

# Saudi women lawyers achieve equality in the courtroom

Rob L. Wagner

Jeddah

Saudi lawyer Dimah Talal Alsharif had few expectations when she began practising law two years ago in Saudi Arabia's judicial system but, in the relatively short time that she has been representing clients, she discovered female attorneys are powerful tools in the courts.

"My perspective is really different now," Alsharif said. "Judges are beginning to appreciate us and starting to listen."

There has been considerable progress in women's rights in the Saudi judicial system since 2011. The Ministry of Justice recently adopted policies to streamline legal procedures for female plaintiffs in civil cases by exempting them from the requirement that plaintiffs file lawsuits in the jurisdiction of the defendant's residence. The exception eliminates the need to travel, sometimes at great distances, to the defendant's city to file a lawsuit.

Equally important is that female lawyers are now permitted to practise law in a courtroom before a judge and can represent men and women.

**There has been considerable progress in women's rights in the Saudi judicial system since 2011.**

"There is no difference now," Alsharif said. "We are in the same position as our male colleagues. Judges today are more kind, more educated and more open-minded than a few years ago."

It was not always that way. Saudi Arabia has a reputation for an opaque judicial system in which tribal biases seemed to influence judicial rulings. Saudi law is based on sharia, which is an interpretation of the Quran and Sunnah and is not codified. Although the Ministry of Justice announced in 2009 that it planned to codify civil and criminal laws, little is known of the programme's progress.

Until recently, the majority of judges earned postgraduate degrees in Islamic Studies, usually from Riyadh's Imam Mohamed bin Saud Islamic University. Formal legal training was not a requirement and judges were permitted wide interpretations of sharia. It was not uncommon that social pressure, regional differences and tribal customs played significant roles in rulings.

**"Judges are beginning to appreciate us and starting to listen."**

**Saudi lawyer  
Dimah Talal Alsharif**

Alsharif characterised tribal biases influencing rulings today as "accidents", although overall she has witnessed few problems.

Khaleel al-Basha, a Jeddah lawyer, said some issues persist in domestic courts.

"Some of the difficulties they (women) face is the difference in the verdicts in similar cases from one court to another," Basha said. "All are due to the fact they are based on *ijtihad* (independent interpretation of sharia) that leaves it up to the judge's interpretation and evaluation on the evidence he has."

Yet overall, women clients and lawyers have made great strides in legal representation, he said.

"There is a wide acceptance to women's demands in regard to her rights whether from the society, the family or the courts," Basha said. "However, there are still some reservations. On the other hand, a quite good number of female lawyers already representing their (clients) is a positive thing."

He said domestic cases proceed quicker and occur in a single court hearing. Women are no longer forced to follow the wishes of her husband in divorce, custody and alimony cases. Women have access to mediation with a representative from her side of the family and one from her husband's family. Judges often rule favourably on *khula*, or divorce initiated by the wife.

In fact, the Justice Ministry reported that there was a 48% increase in divorces initiated by



An outside view of the Riyadh Main Court.

women in 2015, with divorce cases making up 4.2% of domestic cases heard by Saudi judges.

To consider the rapid acceleration in women's rights in the courtroom, it is instructive that Saudi Arabia only embraced the concept of legal representation in 1997 and officially authorised it in 2001. Saudi women began attending law school in 2004 with the first graduates receiving degrees in 2008. Even as late as 2011, the formal title of "lawyer" was elusive to women. Changes, however, were in the works as the ministry developed plans in 2010 to allow women lawyers to argue divorce, child custody and other family related cases in the courtroom. Law licences were

formally granted women in 2013 and now several thousand hold law degrees.

Basha's law firm, Wafa for Female Legal Consultation, offers Saudi women free consultations on how to navigate the judicial system, including writing petitions and understanding what occurs during a hearing. A similar service is provided by Al-Mawaddah for Family Development.

"Our main job is to clarify for women the Islamic and legal perspective of their case and their rights in Islamic society and raising their awareness in a way that guarantees that they receives their rights," Basha said.

