"THE RIGHT OF DISABLED WOMEN IN SAUDI ARABIA"

DR. ZUBEIDA ATIM*
DR. EMNA CHIKHAOUI*

*Prince Sultan University - Riyadh - Saudi Arabia

Abstract

Humanity has known many forms of discrimination against women. Their forms varied from one country to another. Therefore, attention has been given to the issue of women globally and regionally through the presentation of all issues related to their rights at the national, regional and international levels through holding international and regional conferences and conventions to empower women.

There is no doubt that the problem of society’s perception of women with disabilities and the lack of recognition of their rights guaranteed by Sharia charters and conventions is a state of contemporary issues. The Kingdom of Saudi Arabia has made an effort to regulate the conditions of women, especially women, in terms of health, economics, sports and education, and to provide suitable employment opportunities for their integration into society.

The comparative analytical descriptive approach has been used to achieve the goal. The objective of the Saudi is to identify the system of empowering disabled women in Saudi Arabia and compare them with the international conventions on the rights of persons and disabilities.

The results of the study indicate that there is a system for the disabled with the kingdom’s accession to the relevant international conventions. In light of the findings of the study, the study recommended working on enhancing the effectiveness of disability system and developing provisions suitable for women with disabilities and follow-up in their application on the ground with regular updating of these systems to address shortcomings.

Introduction

Saudi Arabia has issued special laws for persons with disabilities. In line with the legislative obligation accompanying the International Convention on Persons with Disabilities, which entered into force on 3 May 2008. Where it affirmed equality for all its citizens in terms of Health care, education and sponsorship Political rights and ensure participation in all sports, cultural and recreational activities, So the concern for the rights of women with disabilities in the Kingdom of Arabia Saudi Arabia, with a statement of the most important international conventions dealing with the rights of women in this regard, This
study is divided into two parts: Section I concept of disabled women's rights in international conventions. The second section highlights the most important rights of handicapped women in Saudi Arabia. We will conclude with the main findings and recommendations we have reached in this study.

The problem of the study and its questions

The problem of research is to identify the rights of women with disabilities in Saudi law. Thus, the problem of the study can be determined by the following main question: How much is the empowerment of women with disabilities in the Saudi law. On the margin of the question, two questions arise: the level of effectiveness of the system in comparison to the regional conventions and international treaties on the rights of persons with disabilities

Study Objectives: This study aims to:

- Identifying the rights of disabled women in the Saudi system by investigating laws related to persons with disabilities. As well as if there is a difference between those laws and international conventions
- To reach recommendations based on the results of the study to the concerned legal bodies to take advantage of them in updating and amending the laws concerning persons with disabilities.

Importance of Study:

In general, the importance of the study lies in the fact that it coincided with the feeling of the international community at the various levels of official and non-official rights of women with disabilities, each country sought to develop or amend appropriate laws, to enable disabled women in its system, and the importance of the study stems from the lack of studies in particular, which dealt with issues of women with disabilities, this study is in the benefit of scientific knowledge.

Methodology of the study:

The study took the comparative descriptive analytical approach. It is descriptive because it describes the empowerment of women in the Arab legislation system within the framework of international conventions based on the collection of facts, Arab laws and conventions.
It is an analytical method because it is based on the interpretation and analysis of the Arab legislations related to persons with disabilities and the explanation of their texts. This is a comparative approach because it compares the legislations of persons with disabilities with international conventions.

**The rights of disabled women:**
Islam has given women a distinct dignity between men and women and has been allowed to enter the field of work and assume public functions and retain their full civil character and their ability to carry out obligations and does not differentiate between women in terms of disability.

In the development of the role of the United Nations, especially in developing countries, where it became an important mechanism for the empowerment of women's rights, where the interest of women emerged in the mid-seventies when the Mexico Conference was held in 1975 and the International Women's Year was proclaimed. International conventions on the integration of women in development(2)

The UN General Assembly on Disabled Women adopted many civil rights and freedoms in 1975, followed by the International Year of Disabled Persons, including Women. It is a global program for persons with disabilities, with human rights instruments giving women international rights. Man or woman and in case of violation of his rights from his state, it is referred to its internal political or judicial bodies to clean it. (1) To guarantee the rights of persons with disabilities, the General Assembly of the United Nations issued rules on December 20, 1993 for the adoption of equal opportunities.

