuse is prohibited under the law, but many women are subjected to domestic violence by their male family members. Women remain at the mercy of their husbands because the police are reluctant to get involved in the private affairs of married couples and do not afford them appropriate security.²⁵ No formal studies have been conducted or authorized by the government to document domestic violence, so the available figures on women abused at home are rough estimates. However, Dubai now has two safe houses where women may seek shelter from domestic abuse.²⁶ One, City of Hope, is privately run, while the other, the Dubai Foundation for Women and Children, is public.

Men who harass women on the street or in public places such as shopping malls are subject to legal penalty. Pictures of men caught harassing women appear weekly in newspapers, a source of shame for the men's families. However, these legal and social punitive measures have not eradicated the problem.

Rape is a serious criminal offence punishable by death under Article 354 of the penal code, but many victims remain reluctant to report the crime for fear that they will be accused of adultery, shamed before society, and disowned by their families. For this reason, many offenders are left unpunished. For example when a French woman reported that she was gang-raped in Dubai in 2002, she was taken to jail under allegation of having "adulterous sexual relations." Furthermore, a significant number of noncitizen victims of abuse have been reluctant to report rapes, assaults, and other crimes, fearing that they could jeopardize their residency status and risk deportation.²⁷ The lack of official data on this matter exacerbates the problem because the government feels no need to implement countermeasures.

As previously noted (see "Non-Discrimination and Access to Justice"), the only established entity specifically designed to address women's rights is the state-sponsored UAE Women's Federation. All other civil initiatives working to promote women's freedoms are still in their nascent phases. Some receive funding and support from the U.S. Middle East Partnership Initiative, but no legal framework currently exists to accommodate civil society organizations outside the state's sphere of influence.²⁸

RECOMMENDATIONS

1. The government should launch an educational public-awareness campaign that portrays domestic violence as being intolerable, illegal, and socially unacceptable, and the police should strictly enforce laws that prohibit physical abuse.
2. Enslaved human trafficking victims should be protected from prosecution, encouraged to testify against their captors, and provided with resettlement assistance.
3. The UAE should ratify the UN Convention against Torture, and the penal code should be brought into compliance with the agreement.
4. Recent changes to the personal status law should be widely publicized in mediums that will reach all segments of the community, particularly those who are traditionally vulnerable to abuse such as the poor and those with less education. A radio and television

campaign should be launched that depicts the practical repercussions of the changes, and the print media should feature articles that detail the changes and their affects.

5. Additional reforms to the personal status law should be enacted that ensure freedom of movement for adult women, regardless of their marital status.
6. Foreign women should be provided with the legal means to resist—and the practical means to report—exploitation or confinement by employers.

ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Educational awareness campaigns, scholarships, and Emiratization laws, described below, have allowed women to make steady inroads into universities and public and private sectors jobs in recent years. The proportion of working adult women has grown from 26 percent (in 1990) to 35 percent (in 2000) to 41 percent (in 2007).²⁹ Nevertheless, women in the UAE are significantly underrepresented in upper level positions both in governmental institutions and particularly in the private sector. Moreover, the Labor Law (No. 8 of 1980) continues to place certain restrictions on women's employment options and rights based on gender stereotypes.

Women in the UAE exercise the right to own land and have full, independent use of their property from the age of 18. A married woman need not share her assets with her husband, who has no legal claim to her property whether they are married or divorced. Article 21 of the constitution guarantees the protection of private property, which states that deprivation of private property is only permissible in “circumstances dictated by the public benefit in accordance with the provisions of the law and on payment of a just compensation.”

The concept of joint property arising through marriage does not exist, and property is only regarded as jointly owned where both husband and wife contributed financially to its purchase during the course of marriage. Upon divorce, the property would be divided according to each party's contribution, so where a husband purchased the family home using his salary alone, he is regarded as the sole owner. Additionally, while female citizens are not entitled to government housing benefits, male citizens are given either a house or a piece of land and money with which to build a house. The premise for this disparity is the presumption that it is a legal obligation under Shari'a for the husband to financially support his wife.

The right to inheritance for Muslims in the UAE is governed by Shari'a, which controls how estates are divided. Under Shari'a, women inherit one-third of the assets while men inherit two-thirds. As with their wives, men bear the responsibility of caring for their unmarried sisters and all other female members of their family, although there are no effective complaint mechanisms in place that would hold men accountable if they do not fulfill this role.

Under Shari'a, any gift given to a woman by her fiancé before marriage is her property, and the husband has no legal right to it after marriage. At the time of marriage, a Muslim woman receives mahr, often in the form of money that is her property. Even if the woman is independently wealthy, she is not responsible both legally and culturally for expenses relating to her clothing, health care, household needs, food, and recreation. Any income or profits a wife earns is hers alone. In the event of divorce, any unpaid part of the agreed-upon mahr is owed to the woman immediately, and the husband is responsible for maintaining her financially until she is remarried.³⁰

Emirati women are permitted to license, own, and head their own businesses. Their actual economic involvement spans across many sectors, including trade, real estate, restaurants, hotels,

and retail. Though women are free to enter into businesses of their choice, some municipalities have created barriers that prevent women from applying for licenses without the signature of a male guardian.³¹ Some of these barriers are not always as apparent as first glance. In the case of the Sheikh Mohammed Establishment for Young Leaders, business capital is provided for residents of any emirate provided that the business itself is based in Dubai. This presents a challenge to women who live with their families outside of Dubai. While they are technically eligible for such grants, they face social challenges if they were to move away from home to pursue a business.

No legal or policy changes regarding women's access to education have been made since 2005. Education in the UAE is free for all nationals and compulsory for both boys and girls up to the age of 11. With exception of few private universities, most academic institutions are gender segregated, and curriculums and textbooks are provided by the government. As of 2004, 65 percent of all university students were women, the majority of whom choose to study social sciences and humanities. Although these are the most recent government-published statistics, individual university figures show that women are filling an ever-increasing percentage of university slots every year. In fact, the 2007 World Bank development indicators approximate that the female to male ratio in tertiary education is three to one.³²

The disparity in numbers between men and women at Emirati universities is substantial and is not simply because more men study abroad or join the military. One common explanation is that women are not expected to earn an income, and when they do, what they earn is often considered to be disposable income. Free from the pressure to earn a living, women enjoy greater space to complete degrees and pursue further studies and are more likely to graduate than men. For instance, at the University of Sharjah in 2006, 50 percent of the students admitted and 71 percent of graduates were women.³³ Unpublished statistics from the class of 2007 at UAE University indicate that 74 percent of those admitted and 79 percent of graduates were women.³⁴

Nevertheless, social mores and gender biases play a large part in subject choices, and the long-term result has been the "feminization" of certain fields of study.³⁵ Girls are particularly discouraged to study science in the emirates outside of Dubai and Abu Dhabi. Some evidence suggests that this process has resulted in employers' devaluation of degrees in traditionally "female" subjects, such as humanities or social sciences. This trend has been well documented internationally, but published research on the issue in the Arab world is scarce. Regardless of the rationale behind it, upon graduation women are more likely to earn less than men by virtue of the positions they tend to assume in addition to gender discrimination they may encounter.

Women's economic rights in the UAE have remained largely unaltered in recent years, although a draft labor law is currently under consideration. Article 34 of the constitution provides every Emirati citizen with the right to freely choose his or her own occupation, trade, or profession within the limits of the law and subject to regulations on that profession or trade. However, Article 29 prohibits the recruitment of women for "hazardous, arduous, or physically or morally harmful work" or other forms of work to be decided by the Ministry of Labor.³⁶

Article 27 of the labor law states that "no woman shall be required to work at night," which is defined as "a period of no less than 11 successive hours between 10 P.M. and 7 A.M." This has generally been interpreted by international organizations as a ban on women working at night. However, the plain language of the article is unclear and seems only to prohibit employers from mandating that their female employees work at night, instead leaving it to the discretion of each woman. Exceptions to this prohibition exist under Article 28 for instances in which a woman's nighttime work is necessitated by force majeure, is executive, administrative or

technical in nature, is in the health services, or does not involve manual labor as decided by the minister of labor and social affairs.

These provisions hinder a woman's right to freely choose her profession, treating women as if they are incapable of making independent decisions regarding the best interest of their health and safety. Additionally, Article 34 holds a woman's guardian responsible if he has consented to employment that violates these provisions. In so doing, women are treated as minors whom guardians have a responsibility to protect. By fostering the concept of a dependent female, this provision opens the door for guardians to have further control over the occupational choices of their female charges.

The proposed draft labor law, released for public review in February 2007 and currently under consideration by the government, would retain these discriminatory provisions while simultaneously bolstering protection against discrimination in other areas. Article 3 of the draft labor law would, for the first time, specifically prohibit any form of discrimination between people with equal qualifications and experience levels. It also protects the rights of all persons to enjoy equal opportunities to find and remain in their jobs and enjoy full employment rights and benefits. Under this same provision, rules promoting increased participation by UAE nationals in the workforce do not constitute discrimination. Additionally, the draft labor law would amend current Article 32, which requires equal pay for equal work among male and female employees, to also prohibit discrimination against women in regards to their job security. In particular, the amended article would prohibit termination of employment on the basis of marital status, pregnancy, delivery, or maternity.

Article 3 of the draft labor law directly addresses "Emiratization," a nationalization program introduced by the government to promote employment in the private sector in an effort to reduce the UAE's dependence on foreign labor. One aspect of the program is a quota system that requires companies in fields such as finance and insurance to increase the number of nationals they employ by 4–5 percent annually.³⁷ As a result, private-sector companies have started to aggressively recruit young Emirati women to fill these quotas, and the Ministry of Labor no longer allows work permits for foreigners working as secretaries, public relations officers, and human resource personnel, effectively limiting all new hires for these positions to nationals.³⁸ Often, the perception is that the women are hired strictly to satisfy the regulations, and many Emirati women have complained of difficulty in advancing beyond entry-level positions. In effect, the program has resulted in a "sticky floor" for young and ambitious UAE national women."³⁹

In reality, cultural rather than legal barriers are what constrain women from entering certain professions. In many instances, familial conflicts are cited as the cause of both resignations by and termination of employment for many women. Women, particularly nationals, are inclined to join the public sector rather than the private sector because it is deemed more respectable by society, requires shorter working hours, and shows commitment to the country. Generally, women still have few opportunities for professional development and promotion, and local men often show more respect in the workplace for foreign than for Emirati women, since the former are free from the traditional cultural stigma placed on working women. As stipulated in the personal status code, sexual harassment is prohibited and can be reported at any police station, though no such reports have ever been made.

