

ALGERIA



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

The colour-coded representation below provides a comparison of the laws identified in the country profile with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women and country recommendations under the country's respective Universal Periodic Reviews.

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Algeria ratified CEDAW in 1996 and maintains reservations to Article 2 (policy measures), Article 15(4) (freedom to choose residence and domicile), Article 16 (equality in marriage and family life), and Article 29 (administration of the convention and arbitration of disputes).

Constitution

Article 32 of the 2016 Constitution states that all citizens are equal before the law and no discrimination shall prevail because of birth, race, sex, opinion, or any other personal or social condition or circumstance. Article 34 refers to equality of rights and duties of all citizens, men, and women.

NATIONALITY LAW

NATIONALITY

Women enjoy equality under the Nationality Code. Women and men have the same rights in relation to passing their nationality to a child and spouse.

CRIMINAL LAWS

Domestic violence

Domestic violence was criminalized by Law No. 15-19 of 30 December 2015 amending the Penal Code. Penalties for some Penal Code offences involving spouses were increased. However, there is no law on domestic violence prevention measures, such as protection orders.

Abortion for rape survivors

Abortion is prohibited by Articles 304–313 of the Penal Code, including for women who have been raped. A fatwa was issued in 1998 permitting abortion for rape survivors in some cases, and the public health law allows abortion if it is essential for a woman's mental

Female Genital Mutilation / Cutting (FGM/C)

FGM/C is not commonly practised in Algeria. Some cases may exist in migrant communities. There is no legal prohibition against FGM/C.

Marital rape

Marital rape is not criminalized.

Sexual harassment

Sexual harassment is criminalized by Articles 333 bis and 341 bis of the Penal Code.

Human trafficking

All forms of human trafficking are criminalized by Article 303 of the Penal Code. However, Algeria does not have a comprehensive anti-trafficking law that also addresses prevention and protection measures.

Rape (other than of a spouse)

The Penal Code No. 66-156 of 1966 criminalizes rape. Rape is considered a crime against the family and morals. The penalty for rape is 5–10 years' imprisonment. If the rape was committed against a minor, the sentence is imprisonment for 10–20 years.

Honour crimes: Mitigation of penalty

Article 279 of the Penal Code provides that a person who kills or injures his or her spouse benefits from mitigating circumstances if his or her spouse was caught in an act of adultery.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 343–347 of the Penal Code.

Exoneration by marriage

Article 326 of the Penal Code exonerates a man who abducts a girl under 18 without violence, threat or deception if he later marries her. If the victim marries her abductor, the offender can only be prosecuted if the marriage is annulled.

Adultery

Adultery is an offence under Article 339 of the Penal Code.

Sexual orientation

Homosexual conduct between consenting adults is a criminal offence under Articles 333 and 338 of the Penal Code. Anyone guilty of a homosexual act is punishable with between two months and two years' imprisonment and a fine.

PERSONAL STATUS LAWS

Minimum age of marriage

The Family Code sets the age of marriage for males and females at 19 years. However, in exceptional circumstances the judge may approve a marriage for those under 19 years.

Male guardianship over women

Since the 2005 revision of the Family Code, the role of male guardian is limited to a symbolic role in approving the marriage contract. A bride's wali (guardian) must be present when she concludes her marital contract. A wali cannot force a woman to marry someone against her will or oppose the marriage.

Marriage and divorce

Both spouses can stipulate conditions in the marriage contract. A husband must maintain his wife. Women do not enjoy equal rights in divorce. A man can seek divorce without grounds. If a woman seeks divorce with no grounds and no consent, compensation must be paid to the husband.

Polygamy

Polygamy is permitted by the Family Code. Polygamy is subject to the wife's approval and the certification by a court of a "justified motivation" for the marriage and that the husband has adequate financial means to provide support.

Guardianship of children

The father has guardianship over his children including after divorce. However, in some circumstances the mother may also act as guardian.

Custody of children

In the case of divorce, custody is granted to the mother unless it is not considered to be in the best interests of the child. A mother may be granted custody of her sons until they reach the age of ten and of her daughters until they reach the age of marriage.

Inheritance

The Family Code applies Sharia rules of inheritance. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

Article 84 of the Labour Code requires employers to pay equal remuneration to male and female employees.

Dismissal for pregnancy

There is no provision in the Labour Code specifically prohibiting the termination of employment based on pregnancy. However, such a case may be considered as unlawful discrimination or an unfair dismissal.

Paid maternity leave

Women have the right to 14 weeks (98 days) maternity leave in line with international standards as stipulated by ILO Convention No. 183 at the full normal pay rate, which is paid by the government according to the Social Insurance Law, Law No. 83-11 of 1983, Articles 28 and 29.

Legal restrictions on women's work

Most restrictions on the employment of women in industries based on gender or sex have been removed. Article 29 of the Labour Code prohibits employing women for night work, unless a special exception has been granted.

Domestic workers

Domestic workers have legal protections under the Labour Code and the national social protection scheme.

BAHRAIN



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Gender Justice & The Law

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Bahrain acceded to CEDAW in 2002 and maintains reservations to Articles 2 (policy measures), 9(2) (equal rights with regard to nationality), 15(4) (freedom to choose residence and domicile), 16 (equality in marriage and family life), and 29(1) (administration of the convention; arbitration in the event of a dispute).

Constitution

Article 18 of the Constitution provides that people are equal in human dignity, and citizens are equal before the law in public rights and duties; there shall be no discrimination among them on the basis of sex, origin, language, religion, or creed.

NATIONALITY LAW

NATIONALITY

Women do not have the same rights as men to pass citizenship to their children and spouse. Men can pass citizenship to their children automatically. Bahraini mothers can pass their citizenship to their children if the child is born from an unknown father or born from a father whose legal status has not been proven.

CRIMINAL LAWS

Domestic violence

Women and girls are protected by the Law on Protection against Domestic Violence, Law No. 17 of 2015. The Law could be strengthened by clarifying if marital rape is criminalized as domestic violence.

Abortion for rape survivors

Abortion under medical supervision is permitted by Article 321 of the Penal Code. A woman has the right to an abortion if a doctor certifies that her life is in danger. However, there is no provision permitting abortion in cases of rape.

Female Genital Mutilation / Cutting (FGM/C)

FGM/C is not practiced in Bahrain, although some cases were reported in the past. FGM/C can be prosecuted as assault under Article 337 of the Penal Code.

Marital rape

Marital rape is not criminalized.

Sexual harassment

Although there is no sexual harassment offence in the Labour Law No. 36 of 2012, workplace sexual harassment of government employees is penalized by the Civil Service Law. The Penal Code criminalizes acts of immorality and assault (Articles 344 and beyond of the Penal Code).

Human trafficking

The Anti-Trafficking in Persons Law No.1 of 2008 prohibits all forms of trafficking in persons and provides prison sentences of three to fifteen years.

Rape (other than of a spouse)

The Penal Code Decree-Law No. 15 of 1976 provides the penalty of life imprisonment for any person who sexually assaults a woman without her consent. The penalty is death or life imprisonment if the victim's age is less than 16 years.

Honour crimes: Mitigation of penalty

Article 334 of the Penal Code permits a reduced penalty for a person (male or female) who surprises his or her spouse in the act of adultery and assaults the spouse or the spouse's partner resulting in death.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 324–330 of the Penal Code.

Exoneration by marriage

Article 353 of the Penal Code exempts the offender from criminal prosecution for crimes of rape, sexual assault, or immoral acts if the woman who is the victim of the crime marries her offender.

Adultery

Adultery is an offence under Article 316 of the Penal Code.

Sexual orientation

There is no specific prohibition of homosexual conduct in the Penal Code. There is lack of information about the application of criminal laws relating to debauchery or immoral conduct to penalize consensual same-sex conduct or expression of sexual orientation.

PERSONAL STATUS LAWS

Minimum age of marriage

The legal age of marriage is 16 years for females. A girl under the age of 16 may be married with permission from the court, which must verify the suitability of the marriage before granting permission.