The purpose of the Standard Rules is to ensure that persons with disabilities, girls, boys, women and men, as citizens of their societies have the right to exercise the rights and obligations of others. There are still obstacles in all societies that prevent persons with disabilities from exercising their rights and freedoms and make it difficult for them to participate fully in the activities of their societies. It is the responsibility of States to take the necessary action to remove these obstacles. Persons with disabilities and their organizations should play an active role as partners in this process. Equalization of opportunities for persons with disabilities is an essential contribution to global efforts to mobilize human resources. Special attention may need to be given to groups such as women, children, the elderly, the poor, migrant workers, persons with dual or multiple disabilities, indigenous people and ethnic minorities. In addition, there are a large number of disabled refugees with special needs that require attention(2)
Definition of Equal Opportunities for Disabled Women

Equal Opportunities is a process through which different social and environmental systems, such as services, activities, information and documentation, are accessible to all, especially people with disabilities.

The Standard Rules contain rules that guarantee the rights and freedoms that States must take to achieve the best opportunities for disabled women in society:

- The right to medical care
  States should ensure that disabled women have access to any regular treatment or medicines they may need to maintain or improve their level of performance (3)

- States must ensure that rehabilitation services are provided to disabled women so that they can achieve and maintain an optimal level of independence (4).

- States must ensure the development and provision of support services for women with disabilities, including supply of aids, so that they can raise their independence in their daily lives and exercise their rights.

- States and Governments must take the necessary measures to remove barriers and obstacles to participation in physical environment facilities. These measures should be to develop standards and guidelines and to consider enacting legislation to ensure access to various places in society, for example in relation to housing and buildings, Public transport and other means of transport, streets and other Elements of the external environment, Architects, construction engineers, and others who share, By virtue of their professions, in the design and construction of physical environment facilities, the opportunity to obtain adequate information on disability policies and measures to facilitate access to destinations.

To include accessibility requirements within the design and construction of physical environment facilities from the outset of the design process, and the general rules required that organizations of persons with disabilities be consulted in developing standards and rules to facilitate access to the intended places. They should also be involved locally, from the first stage of planning, in the design of public construction projects, to ensure maximum accessibility. (6).

- States must recognize the principle of equal access to education at the primary, secondary and tertiary levels, with special attention given to disabled women. That the education of persons with disabilities be an integral part of the educational system.

6- States should recognize the principle that women with disabilities are empowered to exercise their human rights, especially in the field of employment. In both rural and urban...
areas, they must have equal opportunities for productive and profitable work in the labor market. The laws and regulations in force in the field of employment should not discriminate between disabled women with disabilities and should not put obstacles in their way of employment\(^{(1)}\).

States must provide social security for disabled women, with material support for disabled women who have lost or been denied employment as a result of disability or disability factors\(^{(2)}\).

States should promote full participation in family life by persons with disabilities and encourage the exercise of their right to personal integrity. \(^{(3)}\)

States should ensure that persons with disabilities are involved in cultural and sports activities and are able to contribute to them on an equal basis with others\(^{(6)}\).

The Convention on the Rights of Persons with Disabilities, which was concluded on 13 December 2006 and ratified in 2008, \(^{(7)}\) was set forth in the first article: "To promote, protect and guarantee the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity".

The Convention provides for women with disabilities a set of freedoms and protection of civil, cultural, economic and social rights on the basis of equality of men and men. Article 2 defines discrimination on the basis of disability as "any discrimination, exclusion or restriction on the basis of disability whose purpose or effect is to weaken or frustrate the recognition of all human rights and fundamental freedoms Enjoyment or exercise, on an equal footing with others, in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including the denial of reasonable facilitation arrangements; Article 1 defines the term persons with disabilities as a definition that includes women, children and men alike that "all persons with long-term physical, mental, mental or sensory impairments may prevent them in dealing with Different barriers to full and effective participation in society on an equal footing with others".