The labor law provides gender-specific benefits and protections in the workplace. Article 30 entitles all female employees to a 45-day paid maternity leave if they have completed at least one year of service to their employer. Women who have not met that requirement are entitled to

half-pay leave. An additional 100-day unpaid continuous or discontinuous leave is available if the mother is unable to resume work at the end of her paid leave as a result of an illness linked to pregnancy or delivery. Article 31 entitles all breastfeeding women to two half-hour rest periods daily during the 18 months following delivery, in addition to their regular rest break. If enacted, the draft labor law would increase maternity leave to 100 days; the first forty-five days would be at full pay and the remaining fifty-five days would be at half-pay. Those who have been employed with their current company for less than a year would only be entitled to half pay for the first 45 days; subsequent time off for illness related to birth would be reduced to 45 days of unpaid leave.

The chambers of commerce and industry for both Dubai and Abu Dhabi established women's business councils in 2002 as a means of encouraging Emirati women to participate in the economy. The UAE Women's Federation is also involved in promoting women's economic participation through a number of ongoing programs.⁴⁰ However, these initiatives neither lobby for change nor challenge government policies.

RECOMMENDATIONS

1. The government should amend the draft labor law so that it removes all gender-based barriers to employment and guarantees women access to the same professional and vocational opportunities as men.
2. The government should withdraw provisions of the draft labor law that fail to recognize women as autonomous adults with legal rights equal to those of men, including rules requiring a husband or guardian's permission for a woman to seek employment.
3. In an effort to avoid the "sticky floor" syndrome created by setting hiring quotas for nationals, the government should make the private sector responsible for developing and training women for professional advancement.
4. Municipal-level obstacles that prevent women from starting or operating businesses without the permission of male relatives should be eliminated.
5. Local chambers of commerce should create programs specifically tailored to empower women in business and launch nationwide campaigns in which they partner with local universities and private companies to encourage more women to pursue careers in the private sector.

POLITICAL RIGHTS AND CIVIC VOICE

Women in the UAE have made significant inroads into high level government positions in recent years. With the introduction of elections for the Federal National Council, one woman successfully ran as a candidate, joining eight other women appointed to their positions in this advisory body. Additionally, amendments to federal judicial law paved the way for the appointment of female federal judges and prosecutors. However, it remains to be seen to what extent these high-level appointments will permit greater women's representation in middle management and leadership positions in the realm of public policy.

The UAE is not an electoral democracy. All decisions about political leadership rest with the hereditary rulers of the seven emirates, who form the Federal Supreme Council, the highest executive and legislative body in the country. In 2006, the UAE became the final Gulf state to introduce elections into its political system, albeit to a very limited extent for both men and

women. Previously, the 40-member Federal National Council (FNC), an advisory body that lacks legislative powers, was appointed by the seven rulers in numbers proportionate to each emirate's population.⁴¹ Under the new arrangement, the seven rulers appoint members to electoral colleges, each of which consists of at least 100 times more members than the emirate has FNC members. These electoral colleges choose half of the FNC members for their emirates, while the remaining half continues to be appointed by the rulers. Only those appointed to the electoral colleges are entitled to vote or stand for office, meaning just 6,595 people—less than 1 percent of the total population—voted in 2006. This also represents a tiny fraction of the country's 825,000 citizens, more than 300,000 of whom are over the age of 18.

Of the 6,595 electoral college members, 1,163 were women, as were 63 of the 438 who stood for office. Amal Abdullah al-Kubaissi, a female architect, was elected to the FNC, marking the only time that a woman has won an election during the first national vote in any of the Gulf states.⁴² Eight other women were appointed to the FNC by the emirate rulers. At 22.5 percent, this level of representation indicates the expanding participation of Emirati women in government and politics.

Although far from ideal, the introduction of indirect elections is seen as a first step in enhancing the political role played by the FNC. There are also plans to expand the number of FNC members, to strengthen the body's legislative powers, and to develop more effective channels of coordination between the FNC and the executive authorities, namely the cabinet. Discussions regarding the introduction of local elections have also been initiated, although no dates have been set for this.

Significant breakthroughs regarding women's participation in the judiciary occurred in early 2008. UAE law was amended to allow women to serve as federal prosecutors and judges, and in March, Kholoud al-Dhahiri was appointed as the first female judge in the Abu Dhabi Justice Department. Although this is a major achievement for Emirati women, it should be noted that she is the niece of the justice minister. Though this in no way discredits her accomplishments, some doubt whether a woman without such influential connections would be able to achieve the same status. Meanwhile, two women were hired as the first female prosecutors.⁴³ Sultan Saeed al-Badi, undersecretary of the Abu Dhabi Justice Department, said that the appointment reflects government efforts to increase participation by women in the UAE's development.⁴⁴ At present, however, women's representation in the judiciary remains limited, which has negatively affected women seeking legal counsel to uphold their rights.

Women are also increasingly represented in cabinet positions. In 2004, Lubna al-Qassimi was appointed as minister of the economy and planning, and in 2008 she became the minister for external trade. Her groundbreaking appointment in 2004 marked the first time a woman had been appointed to the Council of Ministers. As of February 2008, there are four female ministers.⁴⁵ Additionally, the first female ambassadors were appointed in September 2008, with Shaikha Najla Mohammad al-Qasimi appointed to Sweden and Dr. Hussa al-Otaiba appointed to Spain.⁴⁶ Aside from high-profile appointments, however, evidence suggests that women are failing to achieve promotions at a rate comparable to that of men in management positions within the executive branch. In March 2008, the UAE's permanent representative to the United Nations, Ahmad Abdul Rahman al-Jarman, noted that women constituted 66 percent of public-sector employees, but only 30 percent of those held "leadership and decision-making posts."⁴⁷ Political parties continue to be banned in the UAE.

Some analysts have cynically argued that the government's recent campaign to increase participation by women in civil and political arenas is simply "state-sponsored feminism," and it

does not present a meaningful change on the societal level.⁴⁸ Women have received numerous high-profile appointments, but most were to institutions with no real power. The FNC has no legislative authority, and of the four women serving on the Council of Ministers, one serves “without portfolio” and the other leads the Ministry of Social Affairs. Moreover, mid-level management positions are still occupied disproportionately by men. Taken together, the evidence shows that although women are making inroads into the public sphere in the UAE, they still lack influence over policy decisions.⁴⁹

Neither men nor women in the UAE enjoy true freedom of assembly, association, or expression. Article 33 of the constitution guarantees freedoms of assembly and association “within the limits of law.” In practice, labor unions are banned and all public gatherings require government permits; the government has only granted one such permit for a pro-Palestinian demonstration in 2006, and women were free to participate.⁵⁰ Freedom of expression, whether oral or written, is guaranteed under Article 30 of the constitution within the limits of the law. However, there are both de jure and de facto limitations on this right. Most importantly, Articles 372 and 373 of the penal code criminalize speech and writing that causes “moral harm” or defamation to a third party. The Court of Cassation has defined both terms liberally. As a result, journalists are forced to exercise self-censorship or face punishment. Although Sheikh Mohammed issued an announcement banning the imprisonment of journalists who express their opinions, many journalists still exercise a degree of self-censorship due to high fines and penalties that newspapers may incur.⁵¹

RECOMMENDATIONS

1. The government should grant universal adult suffrage and convert the FNC into a fully elected legislature with functioning political parties that has the capacity to draft, recommend, and reject legislation rather than acting solely in an advisory capacity.
2. Women should be trained and promoted into positions of leadership within the government at a proportion that truly reflects equality between men and women rather than nominal representation.
3. The government should permit and encourage free debate regarding women’s rights in the press. Journalists should receive special training on how to avoid gender stereotyping in news stories and television programming.
4. The government should lift restrictions on the freedoms of assembly and association, allowing the formation of labor unions and other independent groups that can champion women’s interests as workers and citizens.
5. A program should exist that encourages cooperation between potential and existing female members of the FNC and female politicians abroad, both in the Arab world and beyond, so that Emirati women can learn innovative strategies to help them campaign more effectively in the future and, once elected or appointed, retain the confidence of their constituents.

SOCIAL AND CULTURAL RIGHTS

Although the UAE is comprised of many nationalities, the country still remains segregated, not only in terms of gender but also by ethnicity. Schools, mosques and hospitals are segregated by

gender, and the large expatriate population also tends to self-segregate, forming separate communities and attending their own schools and hospitals.

There have been few significant changes to women's freedom with respect to health and reproductive rights since 2004. Women in the UAE are free to make decisions regarding their own medical care except in regard to cosmetic procedures intended to "restore" their virginity, which requires a guardian's permission. However, such permission is not required for procedures related to child birth, such as Caesarian sections.⁵² Birth-control pills are widely available, and women are free to purchase them without a prescription or permission from a spouse. Abortion is still prohibited under the penal code, but Federal Law (No. 7 of 1975) permits the Ministry of Health to grant applications for abortions when there is a threat to the life of the mother.⁵³ The ministry is currently working with the religious and legal experts on a draft law that would permit termination of pregnancy within the first 120 days of pregnancy for the life of the mother or if the fetus would have serious congenital defects; after the first 120 days, abortions would only be granted to save the life of the mother.⁵⁴ However, abortions for financial reasons or due to concerns over family size remain illegal.⁵⁵ As a result of the abortion ban, there is some extralegal use of labor-inducing drugs purchased on the black market, although the extent of this practice is unknown.⁵⁶

All citizens have free access to publicly funded health services. Due to substantial government investment, major improvements have been made to the national health system, and the UAE now ranks 39th out of 177 industrialized and developing countries of the Human Development Index and Gender-Related Development Index in the latest United Nations Development Programme *Human Development Report*.⁵⁷ According to the Ministry of Health, there are 9 specialized centers, 95 clinics, 4 specialized maternity hospitals, and 14 general hospitals that provide medical services to women and children. Over 97 percent of births now take place in hospitals, and infant mortality rates have dropped to 1 per 100,000 births, approximately equal to rates in developed countries.⁵⁸ Ninety-five percent of pregnant women receive professional prenatal care.