Male guardianship over women

The Family Code provides protections for women under male guardianship. An adult Shia woman can contract her own marriage. A guardian (wali) cannot force a woman to marry or oppose a marriage without legitimate reason.

Marriage and divorce

The Family Code, Law No. 19 of 2017, provides for mutual rights and obligations of spouses. The husband has the right to divorce at his own will by repudiation (talaq). A wife has the right to a khul'a divorce, which requires that she forgoes her financial rights, such as giving up her dowry.

Polygamy

Polygamy is permitted by the Family Code. The husband must declare the number of wives in the marriage contract.

Guardianship of children

The father is the guardian of his children.

Custody of children

Mothers have limited custody rights, which are defined differently for Sunni and Shia communities.

Inheritance

According to the Family Code, Sharia rules of inheritance apply. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

Article 39 of the Labour Law states: "Discrimination is prohibited with respect to wages on grounds of gender, origin, language, religion, or creed."

Domestic workers

Migrant domestic workers have some labour rights. A ministerial decree penalizes an employer who withholds a worker's passport. Rights of domestic workers include access to mediation in labour disputes and the right to be provided with a labour contract.

Dismissal for pregnancy

Labour Law No. 36 of 2012 makes it illegal to dismiss workers because of the sex of the worker, family responsibilities, pregnancy, childbirth, or breastfeeding.

Paid maternity leave

Labour Law No. 36 of 2012 provides that women are entitled to maternity leave on full pay for 60 days. This is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Article 31 of the Labour Law No. 36 of 2012 allows the Minister of Labour to determine the occupations for which the employment of women is prohibited. The Minister's Decision No. 23 of 2013 prohibits the employment of women in work that is not commensurate with the physiological nature of women.

DJIBOUTI



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NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Djibouti ratified CEDAW in 1998 without reservations.

Constitution

Article 10 of the 1992 Constitution provides that the State assures equality before the law to all without distinction of language, origin, race, sex, or religion.

NATIONALITY LAW

NATIONALITY

There is no discrimination with regard to acquiring citizenship, pursuant to the Nationality Code of 2004.

CRIMINAL LAWS

Domestic violence

The Penal Code of 1995 criminalizes acts of violence. However, Djibouti does not have a separate law that specifically criminalizes domestic violence.

Abortion for rape survivors

Abortion that is not for therapeutic purposes is a criminal offence under Articles 447–448 of the Penal Code, including for survivors of rape.

Female Genital Mutilation / Cutting (FGM/C)

FGM/C was criminalized by Law No. 55 of 2009. Article 333 of the Penal Code provides a sentence of five years' imprisonment and a fine for a person who conducts FGM/C procedures. The law also provides for up to one year's imprisonment and a fine for anyone who fails to report FGM/C to the authorities.

Marital rape

Rape is defined by Article 343 of the Penal Code Law No. 59 of 1995 as an act of sexual penetration committed on another person with the use of violence, constraint, or threat. The courts may consider marital rape as constituting an offence. However, marital rape is rarely prosecuted.

Sexual harassment

Penal Code offences may cover some forms of sexual harassment. Articles 430–431 of the Penal Code criminalize public insult with penalties of six months' imprisonment and a fine.

Human trafficking

Law No. 133 of 2016 on Combating Trafficking in Persons and the Smuggling of Migrants criminalizes trafficking and includes preventive and protective measures.

Rape (other than of a spouse)

Rape with the use of violence, constraint, or threat is punished with a maximum of ten years' imprisonment, or twelve years' imprisonment if there are aggravating circumstances.

Honour crimes: Mitigation of penalty

No specific provision was identified in the Penal Code reducing penalties for honour crimes.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 394–398 of the Penal Code. Women who sell sex may be deterred from reporting rape or violence because they risk prosecution for selling sex.

Exoneration by marriage

No specific provision was identified in the Penal Code exonerating perpetrators of honour crimes who married their victims.

Adultery

There is no legal prohibition in the Penal Code against adultery.

Sexual orientation

There is no specific prohibition of homosexual conduct in the Penal Code. There is lack of information about the application of criminal laws to penalize consensual same-sex conduct or expression of sexual orientation.

PERSONAL STATUS LAWS

Minimum age of marriage

Articles 13 and 14 of the Family Code, Law No. 152 of 2002, provide that the minimum age of marriage for men and women is 18, but a minor can marry with the consent of a guardian or with a judge's approval if consent is not granted.

Guardianship of children

Fathers have the right to control matters related to education and cultural upbringing.

Male guardianship over women

Article 7 of the Family Code provides that the marriage is formed with the consent of both spouses and the guardian of the woman.

Custody of children

The mother has custody rights, and either parent may be granted custody after a divorce. The judge decides custody on the basis of the best interests of the child. A mother with custody loses custody if she remarries, unless a court decides it is in the best interest of the child to award custody to a married woman or if the new husband is within the prohibited degree of relationship to the child.

Marriage and divorce

Women do not enjoy equal rights in marriage and divorce. The wife owes a duty of obedience to her husband. The husband must support the wife financially. The husband may file for divorce without providing grounds. The wife may file for divorce without grounds by renouncing her financial rights.

Inheritance

Under the Family Code, Sharia rules of inheritance apply. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

Polygamy

Polygamy is permitted by Article 22 of the Family Code, subject to restrictions.

LABOUR LAWS

Right to equal pay for the same work as men

Article 137 of the Labour Code, Law No. 133 of 2006, provides a right to equal pay.

Domestic workers

No information available.

Dismissal for pregnancy

Article 114 of the Labour Code provides that it is unlawful to dismiss a woman from employment because of her pregnancy.

Paid maternity leave

Article 113 of the Labour Code provides that women are entitled to 14 weeks' maternity leave at full pay, which is paid half by the government and half by the employer.

Legal restrictions on women's work

There are restrictions on women performing arduous work. Article 112 of the Labour Code provides that women cannot work in a job that is recognized to be above their strength and female workers must be assigned suitable work for a person of their strength.

EGYPT



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NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Egypt ratified CEDAW in 1981 and maintains reservations to Article 2 (policy measures), Article 16 (equality in marriage and family life), and Article 29(2) (administration of the convention and arbitration of disputes). Egypt withdrew its reservation to Article 9(2) in 2004.

Constitution

The 2014 Constitution includes more than 20 articles addressing the rights of women so as to ensure equal opportunities and prevent discrimination, protection against all forms of violence, and to ensure women's empowerment and commitment to care at various stages of their lives.

NATIONALITY LAW

NATIONALITY

The Nationality Law of 1975 was amended in 2004 to grant Egyptian women married to foreign men the right to pass their nationality to their children. The Nationality Law still restricts Egyptian women from conferring their nationality to their foreign-born spouses.

CRIMINAL LAWS

Domestic violence

There is no law on domestic violence. Some domestic violence offences may be punishable under the Penal Code and Law No. 6 of 1998, but only if the battery exceeds the accepted limits of discipline decided by the judge and if the injuries are apparent when filing the complaint at the police station.

Abortion for rape survivors

Abortion is prohibited by Articles 260–264 of the Penal Code. A 1998 fatwa on abortion declared that women who have been raped should have access to an abortion in the first months of pregnancy.

Female Genital Mutilation / Cutting (FGM/C)

FGM/C has been criminalized since 2008. The Penal Code considers circumcision an aggravating factor in the crime of causing deliberate physical injury. In 2016, the Penal Code was amended to increase the penalties for FGM/C to a period of imprisonment of between five and seven years.

Marital rape

Marital rape is not criminalized. Marital rape is not considered a crime under the constitutional principle that there is no crime and no punishment except as authorized by a legal text.

Sexual harassment

Law No. 50 of 2014 amended the Penal Code (Articles 306 bis(a) and 306 bis(b)) to introduce penalties for sexual harassment, including imprisonment and

Human trafficking

Law No. 64 of 2010 on Combating Trafficking in Humans provides comprehensive measures to address human trafficking.

Rape (other than of a spouse)

Article 267 of the Penal Code Law No. 58 of 1937 criminalizes rape (sexual intercourse with a female without her consent). Articles 268 and 269 criminalize indecent assaults.