The right of disabled women to international conventions is recognized in the Charter of the United Nations and in international conventions, starting with the Declaration on the Political Rights of Women of 1952 and the International Convention on the Elimination of All Forms of Discrimination against Women of 1979. Article 3 of the Convention contains several principles Disability Discrimination These principles are as follows\(^{(4)}\):
(A) Respect for the inherent dignity and autonomy of persons, including the freedom to determine their own choices and independence.

(B) Non-discrimination

(C) Ensure the full and effective participation and involvement of persons with disabilities in society.

(D) Respect for differences and acceptance of persons with disabilities as part of human diversity and human nature;

(E) Equal opportunities

(G) Equality between men and women

(H) Respect for the evolving capacities of children with disabilities and respect for their right to preserve their identity.

It is clear that these principles include the rights and freedoms of women with disabilities, which States parties are obliged to observe when enacting laws on persons with disabilities that take into account the specificity and nature of women with disabilities. Article 6 states that States parties must recognize that women and girls with disabilities are subject to multiple forms of discrimination. In particular, measures to ensure their full and equal enjoyment of all human rights and fundamental freedoms. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women with a view to ensuring their exercise and enjoyment of the human rights and fundamental freedoms set forth in this Convention.

The Convention reaffirms that States must ensure the basic rights and freedoms of women with disabilities in articles 8 to 30 of the Convention. The most important of these rights is that the Convention affirms the need for States to promote awareness of the acceptance of the rights of disabled women and to encourage recognition of the skills, competencies and capacities of disabled women and persons with disabilities, and their contributions to the workplace and the labor market. In this regard, all media bodies are required to present a picture of persons with disabilities in accordance with the purpose of this Convention.

Of this Convention; and organizing training programs to raise awareness of and awareness of persons with disabilities. The Convention has set specific rules for States to consider in order to facilitate the access of persons with disabilities, including women, to enable women with disabilities to live independently and participate. In all aspects of life, States Parties shall take appropriate measures to ensure that persons with disabilities have
equal access to the surrounding physical environment, means of transport, information and communications, including information and communication technologies and systems, and other facilities and services available to the general public or provided to it, in both urban and rural areas. These measures, which must include the identification and removal of obstacles and obstacles to access, are particularly applicable to the following:

(A) Buildings, roads, means of transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
(B) Information, communications and other services, including electronic and emergency services.

2. States Parties shall also take appropriate measures to:
(A) Establish minimum standards and guidelines to create access to and disseminate standards and principles and monitor their implementation;
(B) Ensure that private entities offering facilities and services available to the public or brought to it take into account all aspects of the accessibility of persons with disabilities;
(C) Provide training to stakeholders on accessibility issues for persons with disabilities;
(D) Braille signage in easy-to-read and understandable formats in public buildings and other facilities available to the general public;
(E) Provide forms of human assistance and intermediaries, including guides, readers and sign language interpreters, to facilitate access to other buildings and facilities available to the general public;
(F) Encourage other forms of assistance and support for persons with disabilities to ensure their access to information;
(G) Promotion of access by persons with disabilities to new information and communication technologies and systems, including the Internet;
(H) Promote the design, development, production and distribution of information and communication technologies and systems that are accessible to persons with disabilities at an early stage so that these technologies and systems can be accessed at the lowest cost.

The International Convention recognizes that women with disabilities have the right to equal legal status with others in all spheres of life and that States should provide appropriate support to enable women with disabilities to receive the support they may require during the exercise of their legal capacity.

The Convention provided women with disabilities with ways to eliminate on an equal basis with others, including through the provision of procedural facilities commensurate with their age, to facilitate their effective role in direct and indirect participation, including as witness, in all legal proceedings. Including investigation stages and other preliminary stages...
As well as ensuring that torture, cruel, inhuman or degrading treatment or punishment, and non-exploitation, violence and abuse are not subjected to torture, States parties must recognize the right of persons with disabilities to freedom of movement, freedom to choose their place of residence and to acquire citizenship on an equal basis with others. That is to ensure that persons with disabilities enjoy, respect for privacy, and the right to education and treatment by providing free or affordable health care and programs to persons with disabilities equivalent in scope, quality and standards to others, including sexual and reproductive health and public health programs; and prohibiting discrimination on the basis of disability in all matters relating to all forms of employment conditions, employment, career advancement, safe and healthy working conditions while ensuring the right to participate in public political, cultural, leisure, and sports activities.