Policies vary between the emirates on the question of health care for foreign nationals. The Abu Dhabi government enacted a new Code of Regulations of the Health Insurance Policy in July of 2007 that requires all employers to purchase health insurance for their employees. To the extent the employees are informed about this regulation, they can lodge a complaint with the Ministry of Labor if their employer fails to respect the code. Dubai is expected to eventually follow suit. Foreign nationals without a residency visa, however, are entitled only to free emergency medical care and must pay for all other care. Female genital mutilation is not widely practiced in the UAE.

Women are subjected to gender-based discrimination regarding their right to own and use housing. Traditionally, Emirati women live either with their husband or, if unmarried, their parents, and there is a powerful social stigma associated with women living away from their families. In the event that they wish to acquire property for investment or other purposes, they are free to do so. With respect to foreign nationals, there has been a growing movement in the last three years to segregate housing for married and single people. Single residents have been banned from Dubai villas and limited to housing in nonresidential zones in Sharjah, and there are a number of proposals for the construction of separate "bachelor housing" in Abu Dhabi.⁵⁹

Unmarried couples may not live together legally, but this is not generally enforced for foreigners. However, in some areas, foreign women who have children out of wedlock may be imprisoned and deported if they are found living with a man to whom they are not married.

Women are increasingly participating in business, medicine, arts, politics, and education.⁶⁰ However, there is a disparity between women's progress as measured in literature published by the UAE and as measured in international sources. With the exception of a few high-profile women from the social elite who hold important positions, women's overall influence in the UAE remains limited.⁶¹ As noted above (see "Political Rights and Civic Voice"), there is talk of conducting local elections in the same manner as the FNC elections, which would increase women's voice in society, but no changes have been made to date. Currently, women's ability to influence policies at the emirate level is minimal, both formally, as members of each ruler's advisory council, and informally.

The Emirati media provides little opportunity for women to shape its content, and they remain underrepresented in the media both as employees and subjects. The General Women's Union (GWU), led by Sheikha Fatima bint Mubarak, recently held a workshop intended to improve the image of women in Arab media.⁶² Under the auspices of the GWU, the Arab Women's Organization has planned a series of initiatives, conferences, and workshops to encourage women in the field, though progress has been slow.

A number of women who have achieved high-profile status on television use their fame as a platform to discuss women's issues in the emirates and the Arab world in general. While there are no legal obstacles to women's participation in the media, social stigmas related to what is acceptable for women must be fully challenged and addressed if there are to be significant changes. One successful initiative started four years ago with *Kalam Nawaem*, a talk show hosted by four Arab women that remains one of the top-rated programs across the Arab world.⁶³ It is aired by a Saudi-owned company headquartered in the UAE.

Women are not required by law to cover themselves, but women nationals often wear a *sheila*—a traditional black scarf that covers some, or all, of a woman's hair—and an *abaya*—an article of clothing that covers the entire body from the shoulder to the ankles. Those inclined to dress differently are not likely to face verbal and physical abuse from male family members or restrictions that might be imposed on their freedom to leave home. Rather, many women wear *sheila* and *abaya* by choice as a sign of religious and national pride.

The UAE affords its citizens generous social welfare benefits, but there is little research on how poverty affects foreign-national women in particular. The Ministry of Social Affairs pays unemployment benefits to men and women equally, provided that they meet certain minimum requirements such as actively seeking work. Furthermore, the Beit Al-Khair society pays a type of social security to those who are unable to work, including divorcees, widows, the disabled, and the elderly. These payments are usually reserved for nationals. Moreover, Marriage Fund payments are still made exclusively to national men to encourage marriages among Emirati citizens. Begun in 1992, these grants are intended to help new Emirati families set up a home, and only national men who marry national women qualify. A common justification is that men are traditionally expected to pay for wedding-related expenses, including the *mahr*.

Limited progress has been made regarding the ability of women's rights organizations to freely advocate for social and cultural rights. In 2006, the Ministry of Social Affairs granted a license to the first and only human rights NGO, the UAE Human Rights Association (UAE/HRA), according to the criteria laid down in Federal Law (No. 6 of 1974). However, the UAE/HRA has thus far failed to effectively pursue sensitive women's issues, and instead has opted to act as an ombudsman and liaison between social-welfare bodies and the public. No other human rights organizations are authorized to operate in the country.

RECOMMENDATIONS

1. The government should launch a campaign to positively influence the image of women in the media. An award should be granted to the best female Emirati journalist each year, enticing more women to participate in and influence the press and its content.
2. Media outlets should spearhead serious programs that address critical social issues in an effort to educate the public about the challenges and successes of Arab women in the UAE.
3. A writing competition should be sponsored for high school and university-aged women that calls for essays analyzing the societal and cultural realities of women in the UAE. By highlighting the experiences of average women, the project will encourage a social dialogue regarding the pros and cons of the cultural status quo.
4. The Women's Federation should work with local universities to establish gender studies programs in an effort to raise awareness of women's rights and the challenges that women face in their daily lives.

AUTHOR

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METHODOLOGY

INTRODUCTION

Women's Rights in the Middle East and North Africa provides a cross-regional comparative analysis of women's freedom to exercise their human rights. In so doing, it is a potent tool for activists, academics, journalists, and scholars in the Middle East and North Africa (MENA) and worldwide. The 2009 edition covers the positive and negative events affecting women's rights that have occurred between January 1, 2004, and December 31, 2008, picking up where the 2004 publication ended. The Gulf Edition, the first installment of the 2009 study, focuses on the member states of the Gulf Cooperation Council (the GCC): Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates (UAE).

The study's methodology, used for each edition, is based largely on the Universal Declaration of Human Rights (UDHR). The UDHR has long guided Freedom House in its continuous evaluation of the state of freedom, political rights, and civil liberties throughout the world. Each country report takes into account both the *de jure* and the *de facto* status of women's rights and analyzes the treatment of citizens and noncitizens alike. Both the actions and the omissions of the state are analyzed, as well as the impact that non-state actors have on women's freedom. The methodology is organized within the context of the following key areas, creating a full and robust picture of women's rights in their totality:

- I. Nondiscrimination and Access to Justice
- II. Autonomy, Security, and Freedom of the Person
- III. Economic Rights and Equal Opportunity
- IV. Political Rights and Civic Voice
- V. Social and Cultural Rights

METHODOLOGY AND PROCESS

The study offers a transparent and consistent guide to scoring and analyzing the countries under review. This process includes a rigorous and detailed methodology; the identification of key themes and questions for review; and the development of a system for monitoring, rating, and producing a written analysis of a country's progress on certain thematic issues. When the project was first proposed, its uniqueness required Freedom House to develop a new assessment methodology that specifically addresses obstacles to the full enjoyment of women's rights as well as questions applicable to all people. The methodology was drafted by Freedom House staff and experts, and was reviewed and approved by a distinguished committee of senior academic specialists.

Analytical Country Reports and Scores

The core of the study consists of analytical reports for each of countries analyzed. The writers have been drawn from a broad pool of country and regional specialists, all possessing expertise in women's rights, the history and politics of the Middle East, democracy issues, and international human rights standards. The reports are based on a checklist of questions that address the most critical issues of women's rights and freedoms in the region. Additionally, each author received guidelines developed by the methodology committee for interpreting the questions. The narrative reports, each approximately 8,000 words long, reflect the content of the questions and are accompanied by scores that rate each country's performance in the five key areas.

Based on the list of questions provided to the authors, each country's performance is evaluated on a scale of 1 to 5, with 1 representing the fewest and 5 the largest number of rights available to women. The checklist questions are scored individually, culminating in an average score for each of the five key areas that the survey has identified as crucial to women's freedom. Based on the use of identical benchmarks for both the narrative and the ratings, the two indicators become mutually reinforcing. The final result is a system of well-defined comparative ratings, accompanied by a narrative that objectively reflects the legal and judicial, civil and political, economic, and social and cultural conditions in a country, and the degree to which these conditions facilitate or obstruct a woman's freedom to exercise her basic rights.

Together, the scores and the narratives assess the performance of each state by taking into account a variety of factors: the state's actions and omissions; the legal system and its impact on women's rights; the overall political environment of the country; and the actual implementation of laws and official policies. The role of non-state actors who have an impact on the strengthening or weakening of women's rights is also examined, as is the treatment of both citizen and noncitizen women. The narratives highlight both major obstacles to women's rights and the consistent achievements and forward-looking strategies made possible by either the state or the efforts of non-state actors. Finally, the survey presents a human rights and democracy-oriented review of women's needs and priorities defined by women in the region, obstacles and challenges to their freedom, and recommendations for effective promotion and protection of women's rights.

Review by Regional Experts

Upon completion of the country reports by the writers, each narrative report and its corresponding proposed ratings were reviewed and critiqued by a senior advisor. These experts are either native to or have been residents of the countries they reviewed, giving them particular insight into the nuances and factual realities of the country. They are all renowned academics, activists, and politicians who specialize in women's rights, law, democracy issues, gender studies, and sociology. Each advisor reviewed one report, providing feedback regarding the narrative and assessing the rating scores on both a country level and a region-wide comparative basis.