Honour crimes: Mitigation of penalty

Penal Code Article 237 provides that a man who surprises his wife committing adultery and who kills her and the person committing adultery with her benefits from a reduced penalty not to exceed three years prison. Articles 17 and 60 of the Penal Code also enable a judge to provide leniency for honour crimes.

Sex work and anti-prostitution laws

Prostitution is criminalized by the Law on Combating Prostitution, No. 10 of 1961.

Exoneration by marriage

Article 291 of the Penal Code was removed in 1999. Article 291 stipulated that there was no penalty for male rapists who married a female victim.

Adultery

Adultery is an offence under Articles 237, 273, 274–277 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The Child Law No. 126 of 2008 established the minimum age of marriage as 18.

Male guardianship over women

For Muslim marriages, judges are required to have regard to the Hanafi fiqh, under which the consent of the guardian is not a strict requirement if the woman is a rational adult, although the guardian may object to the marriage on limited grounds.

Marriage and divorce

Women do not enjoy equal rights in marriage and divorce. The Personal Status Law for Muslims provides that men have a right to divorce by repudiation without resorting to the court. Women have access to limited types of divorce that can only be obtained from a court.

Polygamy

Polygamy is permitted by the Personal Status Law for Muslims.

Guardianship of children

Fathers are guardians of children even if the mother has custody, with the exception of decisions about education, which are the responsibility of the parent with custody.

Custody of children

After divorce, women retain custody of children until the age of 15. This can be extended until they are 21 or until the child completes education or marries.

Inheritance

According to the Inheritance Law No. 77 of 1943, all citizens – including Christian denominations – are subject to Islamic inheritance law, under which women have a right to inheritance but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

The Labour Code Law No.12 of 2003 prohibits discrimination on the basis of sex in payment of wages.

Dismissal for pregnancy

The Labour Code prohibits employers from dismissing a woman because of her pregnancy.

Paid maternity leave

Women are entitled to 90 days of paid maternity leave in the private sector and 120 days of paid maternity leave in the public sector. The private sector entitlement is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Ministerial decrees restrict women from working in certain occupations, including construction and mining, some types of night work, and roles deemed morally inappropriate.

Domestic workers

The Labour Code excludes domestic workers.

IRAQ



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NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Iraq acceded to CEDAW in 1986 and maintains reservations to Articles 2(f), 2(g) (policy measures; modification of laws), Articles 9(1) and 9(2) (nationality), Article 16 (marriage and family life), and Article 29(1) (administration of the convention; arbitration of disputes).

Constitution

Article 14 of the 2005 Constitution provides that Iraqis are equal before the law without discrimination based on gender, race, ethnicity, origin, colour, religion, creed, belief or opinion, or economic and social status.

NATIONALITY LAW

NATIONALITY

Iraqi women can pass their citizenship to their children born inside Iraq in the same way as men. There are some restrictions that apply to women if their children are born outside Iraq. A married Iraqi woman cannot pass citizenship to a foreign spouse on an equal basis with a married Iraqi man.

CRIMINAL LAWS

Domestic violence

Women and girls in Iraqi Kurdistan Region (IKR) are protected by the Law to Combat Domestic Violence in IKR, Law No. 8 of 2011. There is no federal domestic violence law. Article 41 of the Iraqi Penal Code of 1969 states that the punishment of a wife by her husband is the exercise of a legal right.

Abortion for rape survivors

Article 417 of the Penal Code criminalizes abortion. There is no specific exception permitting abortion for rape survivors. It is considered a legally mitigating circumstance for a pregnant woman to procure an abortion because of shame.

Female Genital Mutilation / Cutting (FGM/C)

There is no national law prohibiting FGM/C. Article 6 of the Domestic Violence Law of IKR defines FGM/C as a form of domestic violence and criminalizes FGM/C.

Marital rape

Marital rape is not criminalized by the Penal Code.

Sexual harassment

Sexual harassment in the workplace is prohibited by the Labour Law. Some forms of sexual harassment are prohibited by Articles 400 and 402 of the Penal Code. These offences include committing an immodest act, making indecent advances, or assaulting a woman in a public place in an immodest manner.

Human trafficking

The Law on Combating Trafficking in Humans No. 28 of 2012 prohibits human trafficking and addresses prevention and protection measures.

Rape (other than of a spouse)

Rape and sexual assault are criminalized by the Penal Code, Law No. 111 of 1969, Articles 393 and 396. The death penalty may apply in some cases where there are aggravating circumstances.

Honour crimes: Mitigation of penalty

Article 128 of the Penal Code provides for a reduced sentence for perpetrators of honour crimes. Article 409 provides mitigation for a person who surprises his wife in the act of adultery and kills or assaults her. Reduced penalties for honour killings do not apply in IKR.

Sex work and anti-prostitution laws

Prostitution is prohibited by the Anti-Prostitution Law No. 8 of 1988.

Exoneration by marriage

Article 398 of the Penal Code allows a perpetrator of rape to escape punishment by marrying the woman he raped. If the offender lawfully marries the survivor, the legal action becomes void, any investigation is discontinued, and any sentence that has already been passed is quashed.

Adultery

Adultery is an offence under Article 377 of the Penal Code. Adultery by a woman is a misdemeanour punishable by a sentence of three months to five years. The same penalty applies if the husband commits adultery, but only if he commits adultery in the family home.

PERSONAL STATUS LAWS

Minimum age of marriage

According to Article 7 of the Personal Status Law, No. 188 of 1959, the legal age of marriage is 18 years for both men and women. The age can be lowered to 15 years with the guardian's consent and judicial permission.

Guardianship of children

The father is the legal guardian of his minor children.

Male guardianship over women

Adult women are not required to have a male marriage guardian. Iraq has also abolished the role of a male marriage guardian, except for approval of underage marriages.

Custody of children

In cases of divorce, women have custody of children up to the age of ten, which may be extended up to the age of 15.

Marriage and divorce

The Personal Status Law requires the husband to maintain the wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul'a divorce without grounds if she forgoes financial rights.

Inheritance

Under the Personal Status Law, women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

Polygamy

Polygamy is permitted by the Personal Status Law, subject to judicial authorization. The conditions for polygamy are stricter in IKR under the Personal Status Law as amended for IKR.

LABOUR LAWS

Right to equal pay for the same work as men

The right to equal pay is provided by Article 53 of the Labour Law No. 37 of 2015.

Domestic workers

Article 3 of the Labour Law states that the Labour Law covers domestic workers. The Labour Law provides protections to domestic workers, including by prohibiting discrimination and forced labour.

Dismissal for pregnancy

There is no provision in the Labour Code specifically prohibiting the termination of employment based on pregnancy. However, employers are prohibited from discriminating against women in employment by Article 11 of the Labour Law.

Paid maternity leave

Under Article 87 of the Labour Law, women are entitled to 14 weeks of maternity leave, which is paid by the employer.

Legal restrictions on women's work

Women may not be recruited to perform arduous work specified in accordance with executive instructions issued under the Labour Law. Women are prohibited from working at night, subject to exceptions.

JORDAN



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The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Jordan ratified CEDAW in 1992, but maintains reservations to Article 9(2) and Article 16(1)(c), (d), and (g). Jordan lifted its reservation to Article 15(4) in 2009. The publication of CEDAW in the official Gazette in 2007 had the effect of giving it the force of law.

Constitution

Article 6 of the 1952 Constitution guarantees equality before the law. The Constitution does not include an article addressing gender discrimination or prohibiting discrimination against women.

NATIONALITY LAW

NATIONALITY

Under the Nationality Law No. 6 of 1954, Jordanian women married to non-Jordanian men cannot pass their citizenship to their children or husband in the same way as men. In 2014, the government issued a statement promising to give sons and daughters of Jordanian women "Mazaya" (privileges).

CRIMINAL LAWS

Domestic violence

Women and girls are protected by the Law on Protection from Domestic Violence, No. 15 of 2017. The law could be further strengthened by clarifying the definition of domestic violence crimes.

Abortion for rape survivors

Abortion is prohibited by Articles 321–325 of the Penal Code, including for women who have been raped.