As embodied in the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, adopted and published by the United Nations General Assembly resolution 46/119 of 17 December 1991. These principles apply to women with disabilities without discrimination on any grounds, gender, language, religion, political or other opinion, national or ethnic or social origin, legal or social status, age, wealth or birth and gave women with mental illness liberties. Equal rights for disabled men are represented below:

1. All persons have the right to the best available mental health care that is part of the health and social care system.
2. All persons with mental illness or who are treated as such shall be treated humanely with respect for the inherent dignity of the human person.
3. All persons with mental illness or who are treated as such shall have the right to protection from economic, sexual and other forms of exploitation and from physical or other abuse or degrading treatment.
4. There shall be no discrimination on grounds of mental illness. "Discrimination" means any distinction, exclusion or preference that leads to the nullification or impairment of equal enjoyment of rights. Special measures taken solely to protect or ensure the promotion of the rights of persons with mental illness are not considered discrimination. Discrimination shall not include any distinction, exclusion or preference made in accordance with the provisions of these principles and shall be necessary to protect the rights of a person with mental illness or other human rights.
5. Everyone with mental illness has the right to exercise all civil, political, economic, social and cultural rights recognized in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant instruments, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

66. Any decision taken because a person has a mental illness that such person is incompetent and any decision taken as a result of incapacity to appoint a personal representative may only be taken after a fair trial by an independent and impartial tribunal established by domestic law. A person whose eligibility is in question is entitled to be represented by counsel. If the person whose eligibility is in question does not receive such representation himself, such representation must be provided to him without being paid for as long as he does not have sufficient means to pay. In the same case, counsel may not represent a mental health clinic or its employees, nor shall a member of the family of the person whose eligibility is in question be represented unless the Court is satisfied that there is no conflict of interest. Decisions on eligibility and the need for a personal representative must be reconsidered at reasonable intervals determined by domestic law. The person whose eligibility is in question, his or her personal representative, if any, and any other interested person may appeal any such decision before a higher court.

7. Where a court or other competent judicial authority finds that a person with mental illness is unable to administer his or her own affairs, measures shall be taken, to the extent appropriate and appropriate to that person's condition, to ensure the protection of his or her interests.

The rules oblige states to develop legal systems that allow disabled women to participate in social and employment activities in order to achieve equality, provided that such systems provide for the rights and duties of citizens, the rights and duties of persons with disabilities. States and governments are obliged to empower disabled women, such as the rest of the disabled, to exercise their rights, including human rights and civil and political rights, on an equal footing with other citizens. States must ensure the participation of organizations of persons with disabilities in the development of national legislation on the rights of persons with disabilities, as well as their participation in the ongoing evaluation of such legislation. Legislative measures must be taken to eliminate conditions that may adversely affect the lives of persons with disabilities, including harassment or harm to them. Any discriminatory practices against them must be eliminated. National legislation should
provide for appropriate sanctions in case of violation of the principles of non-discrimination.\(^{(1)}\)

The concept of disability in the Saudi system: The system of care of disabled persons issued by Royal Decree No. (M / 37) and the date 23/9/1421 H approved the decision of the Council of Ministers No. (224) and the date 14/9/1421 e organized for the rights of disabled persons with their rehabilitation. Article 1 of the Disability Law defines every person with a total or partial disability in a stable manner in his or her physical, sensory, mental, communicative, educational or psychological capacities to the extent that it reduces the possibility of meeting his normal requirements in conditions similar to that of non-disabled persons \(^{(1)}\)

Disability is defined as disability: one or more of the following disabilities: visual impairment, hearing impairment, mental disability, physical and motor disability, learning difficulties, speech and speech disorders, behavioral and emotional disorders, multiple and multiple disabilities, autism and other disabilities requiring special care

The subject of women in the Kingdom of Saudi Arabia has found great interest in the Eighth Development Plan (1425-1430) and the Kingdom's Vision 2030, which included the organization of women's affairs in the following\(^{(2)}\)