Regional Ratings Review Meeting and Consultations in the Region

Freedom House convened a special regional review meeting in the UAE attended by the senior project advisors. During this meeting, country scores were scrutinized and debated in a group setting, thereby promoting cross-regional coherence within the scoring process. Moreover,

Freedom House staff traveled to Bahrain, Kuwait and the UAE to conduct in-depth consultations with women's rights activists and advocates, civil society leaders, scholars and government officials. These on-the-ground consultations focused on the particular issues assessed in the survey narratives, and the results were used to hone the country narratives and final report recommendations. As part of the research process, the Freedom House staff and report writers also interviewed women's rights activists and legal specialists in Qatar, Oman, and Saudi Arabia.

RESULTS AND RECOMMENDATIONS

The writers were asked to draft concrete recommendations for the improvement of women's rights within the five key areas under review. These recommendations focus on urgent issues and address national governments, international policymaking institutions, and domestic and international women's rights organizations. The core purpose of this survey is to facilitate local and global efforts to empower women in the region; as such, the recommendations are a crucial component of the narratives because they suggest specific, verifiable actions that should be taken to remedy the most pressing problems described in each section.

The Gulf Edition will be widely disseminated in Arabic and English throughout the MENA region and the world. Target audiences for the survey include women's rights advocates, civil society organizations, the media in the Middle East, and policy makers in the Gulf countries. Freedom House will also make the survey easily accessible to international institutions, NGOs, educational institutions, and global media through its website so as to maximize its value for progressive women's rights organizations, activists, and politicians. It is anticipated that the 2009 edition of *Women's Rights in the Middle East and North Africa*, much like its predecessor, will be used as an advocacy instrument by those who are working for the expansion of women's rights and freedom in the region.

INTERPRETIVE GUIDELINES FOR CHECK LIST QUESTIONS

The writers were requested to consider the following as conceptual factors while examining and addressing each survey question, both in the narrative and in the scoring process.

De-jure and de-facto status

For each question, please try to examine both the *de-jure* and *de-facto* dimensions of the situation under study in order to assess the following:

- Existence (or lack) of domestic or internationally recognized laws, policies, and legal protection mechanisms that women can use to advance and secure their rights, including legal institutions, funds, public services, special seats allocated to women, etc.
- Actual practices within a society – consider acts and omissions of both state and/or non-state actors to negate or ensure women's de-jure rights and freedoms in a country. This survey aims at measuring the *actual* freedom a woman has in a country to exercise her human rights during all stages of her life. Please try to assess the level of *implementation* of laws and policies supporting women's freedom and the obstacles to the practice and realization of these freedoms.

State and Non-State Actors

Please examine each question by measuring the impact of state and non-state actors in facilitating or denying women's freedom. For example, consider the performance of state agents such as prison guards, police, or military who might prevent women from successfully accessing and/or exercising their rights. Also consider acts by non-state actors, such as religious groups who might issue statements to condemn women who take part in politics, or tribe or family members who stop a female family member from benefiting from legal rights accorded to her by domestic law or international human rights standards ratified by the state.

Status of All Groups of Women in a Country

Your report should attempt to review the freedoms of *all* women within a society to exercise their human rights. In your analysis, please consider all ethnic groups, religious groups, cultural groups (including language identity), economic and social classes, urban and rural dwellers, and citizens and noncitizens (including female migrants).

Nondiscrimination and Rights of Women in Comparison with Men

One of the core initiatives of this survey is to examine a woman's right to be free from gender-based discrimination, in all situations, and during all stages of her life. While the overall context of human rights in a country will be noted (e.g. no one has the right to vote in Saudi Arabia – men or women), the fact that women do not have the right to vote is still a denial of a universally accepted right. The status of women's freedom does not always need to be determined in comparison to men. In some cases, women have different and special needs, such as maternity leave or protection from gender-based violence, that need to be taken into account and assessed separately. Finally, the aim of our survey is to show the status of women's freedom in light of universally accepted human rights standards that may or may not be present for the men in a country under review, but nonetheless still remain important in their assurance of full and equal rights for women as human beings.

CHECK LIST QUESTIONS FOR THE FIVE KEY AREAS:

SECTION I: NONDISCRIMINATION AND ACCESS TO JUSTICE

1. To what extent does the national constitution ensure equal rights for men and women as citizens?
2. To what extent do the country's laws and policies provide protection to all women from gender-based discrimination?
3. To what extent do women have the right to full and equal status as citizens (nationals)?
4. To what extent do women have non-discriminatory access to justice in the country at all levels?
5. To what extent are women treated equally in the penal code and under the criminal laws?

WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

6. To what extent are women protected from gender-based and discriminatory arbitrary arrest, detention and exile?
7. To what extent is an adult woman recognized as a full person before the court?
8. Has the government ratified CEDAW, and if so, to what extent is the government compliant with implementing the stipulations of CEDAW?
9. To what extent are women's rights groups and/or civil society actors working freely and effectively to promote the status of women's freedoms addressed in this section?

SECTION II: AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON

1. To what extent do women have the right to freely practice their religion or belief?
2. To what extent do women have the freedom of movement?
3. To what extent are women treated equally in the Personal Status Code (Family Law)?
4. To what extent can women negotiate their full and equal marriage rights?
5. To what extent are women protected from slavery or gender-based slavery-like practices?
6. To what extent are women free from torture, and cruel, inhuman or degrading punishment?
7. To what extent do women have protection from domestic violence?
8. To what extent are women protected from gender-based violence outside the home?
9. To what extent are women's rights groups and/or civil society actors working freely and effectively to promote the status of women's freedoms addressed in this section?

SECTION III: ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

1. To what extent do women have the right to own and have full and independent use of their land and property?
2. To what extent do women have the freedom to have full and independent use of their income and assets?
3. To what extent do women have the right to inheritance?

WOMEN'S RIGHTS IN THE MIDDLE EAST AND NORTH AFRICA

4. To what extent can women freely enter into business and economic-related contracts and activities at all levels?
5. To what extent are women free to access education at all levels and to be protected from gender-based discrimination within the education system?
6. To what extent do women have the freedom to choose their profession?
7. To what extent are women protected from gender-based discrimination in the area of employment?
8. To what extent do women have gender-specific protections in the workplace, including maternity leave, protections from sexual harassment, and child-care?
9. To what extent are women's rights groups and/or civil society actors working freely and effectively to promote the status of women's freedoms addressed in this section?

SECTION IV: POLITICAL RIGHTS AND CIVIC VOICE

1. To what extent do women have the right to peaceful assembly?
2. To what extent do women have the right to freedom of expression?
3. To what extent are women guaranteed the right to participate in competitive and democratic elections with full and equal suffrage?
4. To what extent are women represented in the judiciary?
5. To what extent are women represented in national government (executive) structures?
6. To what extent do women have to the right to participate in local assemblies and the national parliament?
7. To what extent can women organize and participate in political parties and processes at all levels?
8. To what extent do women have the freedom to full and equal participation in civic life issues to influence policies and decision-making?
9. To what extent do women have the freedom to access and use information to empower themselves in all areas of their civic and political lives?

SECTION V: SOCIAL AND CULTURAL RIGHTS

1. To what extent do women have the freedom to make independent decisions about their health and reproductive rights?
2. To what extent do women have full and equal access to health services?
3. To what extent do women have the freedom to be protected from gender-based harmful traditional practices?
4. To what extent are women protected from gender-based discrimination in their right to own and use housing?
5. To what extent are women free to participate in and influence community life, policies, and social development at local levels?
6. To what extent are women able to participate in and influence media content, including the shaping of women's images in the media?
7. To what extent are women disproportionately affected by poverty due to their gender?
8. To what extent are women and/or women's rights activists free to advocate openly about the promotion and protection of women's human rights in the country?

SCORING SYSTEM

The survey is comprised of narrative country reports and a set of corresponding ratings for each of the five key areas for the country under study. The ratings should not be taken as absolute indicators of all women's freedom in a country, but as a general assessment of the degree of freedom women have within that country to exercise their human rights. While the opinions expressed in each report are those of the report writer, the ratings and scores reflect the consensus of Freedom House, the regional advisors and experts, and the report writers. Each country or territory's key area ratings are presented in the statistics section that precedes the narrative report. These ratings are meant to help in assessing where, in a country, the most immediate attention should focus to improve women's rights. The ratings also serve to measure whether women's rights have experience setbacks or made progress in a given country since the previous scores were published.

Steps in the Rating Process

The writers have been assigned a checklist of questions for each of the five key areas examined in the survey. Each question from the checklist was awarded a raw score of one to five; the total raw scores from each key area's questions is calculated and averaged. This averaged score reflects a total rating of 1 to 5 for each of the five key areas, demonstrating the degree to which state and non-state actors affect women's freedom within each of the five key areas for that country.

For all of the five key areas and their checklist questions:

A rating of **1** represents a country where women's freedom to exercise their human rights is almost entirely restricted by the actions of state and/or non-state actors. Women have almost no adequate human rights protections and face systematic gender-based discrimination.

A rating of **2** characterizes a country where women's freedom to exercise their human rights is mostly restricted by the actions of state and/or non-state actors. Women have very few adequate human rights protections and they often face gender-based discrimination.

A rating of **3** represents a country where women's freedom to exercise their human rights is sometimes restricted by the actions of state and/or non-state actors. Women have some adequate human rights protections but they are poorly implemented. Women occasionally face gender-based discrimination.

A rating of **4** characterizes a country where women's freedom to exercise their human rights is rarely restricted by the actions of state and/or non-state actors. Women have adequate human rights protections that are mostly implemented. Women rarely face gender-based discrimination.

A rating of **5** represents a country where women's freedom to exercise their human rights is almost never restricted by the actions of state and/or non-state actors. Women have adequate human rights protections that are fully implemented. Women almost never face gender-based discrimination.

ABOUT FREEDOM HOUSE

Freedom House is an independent private organization supporting the expansion of freedom throughout the world.

Freedom is possible only in democratic political systems in which governments are accountable to their own people, the rule of law prevails, and freedoms of expression, association and belief are guaranteed. Working directly with courageous men and women around the world to support nonviolent civic initiatives in societies where freedom is threatened, Freedom House functions as a catalyst for change through its unique mix of analysis, advocacy and action.