Female Genital Mutilation / Cutting (FGM/C)

There are no documented cases. There is no legal prohibition.

Sexual orientation

There is no specific prohibition of homosexual conduct in the Penal Code. There is lack of information about the application of criminal laws to penalize consensual same-sex conduct or expression of sexual orientation.

Marital rape

Marital rape is not criminalized.

Sexual harassment

Sexual harassment can be punished as the offence of unwanted sexual contact under Articles 305 and 306 of the Penal Code. However, the scope of the law is unclear and on-line harassment is not addressed. Penalties are increased if the perpetrator is an employer or supervisor.

Human trafficking

The Law on Protection Against Trafficking of Humans No. 9 of 2009 provides comprehensive measures to address human trafficking.

Rape (other than of a spouse)

Article 292 of the Penal Code Law No. 16 of 1960 criminalizes rape. Any person who has sexual intercourse with a female, other than his wife, without her consent, whether by coercion or threat or deception, shall be sentenced to at least 15 years' imprisonment.

Honour crimes: Mitigation of penalty

Article 98 of the Penal Code was amended in 2017 to prevent reduction of penalties for 'honour' crimes. However, Article 340 has not yet been removed from the Penal Code. Article 340 allows for reduced penalties if a spouse is murdered when caught in the act of adultery.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 306–317 of the Penal Code.

Exoneration by marriage

Article 308 of the Penal Code exonerated a man in cases of rape or sexual assault if he married his victim. Article 308 was removed from the Penal Code in 2017.

Honour crimes: Protective detention

Women and girls whose lives are at risk for reasons related to family honour may be forcibly detained in detention centres for their own protection under the Crime Prevention Law No. 7 of 1954. By-laws have been issued for a new system that will require women and girls who are at risk to be housed in shelters.

Adultery

Adultery is an offence under Articles 282–284 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The legal age of marriage is 18 years. However, a judge has discretion to consent to the marriage of a minor who is 15 years or older.

Male guardianship over women

A male guardian is required for an unmarried woman under the age of 40 (whether divorced, widowed, or single). The guardian's consent to marriage is required to a first marriage. There are weak codified protections for women under guardianship. A judge can overrule a guardian's objection to a marriage.

Marriage and divorce

Women do not enjoy equal rights in marriage and divorce. The wife owes a legal duty of obedience to her husband. Men have legal obligations to provide materially for their wives and children. The law allows the woman to add conditions to her marriage contract. Men can divorce unilaterally by talaq.

Polygamy

Polygamy is permitted by the Personal Status Law.

Guardianship of children

Fathers are the sole guardians of children.

Custody of children

The mother is entitled to custody until the child is 15. A mother loses custody if she remarries someone who is not a close relative of her former husband.

Inheritance

Sharia rules of inheritance apply. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

The Constitution provides that "every worker shall receive wages commensurate with the quantity and quality of his work." However, there is no right to equal pay for women and men under the Labour Code No. 8 of 1996.

Domestic workers

Migrant domestic workers have some rights as a result of regulations issued under the Labour Code in 2008. These regulate working hours and salary payments.

Dismissal for pregnancy

Employers are prohibited from dismissing women because of pregnancy by Article 27 of the Labour Code.

Paid maternity leave

Women have the right to paid maternity leave (90 days of leave for public sector workers; 70 days for private sector workers). This is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Regulations issued under the Labour Code impose legal restrictions on women's employment in some occupations considered arduous or where they may be subject to health and/or safety risks. Women are also prohibited from night work except in roles specified by the Minister of Labour.

LEBANON



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

The colour-coded representation below provides a comparison of the laws identified in the country profile with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women and country recommendations under the country's respective Universal Periodic Reviews.

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Lebanon ratified CEDAW in 1997. Lebanon maintains reservations to Article 9(2) (equal rights with respect to nationality of children), Article 16(1)(c), (d), (f), and (g) (equality in marriage and family relations), and Article 29(1) (administration of the Convention and arbitration in the event of a dispute).

Constitution

Article 7 of the 1926 Constitution states that all Lebanese are equal before the law and equally enjoy civil and political rights. However, there is no specific reference to sex or gender equality. The Constitution does not prohibit discrimination on the basis of sex or gender.

NATIONALITY LAW

NATIONALITY

Lebanese women cannot pass their citizenship to their children or to a foreign spouse in the same way as Lebanese men.

CRIMINAL LAWS

Domestic violence

Women and girls are protected by the Law on Protection of Women and other Family Members from Domestic Violence, Law No. 293 of 2014. The Law could be strengthened by clarifying whether it criminalizes marital rape. A Bill that proposes amendments to improve the Law has been drafted but is yet to be considered by parliament.

Abortion for rape survivors

Abortion is prohibited by Articles 539–546 of the Penal Code, including for women who have been raped.

Female Genital Mutilation / Cutting (FGM/C)

There are no reported cases. There is no legal prohibition.

Marital rape

Marital rape is not criminalized. The definition of rape in Articles 503 and 504 of the Penal Code of 1943 excludes forced sex in marriage.

Sexual harassment

The Labour Code does not prohibit workplace sexual harassment. The Penal Code includes the punishment of some indecent acts to which the description of sexual harassment may apply, including Articles 385, 507, 519, and 532.

Human trafficking

Law No. 164 of 2011 prohibits all forms of human trafficking. However, the law does not address prevention and protection measures.

Rape (other than of a spouse)

Rape outside of marriage is a criminal offence under the Penal Code with a minimum punishment of imprisonment for five years.

Honour crimes: Mitigation of penalty

Article 562 of the Penal Code allowed reduction of sentences for 'honour' crimes. This Article was repealed in 2011.

Sex work and anti-prostitution laws

Prostitution is prohibited by Article 523 of the Penal Code. The illegal sale of sex in nightclubs is associated with the artist visa.

Exoneration by marriage

Article 522 of the Penal Code exonerated a perpetrator of kidnapping and adultery who married his victim. Article 522 was removed in 2017. However, a perpetrator of a sexual offence against a girl who marries his victim is exonerated if the circumstances fall under Articles 505 or 518 of the Penal Code.

Adultery

Adultery is an offence under Articles 487–489 of the Penal Code.

Sexual orientation

Article 534 of the Penal Code criminalizes "unnatural" sex with one year's imprisonment. This article has been used to charge people for homosexual conduct. Some courts have ruled that Article 534 should not be used to prosecute consensual conduct between adults in private.

PERSONAL STATUS LAWS

Minimum age of marriage

There is no law prohibiting early marriage. The minimum age of marriage varies among religious denominations and disadvantages girls. Although most religious groups set the minimum age as 18 for boys, all religious groups allow girls under the age of 18 to marry.

Guardianship of children

Men have guardianship over children. Women do not have guardianship rights, with the exception of Armenian Orthodox couples.

Male guardianship over women

A male marriage guardian is required for Muslim and Druze marriages. The role of the male marriage guardian for Muslim and Druze marriages varies according to sect.

Custody of children

The mother has custody of young children. In many cases, there are conditions that limit the mother's custodial rights.

Marriage and divorce

Women do not enjoy equal rights in marriage and divorce under the Personal Status Laws. Grounds for divorce or annulment under the various sectarian Personal Status Laws discriminate against women.

Inheritance

Under the rules of inheritance that apply to Muslims, women have a right to inheritance, but in many cases receive less than men. For example, daughters receive half the share that sons receive. Male and female Christians have equal inheritance rights under the Inheritance Law for Non-Muslims.

Polygamy

Polygamy is permitted by the Personal Status Laws for Muslims. However, polygamy is rare.

LABOUR LAWS

Right to equal pay for the same work as men

Article 26 of the Labour Code of 1946 (as amended) prohibits discrimination against women in the payment of wages.

Domestic workers

Domestic workers are excluded from the protections of the Labour Code.

Dismissal for pregnancy

Employers are prohibited from dismissing women because of pregnancy by Articles 29 and 52 of the Labour Code.

