

SOME ASPECTS OF ACCESS TO JUSTICE FOR WOMEN IN SAUDI ARABIA

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Judicial institutions play a key role in guaranteeing women's rights, eliminating the multiple forms of discrimination faced by women and facilitating, in the long run, a more gender equal environment within societies [1, p. 10]. Access to justice represents a cornerstone of human rights, ensuring that individuals can claim their rights, seek remedies for grievances, and hold violators accountable. For women in Saudi Arabia, access to justice intersects with the complexities of cultural norms, religious frameworks, and evolving legal reforms. This article overviews some aspects of the legal and social dimensions affecting women's ability to access justice in Saudi Arabia, focusing on institutional barriers, legislative progress, and the role of international law.

Saudi Arabia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2000, with the following reservations: in case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention; the Kingdom does not consider itself bound by Article 9 (2) (relating to nationality of children) and Article 29 (1) (relating to dispute resolution) of the Convention [3].

Saudi Arabia's laws are based on Islamic Sharia law. This is confirmed by the Basic Law issued by Royal Decree No. A90 dated 27/8/1412 in Article 7, which states: "Governance in the Kingdom of Saudi Arabia derives its authority from the Book of God Most High and the Sunnah of his Messenger, both of which govern this Law and all the laws of the State.» Article 81 of the same Law stipulates that: «The enforcement of this Law shall not prejudice whatever treaties and agreements with states and international organizations and agencies to which the Kingdom of Saudi Arabia is committed.» In addition to Sharia law, the main laws relevant to gender justice are: Saudi Arabian Citizenship System Regulation of 1954; Basic Law of Saudi Arabia of 1992; Labour Law of 2005; Anti-Trafficking in Persons Law of 2009; Law on Protection from Abuse of 2013; Anti-Harassment Law of 2018; New Family Law System of 2019.

Saudi Arabia established the Personal Status Law (PSL) in 2022. Saudi officials described it as a groundbreaking development but various human rights organizations criticised it for providing insufficient protections to

women regarding marriage, custody, and divorce [4]. This law introduced clearer legal frameworks for family-related disputes, aiming to improve transparency and fairness. This legislation grants women greater clarity on their legal rights.

Another significant development is the expansion of specialized courts, such as those handling domestic violence cases. The Ministry of Justice has also introduced electronic platforms to facilitate the submission of legal complaints, ostensibly improving access for women. Despite these advancements, the judicial system remains male-dominated, and low presence of female judges limits gender-sensitive interpretations of the law. According to the report of the United Nations Human Rights Office of the High Commissioner report, the delegation from Saudi Arabia stated that there were seven women judges, and the State party was encouraging women to become judges. Access to justice was ensured for women on an equal footing with men. Women were allowed to access the judicial system in marriage and divorce matters. Marriage documents were provided to both spouses. An application had been developed that allowed the Ministry of Justice to share documents and rulings on court cases with women living in rural areas, giving them access to justice [6].

Women still require a male guardian's permission for various legal and administrative actions, including filing lawsuits in some cases, limiting their autonomy in pursuing justice. Furthermore, courts often weigh the testimony of women differently from that of men. There is some evidence from the Human Rights Watch report that women's testimony may be treated as worth half that of a man in certain, rare instances when strict evidentiary rules exist and are enforced, but that a woman may generally testify as long as she is wearing a headscarf. According to the report, judges may discount a woman's testimony and petitioners often plead that a judge should not take a woman's testimony seriously [5]. Cultural background also discourages women from pursuing legal action, especially in cases of domestic violence or family disputes. Fear of social criticism combined with the lack of legal literacy, worsens this issue. Women in rural areas face additional issues related to that, such as limited access to legal aid or transportation to urban courts.

International advocacy has played a role in prompting reforms. Reports by organizations such as Amnesty International and Human Rights Watch have highlighted systemic gender discrimination, pressuring the government to address gaps in legal protections. However, aligning domestic law with international standards remains a complex process, requiring balancing cultural sensitivities with universal human rights principles [7].

The major transformation of Saudi Arabia's legal and judicial systems in recent years demonstrates the kingdom's interest in establishing a legal environment more conducive to international business while also improving life for citizens and residents. However, while digitalization efforts have accelerated legal procedures, the fast pace of change often leaves the public, especially women, insufficiently informed [2]. Access to justice for women in Saudi Arabia remains an evolving issue, shaped by legal reforms, cultural norms, and international influences. While significant strides have been made,

persistent barriers underscore the need for continued efforts to ensure equitable legal protections.

We can conclude that improving women's access to justice in Saudi Arabia requires a multifaceted approach. For example, expanding legal literacy programs for women can empower them to navigate better in the judicial system. Increasing the representation of women within judicial institutions, including appointing female judges, can introduce gender-sensitive perspectives. Additional reforms to the guardianship system and improved enforcement of existing laws could strengthen women's rights. Continued dialogue with international human rights bodies may also help align domestic laws with global standards.

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