- **Analysis.** Freedom House's rigorous research methodology has earned the organization a reputation as the leading source of information on the state of freedom around the globe. Since 1972, Freedom House has published *Freedom in the World*, an annual survey of political rights and civil liberties experienced in every country of the world. The survey is complemented by an annual review of press freedom, an analysis of transitions in the post-Communist world, and other publications.
- **Advocacy.** Freedom House seeks to encourage American policy makers, as well as other governments and international institutions, to adopt policies that advance human rights and democracy around the world. Freedom House has been instrumental in the founding of the worldwide Community of Democracies, has actively campaigned for a reformed Human Rights Council at the United Nations, and presses the Millennium Challenge Corporation to adhere to high standards of eligibility for recipient countries.
- **Action.** Through exchanges, grants, and technical assistance, Freedom House provides training and support to human rights defenders, civil society organizations, and members of the media in order to strengthen indigenous reform efforts in countries around the globe.

Founded in 1941 by Eleanor Roosevelt, Wendell Willkie, and other Americans concerned with mounting threats to peace and democracy, Freedom House has long been a vigorous proponent of democratic values and a steadfast opponent of dictatorships of the far left and the far right. The organization's diverse Board of Trustees is composed of a bipartisan mix of business and labor leaders, former senior government officials, scholars, and journalists who agree that the promotion of democracy and human rights abroad is vital to America's interests abroad.

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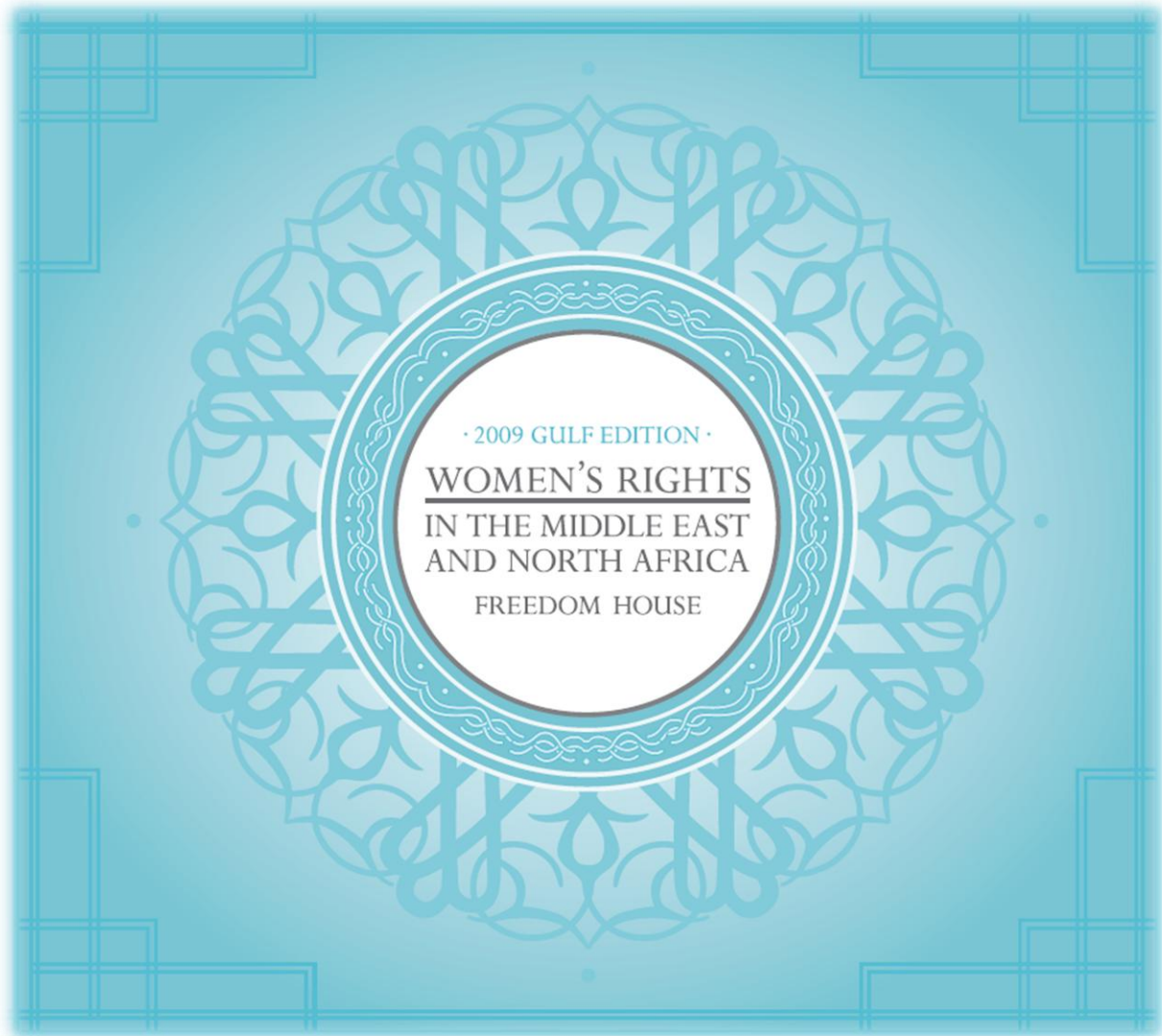
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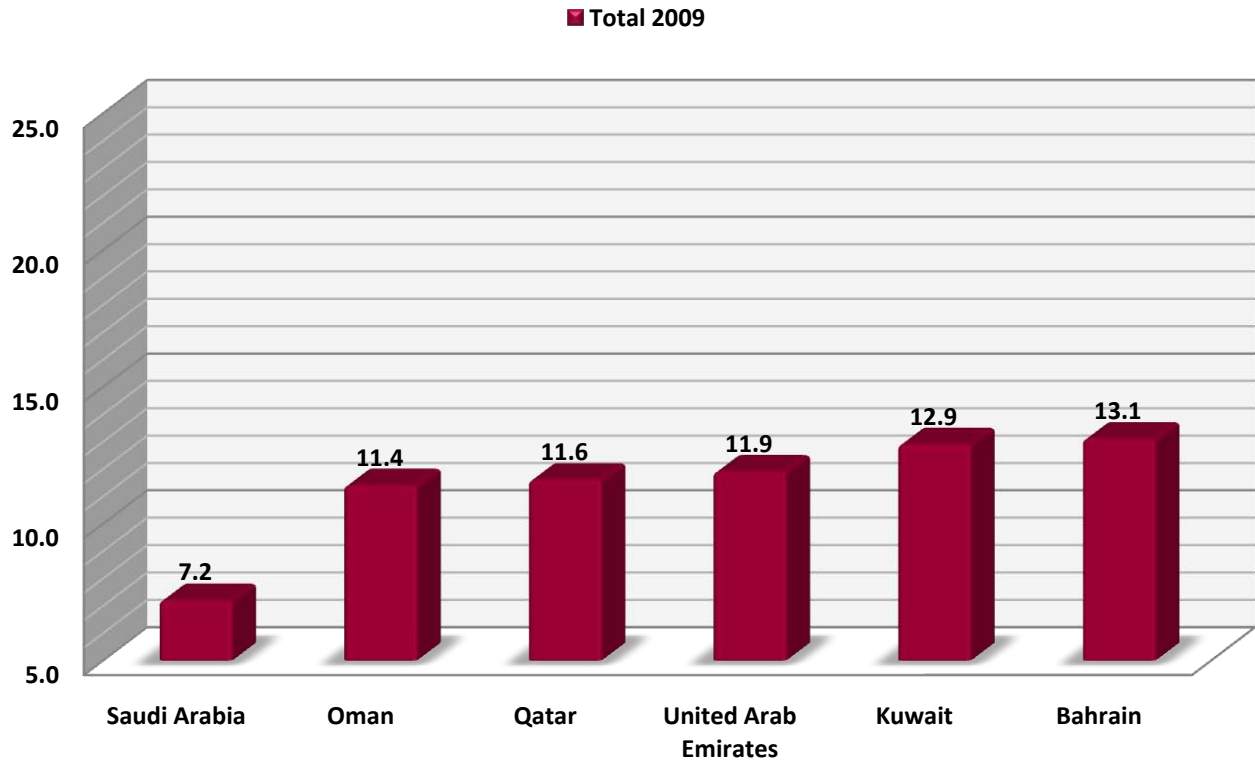
Jennifer Windsor
Executive Director