Paid maternity leave

Under the Labour Code, women are entitled to 10 weeks of maternity leave paid by the employer, but this is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

The Labour Code prohibits women from working in certain occupations considered arduous or hazardous.

LIBYA



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Libya acceded to CEDAW in 1989 and maintains reservations to Article 2 and Article 16(c) and (d) as well as a general reservation that accession cannot conflict with personal status laws derived from Sharia. Libya is party to the CEDAW optional protocol allowing for individual complaints.

Constitution

Article 6 of the Interim Libyan Constitution states that Libyans shall be equal before the law, enjoy equal civil and political rights, have the same opportunities in all areas, and be subject to the same public duties and obligations without distinction, including on the grounds of gender.

NATIONALITY LAW

NATIONALITY

Libyan women do not have the same rights as men to pass their nationality to a child or a foreign spouse.

CRIMINAL LAWS

Domestic violence

Libya does not have domestic violence legislation.

Abortion for rape survivors

Abortion is prohibited by Articles 390–395 of the Penal Code, including for women who have been raped. The penalty is reduced if the abortion is performed to save the honour of the person performing it or the honour of a relative.

Adultery

Law No. 70 of 1973 criminalizes adultery and zina, which is defined as sexual intercourse between a man and a woman who are not bound to each other by marriage. The penalty for zina is flogging with 100 lashes.

Marital rape

Marital rape is not criminalized.

Sexual harassment

Article 12 of the Labour Relations Law prohibits employees from performing or inciting acts of sexual harassment. Articles 368–398 of the Penal Code criminalize physical and sexual assaults in public.

Female Genital Mutilation / Cutting (FGM/c)

There is no legal prohibition. There are no documented cases.

Sexual orientation

Law No. 70 of 1973 criminalizes all forms of consensual sex and indecent acts outside of marriage. Articles 407 and 408 of the Penal Code were amended in 1973 to criminalize consensual sex and indecent acts.

Rape (other than of a spouse)

Article 407 of the Penal Code criminalizes rape as an offence against honour and morals. The penalty for having carnal connection by force or threats is imprisonment for a period not exceeding ten years.

Honour crimes: Mitigation of penalty

Article 375 of the Penal Code allows for reduced punishment of eight years' imprisonment for a man who kills his wife, daughter, or sister if the crime is perpetrated immediately upon finding the woman engaged in adultery.

Human trafficking

Libya does not have comprehensive anti-trafficking legislation. The Penal Code punishes international trafficking of women for sexual exploitation in some circumstances.

Exoneration by marriage

Article 424 of the Penal Code exonerates a rapist if he marries his victim and does not divorce her for a period of three years.

Protective detention

The government operates Social Rehabilitation Centres for the mandatory detention of women and girls who have been raped or abandoned by their families. This form of protection is not supportive of gender justice because it restricts the liberty of women and girls.

Sex work and anti-prostitution laws

Prostitution is prohibited by the Penal Code, and the Law against adultery and zina, Law No. 70 of 1973.

PERSONAL STATUS LAWS

Minimum age of marriage

Article 6 of the Family Law stipulates that the minimum age for marriage for women and men is 20. The court may allow persons under 20 to marry if there is a specific reason, benefit, or necessity for the marriage.

Guardianship of children

The legal position is unclear. Both mothers and fathers have guardianship of their children according to Law No. 17 of 1992. The position after divorce is unclear. Principles of Islamic law apply to resolve issues relating to guardianship.

Male guardianship over women

A woman requires consent of her male guardian to enter marriage. However, a guardian cannot force a woman to marry against her will or prevent her from marrying the husband of her choice. The guardian's consent is needed if the woman wants to travel.

Custody of children

The mother has custody of her sons until they reach puberty and her daughters until they marry. However, a divorced woman who remarries risks losing custody of her daughter.

Marriage and divorce

A wife has domestic responsibilities and must ensure the comfort of her husband. In return, she is entitled to maintenance from her husband and to be free from violence. Only judicial divorces are recognized. A woman can divorce on specified grounds, or through a khul'a divorce if she forgoes her financial rights.

Inheritance

Sharia rules of inheritance apply. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

Polygamy

The Family Law permits polygamy. As a result of a Supreme Court judgment, polygamy is allowed without conditions.

LABOUR LAWS

Right to equal pay for the same work as men

Article 21 of the Labour Relations Law No. 12 of 2010 states that there should be no discrimination in wages based on sex.

Domestic workers

Domestic workers are included within labour legislation. Chapter 3 of the Labour Relations Law addresses domestic work. Employers must ensure equality of domestic workers with other workers in areas such as leave entitlements and social protection rights.

Dismissal for pregnancy

Article 25 of the Labour Relations Law prohibits employers from dismissing women because of pregnancy.

Paid maternity leave

Article 25 of the Labour Relations Law provides that women are entitled to 14 weeks of maternity leave, which the government is required to pay. This conforms to ILO recommendations.

Legal restrictions on women's work

Women are restricted from being employed in some occupations. Article 24 of the Labour Relations Law states that women shall not be employed in types of work that are unfamiliar to their nature as women.

MOROCCO



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Morocco ratified CEDAW in 1993 and maintains a reservation to Article 29(1) (relating to process for resolving disputes), and a declaration to Article 2, stating that the government of Morocco is ready to apply the provisions of the Article as long as these do not conflict with Islamic law.

Constitution

The 2011 Constitution includes a commitment to the protection of human rights and the prohibition against all forms of discrimination, including discrimination because of sex. Article 19 addresses equality between women and men.

NATIONALITY LAW

NATIONALITY

Women enjoy equal rights with men to confer their citizenship on their children under the Nationality Law. Women do not enjoy equal rights with men to confer citizenship on a foreign spouse. A Bill proposing to amend the Nationality Law to provide equal rights to women has been drafted.

CRIMINAL LAWS

Domestic violence

Women and girls are protected by the Law on Combating all Forms of Violence against Women, Law No. 103-13. However, it does not address marital rape. The Law could be strengthened by criminalizing marital rape as a form of violence against women and by clarifying the definition of domestic violence.

Abortion for rape survivors

Article 449 of the Penal Code criminalizes abortion. There is no specific exception for rape. The Penal Code does not penalize abortion if it is necessary to preserve the health of the mother when a doctor performs the abortion with the permission of the husband.

Female Genital Mutilation / Cutting (FGM/C)

There is no legal prohibition. There are no documented cases.

Marital rape

Marital rape is not criminalized.

Sexual harassment

Article 503 of the Penal Code criminalizes sexual harassment.

Human trafficking

Law No. 27-14 on Combating Trafficking in Persons criminalizes human trafficking and addresses trafficking prevention and protection measures.

Rape (other than of a spouse)

Article 486 of the Penal Code criminalizes rape, which is defined as sexual intercourse between a man and a woman without her consent.

Honour crimes: Mitigation of penalty

Article 418 of the Penal Code provides that a husband or wife benefits from a mitigated sentence if they kill their spouse caught in an act of adultery. Article 420 provides for a reduced sentence for a head of a household who assaults a person he finds in his home engaged in illegal sex.

Sex work and anti-prostitution laws

Prostitution is prohibited by Article 498 of the Penal Code.

Exoneration by marriage

There is no 'marry-your-rapist / abductor' provision in the Penal Code.

Adultery

Adultery is an offence under Article 491 of the Penal Code.

Sexual orientation

Homosexual conduct between consenting adults is a criminal offence under Article 489 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

Article 19 of the Family Code provides that the legal age for marriage for males and females is 18 years. Courts can approve marriage of minors. Article 16 has been used by some courts to recognize child marriage.

Guardianship of children

The father is the legal guardian of his minor children. The mother is guardian if the father is absent or is deprived of capacity.

Male guardianship over women

The Family Code does not require women to have a male marriage guardian.

Custody of children

In the event of divorce, child custody is awarded first to the mother, and children can choose to be in the custody of the mother or father when they reach 15. A mother loses custody if she remarries unless conditions specified in the Family Code are met.

Marriage and divorce

Women enjoy equal rights in most aspects of marriage and divorce. A court may grant divorce based on mutual consent or on specified grounds. A man wishing to divorce unilaterally must apply for court permission. If the wife wants divorce but her husband does not consent, divorce may be granted if the wife pays compensation.