- Developing new laws to expand their economic participation to increase the participation of women in the workforce and develop the services provided to them
- Enhancing women's status and role in the family and society
- Empowerment of disabled women, which is embodied in Article 2 of the Saudi Disability Law, which is as follows:

**First: Health fields include:**

1. Provide preventive, curative and rehabilitative services, including preventive genetic counseling, testing and laboratory analyzes for early detection of diseases, and taking necessary immunizations.
2. Registration of children born more vulnerable to disability, and follow-up their cases, and to inform the competent authorities.
3. Work towards improving the health care of persons with disabilities and taking the necessary measures to achieve this.
4. Training health workers as well as those who conduct accidents on how to deal with the injured and their ambulance when transported from the scene of the accident.
5. Training the families of persons with disabilities on how to care for and care for them.
Second: educational and educational fields
It includes the provision of educational and educational services at all levels (pre-school, public education, technical education and higher education) to suit the abilities and needs of persons with disabilities, and to facilitate their enrollment, while continuously evaluating the curricula and services provided in this field.

Third: training and rehabilitation fields
Including the provision of training and rehabilitation services consistent with the type and degree of disability and the requirements of the labor market, including the provision of vocational and social rehabilitation centers, and the provision of appropriate training methods

Fourth: Fields of work
Employment in jobs that suit the abilities and qualifications of the disabled includes giving them the opportunity to reveal their own abilities, to enable them to earn income like other members of the community, and to seek to raise their performance through work through training.

Fifth: Social fields
Programs that contribute to the development of disabled persons include programs that integrate them naturally in different aspects of public life and reduce the negative effects of disability.

Sixth: cultural and sports fields
Including the use of cultural and sports activities and facilities, so that persons with disabilities can participate in their activities internally and externally in proportion to their abilities.

Seventh: Media areas include the media, audio and visual media and awareness in the following areas:
-Definition of disability, types and causes, and how to detect and prevent them.
  -To promote the place of persons with disabilities in society, to identify their rights, needs, abilities, contributions, services, awareness of their duties to themselves and their contribution to society.
  -Allocate programs aimed at the disabled to ensure coexistence with the community. Urging individuals and institutions to provide material and moral support to persons with disabilities, and to encourage volunteer work for their service.
Eighth: Areas of complementary services include:

- The creation of public transportation means to achieve the mobility of persons with disabilities, with security and safety, and at reduced wages for disabled persons and their facilities according to the conditions of disability.
- Provide daycare and home care.
- Provide technical aids.

Conclusion:

The study dealt with the empowerment of women with disabilities in the Saudi system and international conventions in a statement of the most fundamental rights and freedoms recognized in the framework of the international conventions for persons with disabilities. The Kingdom has been keen to accede to these international conventions and has established a special law that includes those rights and freedom. The main findings of the study are summarized- The international community has been concerned with persons with disabilities, including women with disabilities, in order to guarantee human rights, with equal enjoyment of those rights- The Saudi system concerned women's civil and political rights with disabilities. The most important recommendations:- The need for engineering bodies to take into consideration the rules of accessibility for pedestrians with disabilities in buildings and roads. The need to encourage the media to enlighten society about the rights and freedoms of women with disabilities and their participation in cultural and sports programs- Preparing workshops and research forums to discuss issues of women with disabilities.

References:

6. International conventions

1 Rule 7 of the Standard Rules 1993
2 Rule 8 of the Standard Rules
3 Rule 9 of the Standard Rules 1993

(1) Article 8 Awareness-raising of the Convention on the Rights of Persons with Disabilities
(2) Article 9 Access to the International Convention on the Rights of Persons with Disabilities

(1) Article 12 of the International Convention on the Rights of Persons with Disabilities
2 Article 13 of the International Convention on the Rights of Persons with Disabilities
3 Article 15.3 of the International Convention on the Rights of Persons with Disabilities

(1) Rule 15 of the Standard Rules, 1993
(2) Dr. Ayoub bin Mansour Al - Jarboo: The Legal Status of Women in Saudi Law