SELECTED COMPARATIVE DATA

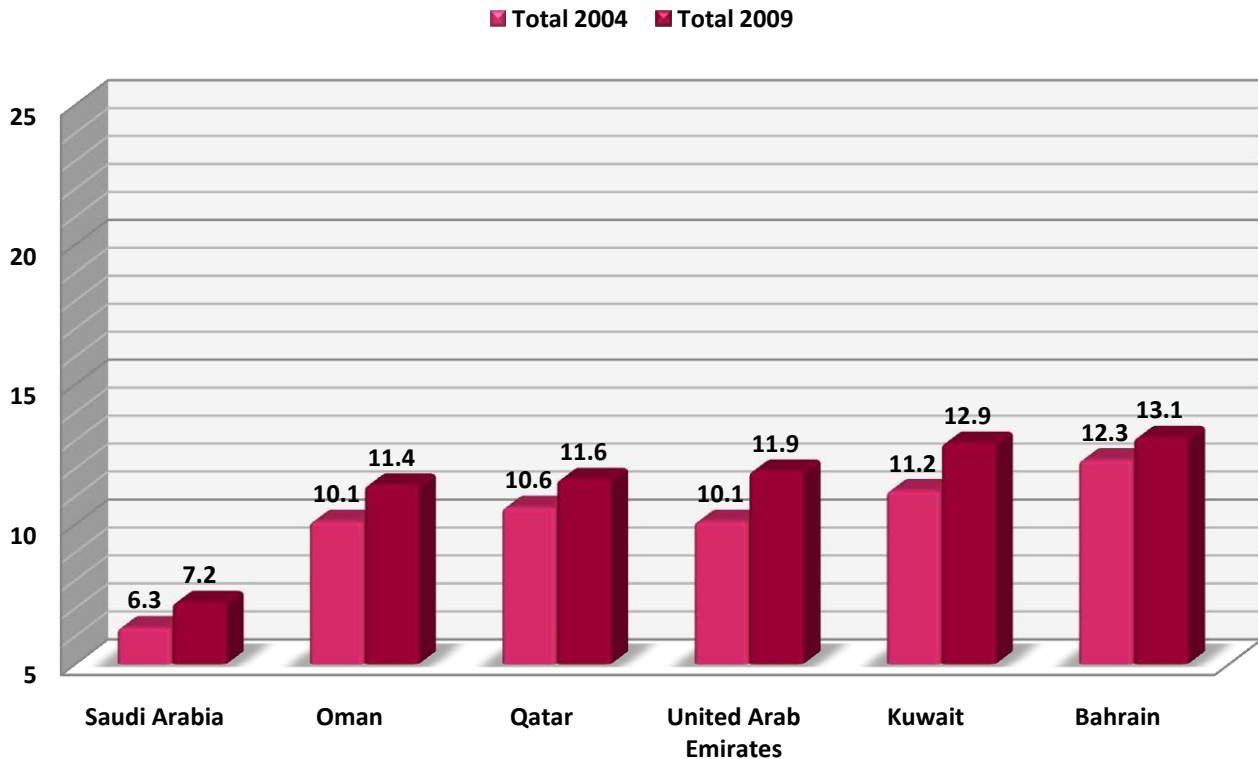


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Overall Performance 2009



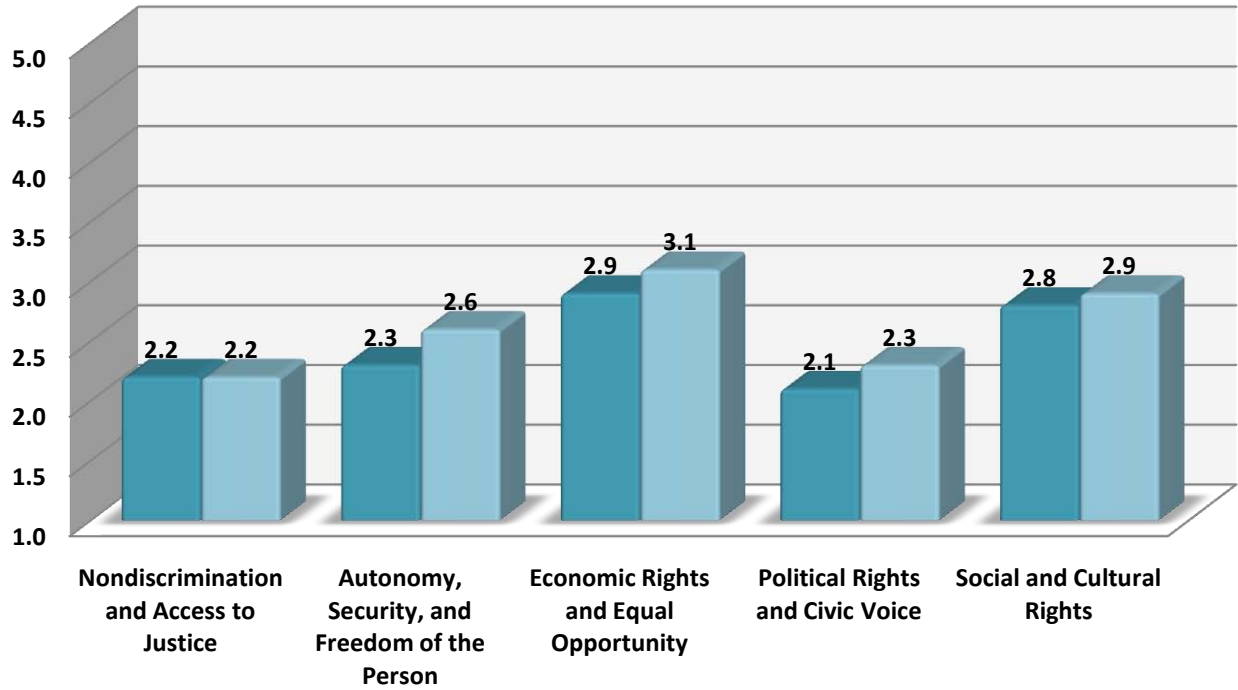
Improvement in Overall Performance



2004-2009 COMPARISON BY COUNTRY

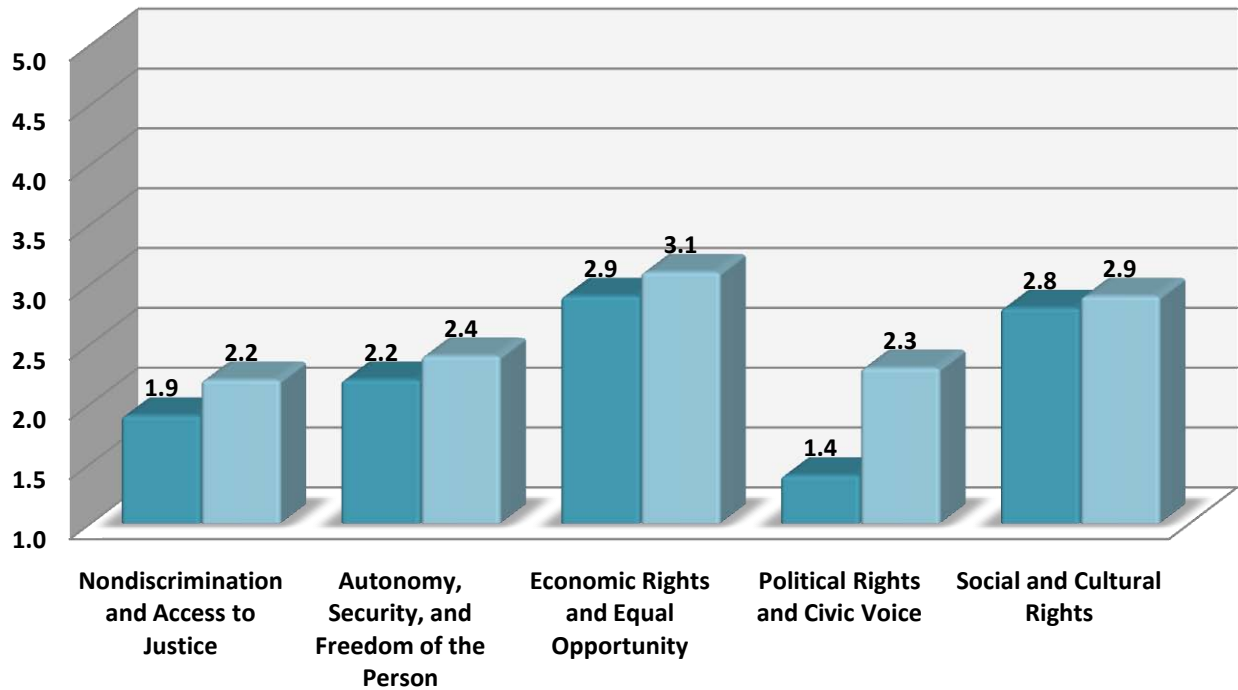
Bahrain

2004 2009



Kuwait

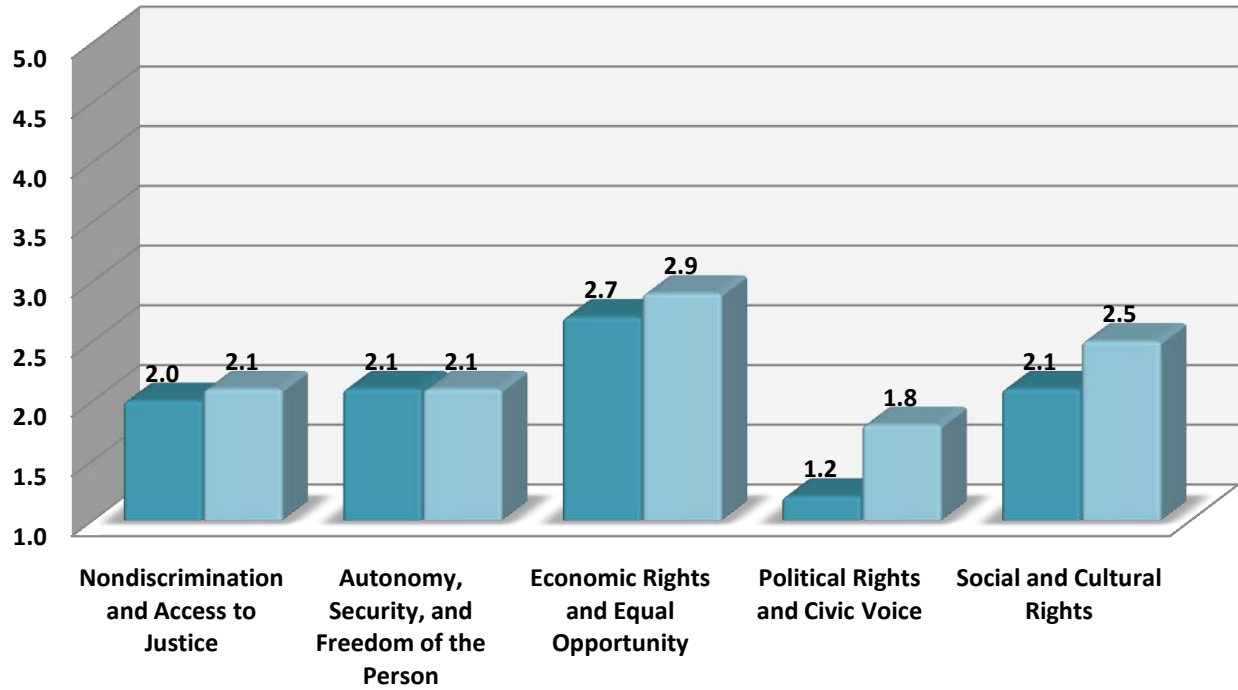