Inheritance

The Family Code requires Sharia rules of inheritance to be applied. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive. The child of a deceased mother inherits from the maternal grandparents in the same way as a child of a deceased father.

Polygamy

Polygamy is permitted by the Family Code, subject to strict conditions. The husband must provide a court with evidence of an "exceptional justification" for the marriage and to prove he has sufficient financial resources to cover family expenses, housing, and to ensure equal treatment of his wives.

LABOUR LAWS

Right to equal pay for the same work as men

Article 346 of the Labour Code prohibits discrimination in remuneration between men and women.

Domestic workers

Domestic workers are not protected by the Labour Code. Under the Law on Domestic Workers of 2016, domestic workers have some rights, including entitlement to written contracts and a minimum wage.

Dismissal for pregnancy

Employers are prohibited from dismissing women because of pregnancy by Article 152 of the Labour Code.

Paid maternity leave

Women have the right to 14 weeks of paid maternity leave under Article 152 of the Labour Code. This meets the ILO recommendation for paid maternity leave.

Legal restrictions on women's work

Women are restricted from participating in some occupations, including mining. The Labour Code prohibits the employment of women in occupations listed in regulations, including work that poses excessive risk, is considered beyond their capabilities, or is likely to undermine morality.

OMAN



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Oman acceded to CEDAW in 2006, subject to a general reservation to provisions not in accordance with Sharia. It maintains reservations to Article 9(2) (nationality), Article 16(a), (c), (f) (family life), and Article 29(1)(arbitration).

Constitution

Article 17 of the Basic Law of the State provides that all citizens are equal before the law, and they are equal in public rights and duties. There shall be no discrimination between them, including on the grounds of gender.

NATIONALITY LAW

NATIONALITY

Women do not have the same rights as men to pass citizenship to their children or a foreign spouse.

CRIMINAL LAWS

Domestic violence

Oman has no domestic violence legislation.

Abortion for rape survivors

Abortion is prohibited by Articles 315–318 of the Penal Code, including for women who have been raped.

Female Genital Mutilation / Cutting (FGM/C)

There is no legal prohibition. A policy directive prohibits FGM/C in government institutions.

Marital rape

Marital rape is not criminalized.

Sexual harassment

Although there is no specific sexual harassment offence, indecent acts or gestures against women and girls are criminalized by Article 266 of the Penal Code.

Human trafficking

Oman adopted a comprehensive Anti-Trafficking Law in 2008.

Rape (other than of a spouse)

Article 257 of the Penal Code criminalizes rape, which is defined as “sexual intercourse with a male or female outside marriage without consent,” and is punishable by imprisonment from ten to 15 years.

Honour crimes: Mitigation of penalty

There is no specific provision in the Penal Code allowing for reduction in penalty for perpetrators of ‘honour’ crimes. The Article allowing for reduced penalties was annulled by Royal Decree No. 72/2001.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 255–256 of the Penal Code.

Exoneration by marriage

There is no marry-your-rapist law in Oman.

Adultery

Adultery is an offence under Article 259 of the Penal Code.

Sexual orientation

Homosexual conduct between consenting adults is criminalized by Articles 261–262 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The minimum age for marriage is 18 for males and females under Article 7 of the Personal Status Law. Marriage of persons aged less than 18 may be approved by a judge after verifying that the marriage would be beneficial.

Guardianship of children

Fathers are the sole guardians of children.

Male guardianship over women

Permission of a marriage guardian (wali) is required for a woman to marry. The guardian is required to conclude the marriage with her consent. Royal Decree 55/2010 prevents a guardian from obstructing a woman’s decision to marry her choice of husband and empowers the state to act as a guardian.

Custody of children

After divorce or separation, the mother retains custody of her son until he is seven and her daughter until she reaches puberty.

Marriage and divorce

The Personal Status Law requires the husband to maintain the wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul’a divorce without grounds if she forgoes financial rights.

Inheritance

The Personal Status Law defines the rules of inheritance, which follow Sharia principles. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

Polygamy

Polygamy is permitted by the Personal Status Law.

LABOUR LAWS

Right to equal pay for the same work as men

Article 80 of the Labour Law requires that women and men must be paid equal wages for the same work.

Domestic workers

Domestic workers are not covered by the protections of the Labour Law. Ministerial Decision No. 189/2004 issued by the Minister of Manpower addresses employment of domestic workers. Ministerial Decision No. 1/2011 regulates the agencies involved in the recruitment of domestic workers.

Dismissal for pregnancy

Employers are prohibited from dismissing women because of pregnancy by Article 84 of the Labour Law.

Paid maternity leave

Under the Labour Law, women are entitled to 50 days of maternity leave, which is paid by the employer. This is less than the ILO standard of 14 weeks.

Legal restrictions on women’s work

Regulations issued under the Labour Law impose legal restrictions on women’s employment in some occupations considered arduous or hazardous. Women are also prohibited from night work except in roles specified by the Minister.

PALESTINE



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Palestine unilaterally ratified CEDAW by Presidential Decree No. 19 of 2009. After UN recognition of Palestine as a State, Palestine acceded to CEDAW in 2014. Palestine has entered no reservations to CEDAW.

Constitution

Article 9 of the Basic Law provides that Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, colour, religion, political views, or disability.

NATIONALITY LAW

NATIONALITY

There is no Palestinian nationality law.

PALESTINE

CRIMINAL LAWS

Domestic violence

Palestine has no domestic violence legislation.

Marital rape

Marital rape is not criminalized.

Rape (other than of a spouse)

Rape is criminalized by Article 152 of the Criminal Code of 1936 in Gaza Strip and Article 292 of the Penal Code of 1960 in the West Bank.

Exoneration by marriage

In the West Bank, Article 308 of the Penal Code previously exonerated a rapist of criminal responsibility if he married the rape survivor. Law No. 5 of 2018 repealed Article 308 of the Penal Code.

Abortion for rape survivors

Abortion is prohibited in the West Bank by the Jordan Penal Code (Articles 321–325) and in Gaza by the Criminal Code of 1936 (Articles 175–177).

Sexual harassment

Sexual harassment is not criminalized by the Labour Code. Article 305 of the Penal Code criminalizes unwanted sexual conduct, which covers some types of sexual harassment.

Honour crimes: Mitigation of penalty

Laws allowing mitigation of penalties for 'honour' crimes were repealed in 2011 and 2018 in the West Bank. However, the government in Gaza has not applied the reforms.

Adultery

Adultery is an offence in Gaza and the West Bank. In the West Bank, Article 282 of the Penal Code criminalizes adultery.

Female Genital Mutilation / Cutting (FGM/C)

There is no legal prohibition. FGM/C is not reported.

Human trafficking

Palestine does not have comprehensive anti-trafficking legislation. Some provisions of the Penal Code of Jordan apply to trafficking in the West Bank.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 309–318 of the Penal Code in the West Bank and Articles 161–166 of the Criminal Code of 1936 in Gaza.

Sexual orientation

Homosexual conduct between consenting adults is criminalized by the Criminal Code of 1936 in Gaza, with a penalty of up to ten years of imprisonment. The Penal Code 1960 in the West Bank has no similar prohibition.

PERSONAL STATUS LAWS

Minimum age of marriage

The Muslim personal status laws set the minimum legal age of marriage as 15 years for girls and 16 years for boys in the West Bank, and 17 years for girls and 18 for boys in the Gaza Strip. The ages can be lower if a judge allows it (with a guardian's approval in the case of the girl).

Male guardianship over women

Muslim women require consent of a wali (male guardian) to marry. There are some weak legal protections for women under guardianship. Women can seek permission from the court to marry if the guardian withholds consent without a legitimate reason.

Marriage and divorce

The personal status laws for Muslims require the husband to maintain the wife. A wife owes obedience to her husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul'a divorce without grounds if she forgoes financial rights.

Polygamy

Polygamy is permitted.

Guardianship of children

Fathers are the sole guardians of children.

