



An Overview of the Women Driving Law

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Sir William Dale Legislative Drafting Clinic

Background about the issue

Women in Saudi Arabia is subject to driving ban which has an impact to her freedom of mobility and limits the ability to do her everyday activities, especially when there is no public transportation in the country.

It is important to note that this ban is due to cultural reasons not religion. As Quran and Prophet Traditions -Sunnah- does not mention the subject, so the religious clergies prohibited women driving in the basis of caution since it might lead to sins as they claim. We note that at the time of the prophet women were driving camels and horse, joined wars and presented in all events, which proofs it is not a religion matter.

Saudi existing laws on women driving cars

Saudi Arabia has no written ban on women driving. However, the Saudi Traffic law requires a citizen to use a locally issued license while driving in the country. Such a license is never issued to a woman, therefore making it illegal for women to drive. There are no clear instructions or penalties given to the enforcement agencies brought against women driving cars in public. That is why the action of officials keep changing like for example, in July 2011 a woman from Jeddah was sentenced to ten lashes for driving a car -although the maximum penalty for a traffic violation is a fine, yet previously when women were found driving they would normally be questioned and forced to sign a pledge stating they will never drive again.

By October 2013, when a campaign was launched to support women to drive, the Interior ministry released this order:

The security spokesperson of the Ministry of Interior issued a statement on rumors exchanged over social networks and some media outlets calling for congregations and marches against an alleged day of female driving. “The laws of the Kingdom prohibit activities disturbing the public peace and opening venues to sedition which only serve the senseless, the ill-intentioned, intruders, and opportunity hunters. The Ministry of Interior

assures all that the concerned bodies will fully and firmly enforce the laws against violators. At the same time, the Ministry values what many citizens have voiced concerning for the importance of keeping the peace, stability, and avoidance of what leads to disunity and stratification of society.”

The relevant laws and regulations to this bill are: Traffic Law and its *Implementation Regulations* (subsidiary legislation).

The client

A leading women driving advocate who ran campaigns and managed movements demanding for women’s right to drive.

Brief description of the process of drafting the Women Driving Law

[using Thornton's five stages of drafting]

Stage One: Understand

This stage involves in fully comprehends the instruction and build a strong background of the matter. A research was done to collect statistics and data about women driving in Saudi Arabia. A call was arranged with the client to collect the below information:

- A full background of the problem from the client's perception.
- The client's goals and purposes of the Women Driving Law.
- Understand the client's suggested means to accomplish the goals set.
- Take the client's requirement of what the policy should include and what not.
- Impact of the proposed law on the legal, social and political level.

Stage Two: Analysis

This stage involves in analyzing the policy instructions given by the client and the policy objective, as well address all consequences the intended law may affect. So all data and statistics collected in the previous stage were analyzed, also everything was released by the government about the issue whether a royal order, royal decree, or ministry order were collected and analyzed. As well as all precedent cases of women found driving. Besides, the Constitution - Basin Law- and international obligations of the country were considered and analysis of how this law is consistent with them was done. Considerations were given to the neighboring countries (Gulf region) and how they firstly introduced the right of women to be able to drive. Analysis of how this law might affect the Saudi society in all level, the degree of acceptance and the practicality of implementation, what is the impact this law will have on the economy -as a large percentage of the Saudi families employ male drivers-, how this law will affect the employment

rate -as women will have more chance to travel to work-, and how this law will contribute to the development plan of the country.

Stage Three: Design

This stage involves in designing the skeleton of the bill. So the planning of the first draft started at this level. From the cumulative knowledge built in the previous two stages, we designed an initial outline of the bill, in order for the end picture to be visualized. What took much time is deciding what matters should the bill includes and not, how detailed the bill should be, should it expand or leave it to its *Implementation Regulation* (subsidiary legislation) which will be done by the Interior Ministry in this case. Our main goals were to keep it clear, simple and practical.

Stage Four: Composition & Development

This stage involves in actual drafting of the bill. The draft starts with the routine introductory words in the first page, then definitions which were referred to the same definitions used in the Traffic Law to avoid duplications. After that the purpose provision is stated. Then technical provisions were put, and finally the commencing and delegated legislation details.

Stage Five: Scrutiny & Testing

This stage involves in passing the bill to as many local drafters as possible to get scrutinized and tested. The elements that needed to be checked were: The choice of words used in the bill in the English and Arabic versions. The structure in terms of headings, divisions, and sections. As well as in terms of numbering, styling, font, size etc. Also the spelling, grammar and punctuations of the draft. In addition to all these elements, it was also important to check the consistency of this law with the constitution and other laws. Also to check whether in the bill drafted were any interpretative difficulties that cause uncertainty about its effect.

WOMEN DRIVING LAW



Final Draft - July 2014

WOMEN DRIVING LAW

Article One:

The below words have the meaning assigned to them by section (2) of the Traffic Law:

1. Vehicle.
2. Driving License.

Article Two:

This Law gives men and women equal rights to drive vehicles in public.

Article Three:

Women are permitted by Law to drive vehicles in public.

Article Four:

1. The Interior Ministry shall exercise its functions (including its functions under this Law) for the purpose of facilitating the establishment of driving schools for women.
2. In particular, the Interior Ministry shall treat an application for the establishment of a driving school for women on the same basis as an application for the establishment of a driving school for men.

Article Five:

1. A driving licensing agency shall grant women driving licenses on the same basis as men.
2. A driving licensing agency shall certify women holding International licenses on the same basis as men.

Article Six:

1. The Interior Ministry shall issue the Implementing Regulations of this Law within ninety days.
2. The Implementing Regulations may include requirements as to the qualifications and experience of instructors; but any requirements must include any transitional

exemptions or qualifications that the Interior Ministry considers necessary to ensure the effectiveness of this Law.

3. The Regulations shall be published in the Official Gazette within ninety days from the date of issuance.

Article Seven:

This Law shall be published in the Official Gazette and shall come into effect ninety days from the date of publication.