2004 2009



2004-2009 COMPARISON BY COUNTRY

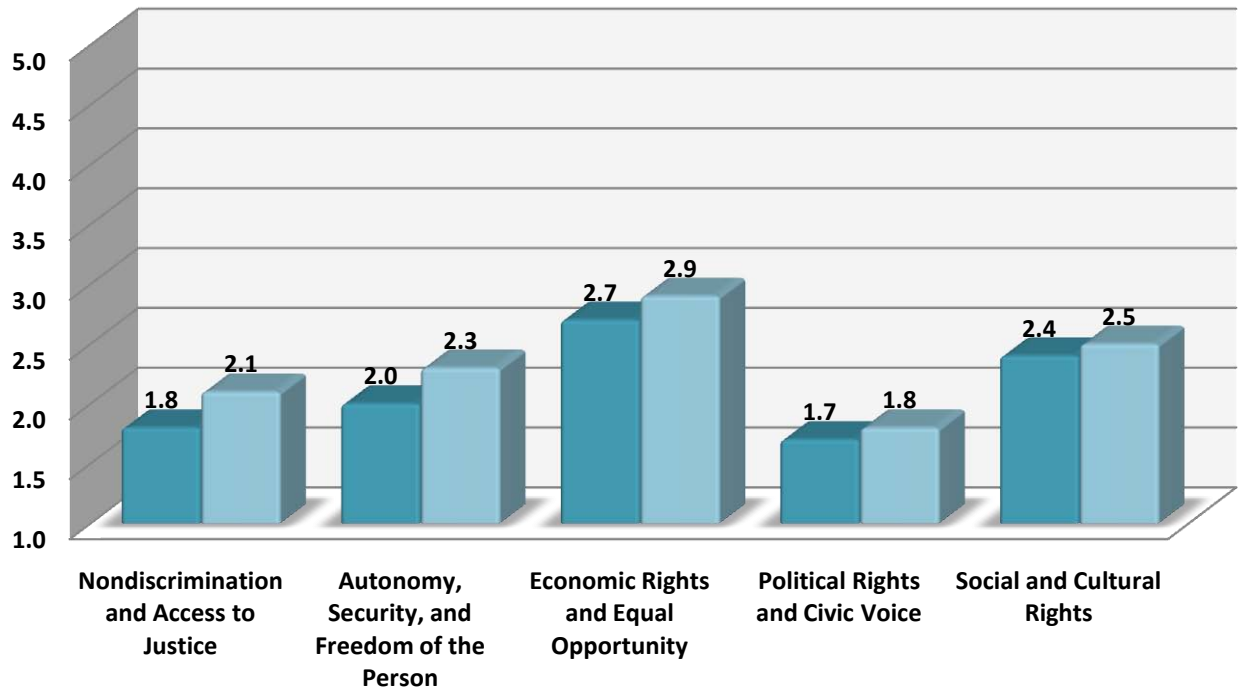
Oman

2004 2009



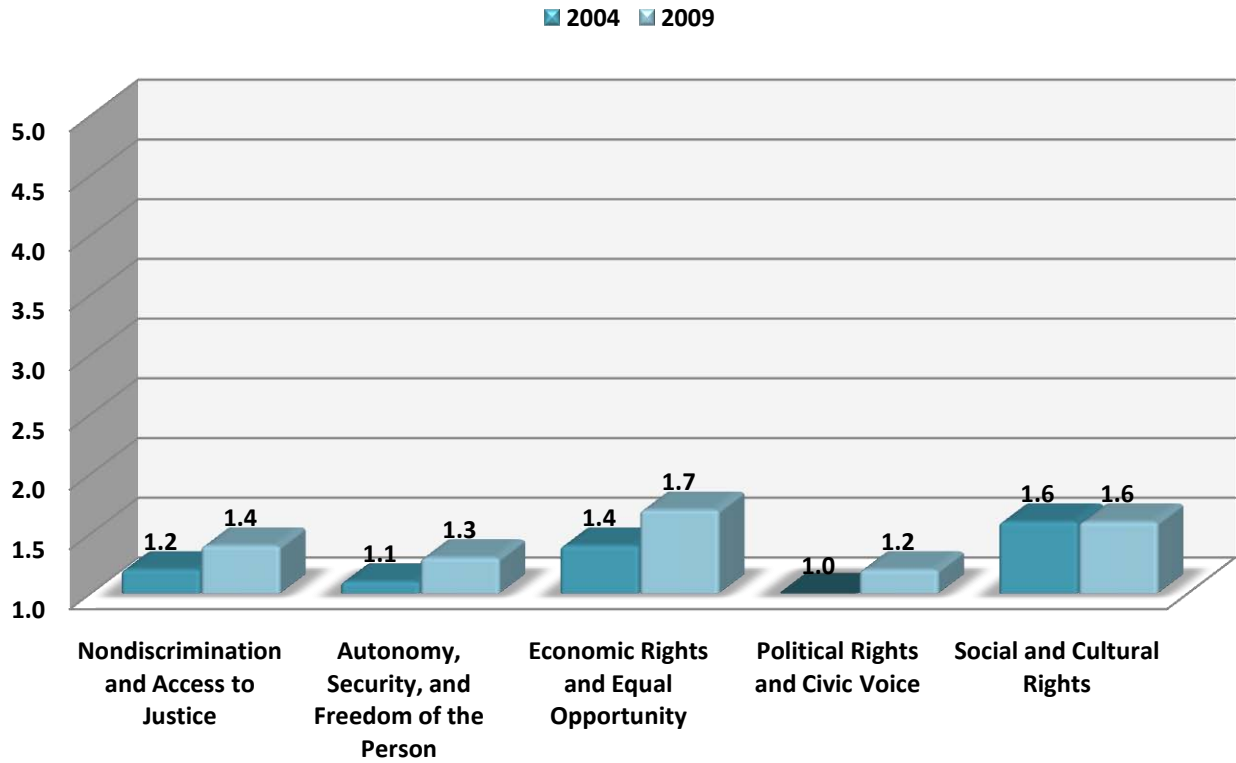
Qatar

2004 2009

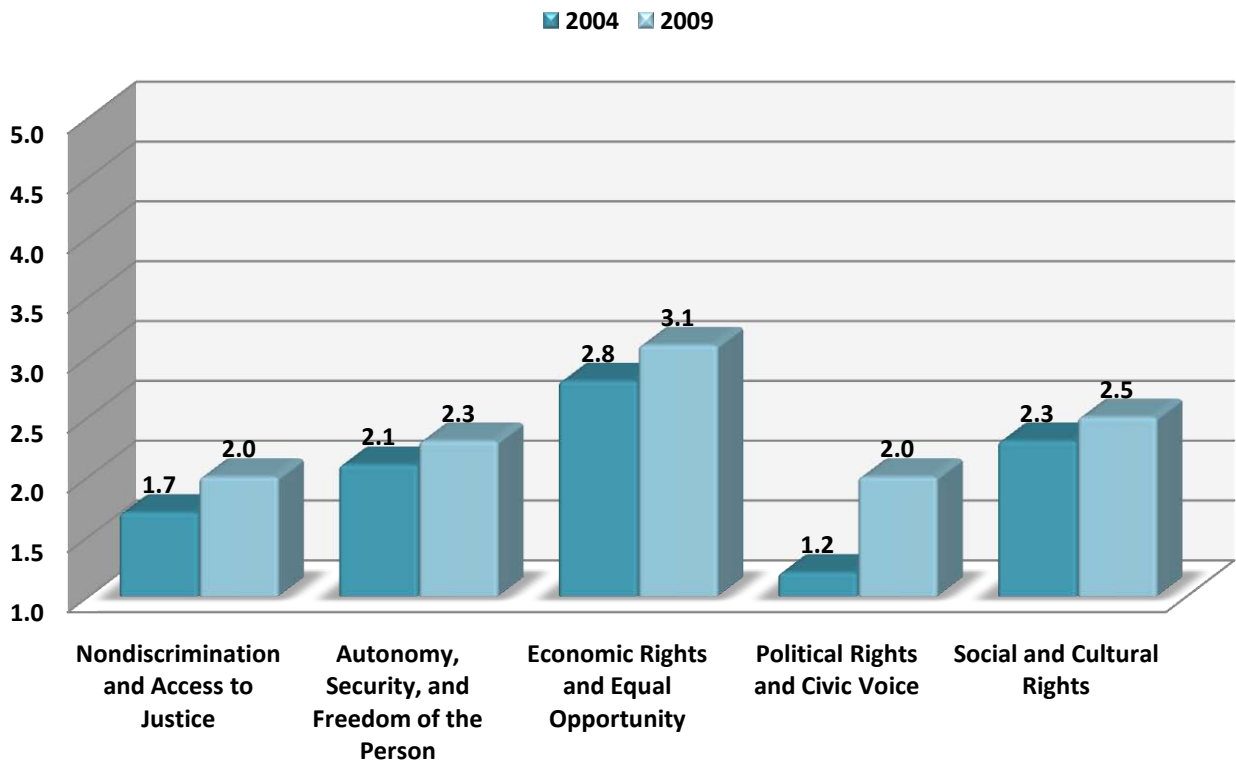


2004-2009 COMPARISON BY COUNTRY

Saudi Arabia

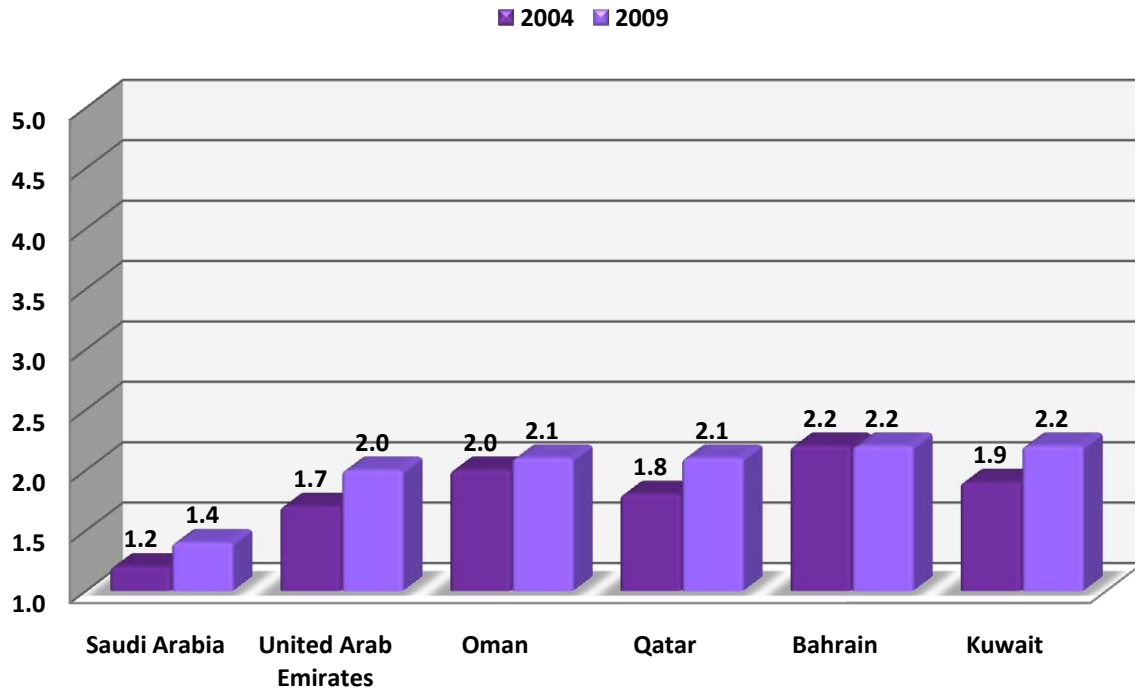


United Arab Emirates

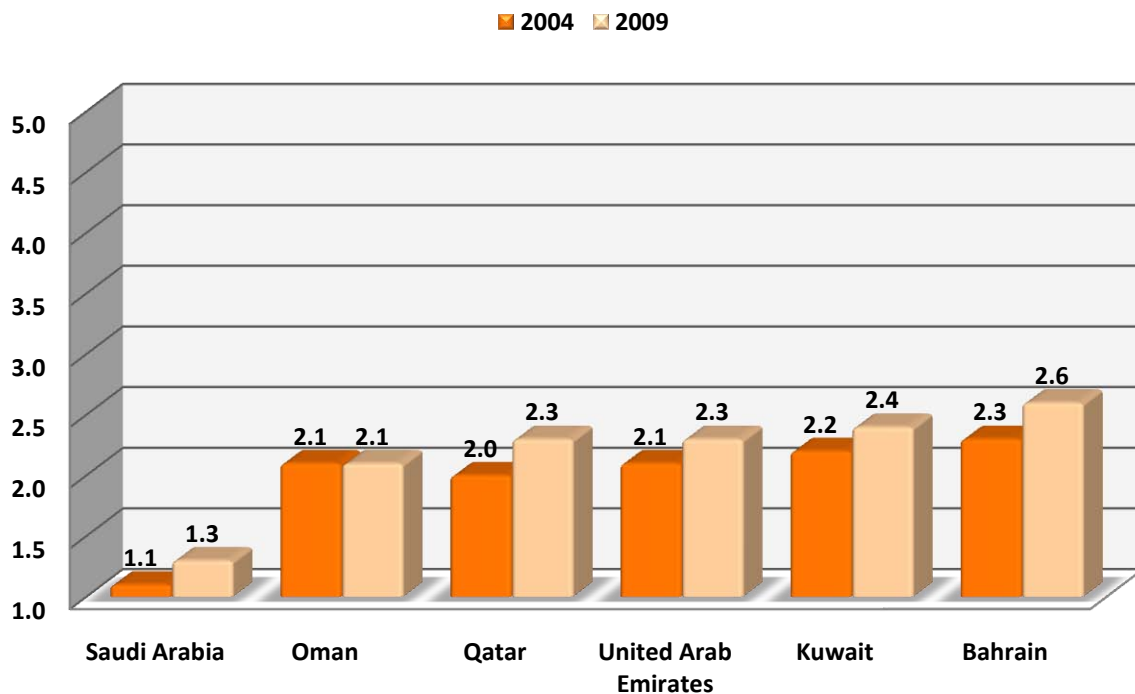


2004-2009 COMPARISON BY SUBSECTION