Custody of children

After divorce the mother has custody up to a certain age, but automatically loses custody of her children if she remarries.

Inheritance

Sharia rules of inheritance apply to Muslims. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

Under the Labour Law of 2000, discrimination in the workplace between men and women is prohibited.

Dismissal for pregnancy

Under the Labour Law of 2000, employers are prohibited from dismissing a woman because she takes maternity leave.

Paid maternity leave

The Labour Law allows for maternity leave of 12 weeks, which is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Some legal restrictions exist on women's employment in certain industries that do not apply to men, such as mining.

Domestic workers

The Labour Law does not apply to domestic workers. The President's Decree No. 2 of 2013 provides some protections for domestic workers relating to the number of working hours, the right to rest, remuneration, post-contract rights, and compensation.

QATAR



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Qatar ratified CEDAW in 2009. Reservations were made to Articles 2(a), 9(2), 15(1), 15(4), 16(1)(a), (c), and (f). Qatar also included several declarations, including that Article 5(a) must not be understood as encouraging women to abandon their role as mothers and their role in child-rearing.

Constitution

The 2004 Constitution states that all persons are equal before the law and there shall be no discrimination whatsoever on grounds of sex, race, language, or religion.

NATIONALITY LAW

NATIONALITY

Women do not have the same rights as men to pass citizenship to their children or to a foreign spouse under the Nationality Law (Law No. 38 of 2005).

CRIMINAL LAWS

Domestic violence

There is no domestic violence legislation in Qatar.

Abortion for rape survivors

Under the Penal Code, abortion is generally illegal, except if necessary to save the life of the woman.

Female Genital Mutilation / Cutting (FGM/C)

There are no laws prohibiting FGM/C. However, FGM/C is not practiced in Qatar.

Marital rape

Marital rape is not criminalized. Due to the obedience requirement in the Family Law, cases of marital rape do not come before the courts.

Sexual harassment

Offensive remarks, sounds, or gestures against women and girls are criminalized by Article 291 of the Penal Code.

Human trafficking

Qatar adopted a comprehensive law against trafficking in 2011. The Law on Combating Human Trafficking includes penalties up to 15 years in prison and protective services for victims of trafficking

Rape (other than of a spouse)

Rape is criminalized by Article 279 of the Penal Code. The death penalty applies in aggravated circumstances, e.g., rape of a minor by a relative.

Honour crimes: Mitigation of penalty

Article 47 of the Penal Code allows for reduction in penalty for perpetrators of 'honour' crimes.

Sex work and anti-prostitution laws

Prostitution is prohibited by Article 298 of the Penal Code.

Exoneration by marriage

There is no marry-your-rapist law in Qatar.

Adultery

Adultery is an offence under Articles 281, 282, and 285 of the Penal Code.

Sexual orientation

Sexual conduct between consenting adults outside of marriage is criminalized by Articles 281, 282, 285, and 298 of the Penal Code. Article 296 criminalizes seducing for sodomy or to commit immoral acts.

PERSONAL STATUS LAWS

Minimum age of marriage

The Family Law of 2006 establishes the minimum age for marriage as 18 for boys and 16 for girls. Judges may grant approval for marriage below these ages in exceptional cases.

Guardianship of children

Fathers are the sole guardians of children.

Male guardianship over women

Permission of a marriage guardian (wali) is required for a woman to marry. There are some legal protections for women under guardianship. The bride's guardian must conclude her marriage contract with her permission.

Custody of children

After divorce or separation, the mother retains custody of her sons until age 13 and of her daughters until age 15.

Marriage and divorce

The Family Law requires the husband to maintain the wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul'a divorce without grounds if she forgoes financial rights.

Inheritance

The Family Law defines the rules of inheritance, which follow Sharia principles. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

Polygamy

Polygamy is permitted by the Family Law.

LABOUR LAWS

Right to equal pay for the same work as men

Article 93 of the Labour Law of 2004 states that women shall be given equal remuneration to men when they do the same work and shall have the same opportunities for training and advancement as men.

Domestic workers

Domestic workers do not enjoy the same rights as workers protected by the Labour Law. The sponsorship system was abolished by Law No. 21 of 2015 and replaced with labour contracts. Law No. 15 of 2017 on Domestic Workers specifies maximum working hours, paid leave, and workplace health and safety rights.

Dismissal for pregnancy

Employers are prohibited from dismissing women because of pregnancy by Article 98 of the Labour Law.

Paid maternity leave

Under the Labour Law, women are entitled to 50 days of maternity leave, which is paid by the employer. This is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

The Labour Law provides that women shall not be employed in dangerous work, arduous work, work that is detrimental to their health or morals, or other works to be specified by a Decision of the Minister. The Minister may also specify that women cannot be employed during certain times, such as at night.

KINGDOM OF SAUDI ARABIA



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

The colour-coded representation below provides a comparison of the laws identified in the country profile with international human rights standards, the recommendations of the UN Committee on the Elimination of Violence against Women and country recommendations under the country's respective Universal Periodic Reviews.

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Saudi Arabia ratified CEDAW in 2000, with reservations relating to the norms of Islamic law and that the Kingdom does not consider itself bound by Article 9(2) (nationality) and Article 29(1) (dispute resolution).

Constitution

The Basic Law does not include a provision on gender equality or prohibition of discrimination based on sex or gender.

NATIONALITY LAW

NATIONALITY

Women do not have the same rights as men to pass nationality to their children or to a foreign spouse.

CRIMINAL LAWS

Domestic violence

Women and girls are protected by the Law on Protection from Abuse 2013. It creates criminal penalties for acts of domestic violence and establishes a process for people to lodge complaints and receive protection. It could be improved by clarifying if the law criminalizes marital rape as a form of abuse.

Marital rape

Marital rape is not criminalized. Rape of a wife by a husband was not traditionally subject to punishment in Sharia courts, but a husband is under a general obligation not to harm his wife.

Rape (other than of a spouse)

Rape is a criminal offence under Sharia law with a wide range of penalties, including flogging and execution.

Exoneration by marriage

Sharia law principles apply. Data was not available to confirm whether courts exonerate rapists who marry their victims.

Abortion for rape survivors

Abortion is generally prohibited under Sharia law, including in the case of rape. Abortion is legal to save the woman's life or if the pregnancy is less than four months old and continued pregnancy gravely endangers the mother's health.

Sexual harassment

Sexual harassment was criminalized in 2018. The law defines "harassment" as any word, act, or sign with a sexual connotation by a person to any other person that harms their body or modesty by any means, including through modern technology.

Honour crimes: Mitigation of penalty

Leniency for perpetrators of 'honour' crimes against women is not codified in Saudi law. Sentencing of men who commit such crimes is at the discretion of the court.

Adultery

Adultery is criminalized by Sharia law (zina offence).

Female Genital Mutilation / Cutting (FGM/C)

There is no legal prohibition. It is not practiced.

Human trafficking

The Anti-Trafficking in Persons Law of 2009 prohibits human trafficking, but it does not address prevention and protection measures.

Sex work and anti-prostitution laws

Prostitution is prohibited by Sharia law.

Sexual orientation

Homosexual conduct between consenting adults is criminalized by Sharia law.

PERSONAL STATUS LAWS

Minimum age of marriage

Sharia does not specify a minimum age for marriage. Girls may marry after reaching puberty with the consent of their guardian.

Male guardianship over women

Women require the consent of a wali (male guardian) to marry. There is a lack of codified legislative protections to prevent forced or early marriage for women and girls subject to guardianship.

Marriage and divorce

Under Sharia principles, the husband is required to financially support his wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul'a divorce without grounds if she forgoes financial rights.

Polygamy

Polygamy is permitted.

Guardianship of children

Fathers are the sole guardians of children.

Custody of children

After divorce the mother has custody of children up to the age of seven, but she loses custody if she remarries.

Inheritance

Sharia rules of inheritance apply. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

The Labour Law does not include a right to equal pay for the same work as men.

Dismissal for pregnancy

Under Article 155 of the Labour Law employers are prohibited from dismissing a woman because she takes maternity leave.