He said women's lack of aware-

ness of their Islamic rights have hurt them in the courtroom. "There is a lack of transparency in women's rights," he said. "There is a tremendous number of... family cases lost due to their lack of knowledge of their rights and the way to deal with the courts. There is a scarcity of cooperating lawyers who represent women and at the same time fees are skyrocketing."

He cautioned women not to seek legal advice from unqualified people since that could damage their case. "Some women get wrong information about their legal rights," Basha said.

Rob L. Wagner is an Arab Weekly contributor based in Saudi Arabia.

# Egypt's refugees cannot wait to leave

Ibrahim Ouf

Cairo

When he arrived with his wife and three children almost two years ago, refugee Yahia Abdel Ghani was hoping that Egypt would be his second home until he could return to Syria when the war ended.

As time went by, however, the 59-year-old lost hope of returning home and also of staying in Egypt.

"Life is becoming more difficult in Egypt day after day," said Abdel Ghani, a native of Aleppo. "My children and I now think of nothing but how to leave to Europe."

**"We need to collect at least \$3,000 to give for the smugglers to help us reach Europe."**

**Yahia Abdel Ghani, a refugee**

They are far from alone. Thousands of refugees who landed in Egypt are seeking to leave for more economically prosperous and politically stable countries.

As they grew in number, the refu-

gees competed for the limited number of jobs available in this country, rubbed shoulders with Egyptians at the nation's health care institutions, on public transport and in bustling markets.

Egypt, with a growing population and limited resources, has been struggling to regain its economic footing after years of turmoil following the 2011 "Arab spring" protests.

"I know of a lot of people who left to Europe in search of a better life," said Rakan Abul Kheir, a Syrian community leader. "Some of them did everything possible to continue living here but Egypt has its deep economic problems."

Almost three years ago, there were about 500,000 Syrian refugees in Egypt, according to Abul Kheir. Some have found steady employment or started businesses. Many others, however, found daily life difficult, with jobs unavailable and education for their children unattainable.

Today, 140,000 Syrian refugees remain in Egypt, according to the UN High Commissioner for Refugees (UNHCR). They are among 256,384 refugees and asylum-seekers in Egypt registered with the agency.

UNHCR says more refugees in Egypt are likely to try to reach Eu-



A Syrian refugee and his sons in the Egyptian port city of Alexandria.

rope via sea routes as smuggling and trafficking networks have taken advantage of the strained political and socioeconomic environment.

Abul Kheir says he knows quite a few who have already done so.

"Some of them succeeded in reaching Europe," he said. "Others, however, drowned, like many illegal migrants."

The influx of migrants has turned into an intolerable headache for

European governments.

"Apart from all social and economic considerations, the fear in Europe is that some terrorists can sneak in as part of this endless flow of refugees," said Nabil Zaki, a veteran political analyst. "This just means that the boats bringing the refugees to European shores can also bring death and violence with them."

Egypt has signed the 1951 Refugee Convention and its 1967 pro-

cedure and the 1969 Organisation of African Unity (OAU) Convention governing aspects of refugee issues in Africa.

UNHCR says that, while Cairo grants some access to public primary health care and education, specialised care for chronic illnesses and rehabilitative intervention are not available to refugees nor are various public insurance schemes.

The absorption capacity in state schools remains an issue due to overcrowding and teacher shortages, UNHCR says.

Education and quality health care covered by insurance are simply things Abdel Ghani and his children cannot even contemplate. They worry about life's basics: food, clothing and a roof under which they can live.

Abdel Ghani, who is too fragile to work, could not enroll his children in Egyptian universities because they need to earn money to buy food for the family and save for their dream of getting out of Egypt.

"We need to collect at least \$3,000 to give for the smugglers to help us reach Europe," Abdel Ghani said. "I know we can drown in the sea or be killed on the way but we will die anyway if we stay here."

Ibrahim Ouf is an Egyptian reporter based in Cairo.