Nondiscrimination and Access to Justice

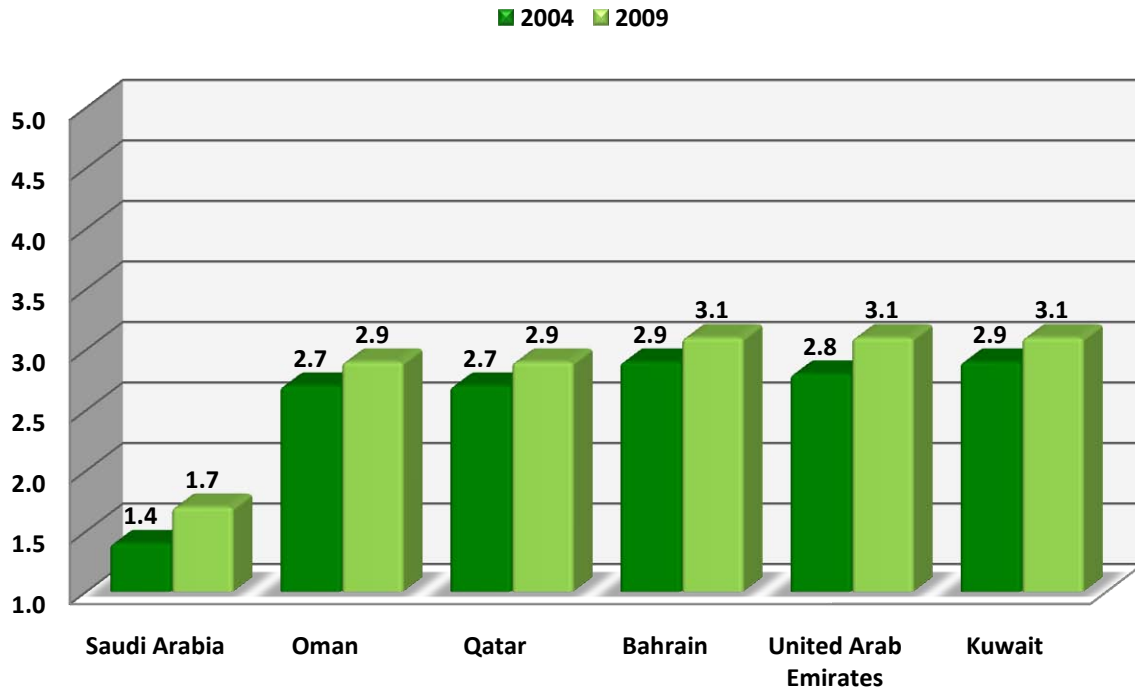


Autonomy, Security, and Freedom of the Person

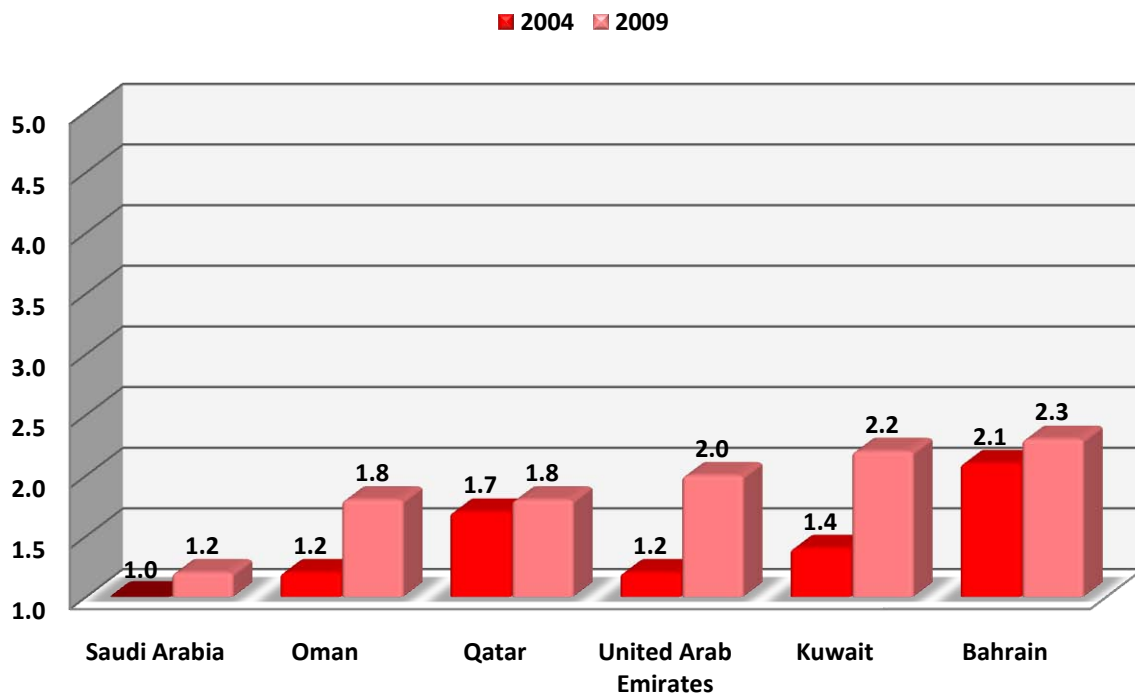


2004-2009 COMPARISON BY SUBSECTION

Economic Rights and Equal Opportunity



Political Rights and Civic Voice



2004-2009 COMPARISON BY SUBSECTION

Social and Cultural Rights

■ 2004 ■ 2009