Paid maternity leave

Women are entitled to 10 weeks of maternity leave, which is fully paid by the employer. This is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

The Labour Law prohibits employment of women in hazardous operations or harmful industries. The Minister prescribes occupations and jobs that are deemed harmful to women. The law also prohibits women from working at night, except in situations determined by the Minister.

Domestic workers

Domestic workers are not covered by the full protections of the Labour Law. Council of Ministers Decision No. 310 of 1434 (2013) regulates the employment of domestic workers and sets out minimum entitlements. Employers are required to treat domestic workers with dignity and ensure their safety.

SOMALIA



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Somalia has not acceded to CEDAW.

Constitution

Article 11 of the Provisional Constitution provides that all citizens have equal rights regardless of sex, and that the State must not discriminate against any person on the basis of gender.

NATIONALITY LAW

NATIONALITY

Somali women do not have the same legal rights as men to pass citizenship to a child or a foreign spouse under the Law on Somali Citizenship of 1962.

CRIMINAL LAWS

Domestic violence

Somalia does not have a law that specifically addresses domestic violence.

Abortion for rape survivors

Abortion, with or without consent and for honour, is prohibited by Articles 418–422 of the Penal Code, including for women who have been raped.

Female Genital Mutilation / Cutting (FGM/C)

Article 15 of the Provisional Constitution prohibits FGM/C. A decree in Somaliland and legislation in Puntland prohibiting FGM have been drafted, but await endorsements.

Marital rape

Marital rape is not specifically criminalized. Women owe a duty of obedience to their husbands and are expected to fulfil conjugal duties in the marriage.

Sexual harassment

Article 24 of the Provisional Constitution prohibits sexual abuse in the workplace. The Puntland Sexual Offences Act 2016 prohibits sexual harassment.

Human trafficking

The Provisional Constitution provides that a person may not be subjected to slavery, servitude, trafficking, or forced labour for any purpose. The Penal Code includes some trafficking offences. However, there is no comprehensive anti-trafficking legislation addressing prevention and protection measures.

Rape (other than of a spouse)

Rape is criminalized by Article 398 of the Penal Code. Whoever with violence or threats has carnal intercourse with a person of the other sex shall be punished with imprisonment for five to 15 years.

Honour crimes: Mitigation of penalty

The Penal Code requires reduction of sentences for a person who kills a female relative (spouse, daughter, or sister) or her sexual partner in the sudden heat of rage “for the offence caused to his or her honour and to the honour of his or her family” after finding her in a sexual act.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 405–408 of the Penal Code.

Exoneration by marriage

There is no marry-your-rapist provision in the Penal Code. Customary law may be applied in such cases to exonerate an abductor or rapist if marrying the victim preserves honour.

Adultery

Adultery is an offence under Article 426 of the Penal Code.

Sexual Orientation

Homosexual conduct between consenting adults is criminalized by Article 409 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The Family Code sets the minimum age for marriage at 18 years for both males and females. However, females between the ages of 16 and 18 can marry with their guardian’s consent. The Family Code is seldom applied in legal practice. In most areas, Sharia and customary laws are used to address family matters.

Guardianship of children

Fathers are the guardians of children.

Male guardianship over women

Muslim women require consent of a wali (male guardian) to marry. Women and girls lack legal protections from early and forced marriage.

Custody of children

After divorce or separation, the mother retains custody of her children when they are young, but she loses custody if she remarries.

Marriage and divorce

A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. Although the Family Code provides that marriage is based on equal rights and duties, in practice Sharia rules apply to marriage and divorce, including the wife’s duty of obedience.

Inheritance

Sharia rules of inheritance are applied. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

Polygamy

Polygamy is allowed by Sharia law. The Family Code allows polygamy in limited specified circumstances. The Family Code is seldom applied in legal practice.

LABOUR LAWS

Right to equal pay for the same work as men

The Private Sector Employees Laws of Somaliland and Puntland require that male and female workers who do the same work should receive equal remuneration. The Provisional Constitution states that every labour law shall comply with gender equality.

Domestic workers

There are no specific legal provisions on the protection of the rights of domestic workers.

Dismissal for pregnancy

The Provisional Constitution states that all women workers have a special right of protection from discrimination. Employers are prohibited from dismissing women because of pregnancy by the Private Sector Employees Law for Somaliland and Puntland.

Paid maternity leave

The Labour Code of 1972 provides that women are entitled to 14 weeks of maternity leave at half pay. For Somaliland and Puntland, the respective Private Sector Employees Law provides that women are entitled to 16 weeks of maternity leave.

Legal restrictions on women’s work

Under the Labour Code of 1972, women are restricted from being employed in night work, and the specific types of work prohibited for women may be prescribed by decree.

SUDAN



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Sudan has not acceded to CEDAW. In 2018, Sudan announced its intention to ratify CEDAW with reservations to some articles.

Constitution

Article 31 of the Sudan Interim Constitution as amended in 2017 states that all persons are equal before the law and are entitled to equal protection of law without discrimination as to sex (and other listed categories).

NATIONALITY LAW

NATIONALITY

The Interim Constitution provides that a child born to a Sudanese mother or father has an inalienable right to citizenship and nationality. Amendments to the nationality law have been approved for consideration of Parliament.

CRIMINAL LAWS

Domestic violence

Sudan does not have domestic violence legislation.

Marital rape

Marital rape is not specifically criminalized. The wife owes a duty of obedience to her husband and is required to fulfil conjugal duties in the marriage.

Rape (other than of a spouse)

Rape is criminalized by Article 149 of the Criminal Act 1991. The death penalty applies in some circumstances.

Exoneration by marriage

There is no marry-your-rapist law in Sudan.

Abortion for rape survivors

Under Article 135 of the Criminal Act 1991, abortion is legal if the pregnancy is the result of a rape which occurred not more than 90 days before the pregnant woman has desired to have the abortion.

Sexual harassment

Article 151 of the Criminal Act was amended in 2015 to criminalize acts of sexual harassment.

Honour crimes: Mitigation of penalty

There is no specific provision in the Criminal Act allowing for reduction in penalty for perpetrators of 'honour' crimes.

Adultery

Adultery is an offence under Articles 145 and 146 of the Criminal Act.

Female Genital Mutilation / Cutting (FGM/C)

A proposed amendment to the Criminal Act to criminalize FGM/C was adopted by the Council of Ministers in 2016.

Human trafficking

The Combating of Human Trafficking Act of 2014 provides comprehensive measures against trafficking.

Sex work and anti-prostitution laws

Prostitution is prohibited by Articles 154–156 of the Criminal Act.

PERSONAL STATUS LAWS

Minimum age of marriage

Article 15 of the Interim Constitution protects children from early marriage. The Personal Status Law is unclear regarding the age of legal marriage. Article 215 of the Personal Status Law states that the age of majority is 18. However, other articles allow underage marriages in some cases.

Male guardianship over women

A woman requires permission of a guardian to marry. The woman's consent is also required, but the guardian can conclude the marriage contract first and seek the woman's consent later.

Marriage and divorce

The Personal Status Law requires the husband to maintain the wife. The wife owes obedience to the husband. A husband can divorce by repudiation (talaq). A wife has the right to divorce on specified grounds. She can also apply for a khul'a divorce without grounds if she forgoes financial rights.

Polygamy

Polygamy is permitted by the Personal Status Law.

Guardianship of children

The father is the guardian and is responsible for providing financial support.

Custody of children

After divorce, a mother's custody of her children continues till boys reach seven years and girls reach nine years. A mother may lose custody if she remarries unless a court permits her to retain custody in the best interest of the child.

Inheritance

The Personal Status Law defines the rules of inheritance for Muslims, which follow Sharia principles. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

LABOUR LAWS

Right to equal pay for the same work as men

The Labour Act of 1997 recognises the principle of equal pay for equal work.

Dismissal for pregnancy

There is no specific prohibition against dismissing women because of pregnancy in the Labour Act. However, the Interim Constitution provides that the State shall protect motherhood and women from injustice and promote gender equality. Civil servants have rights under the Civil Service Law.

Paid maternity leave

Article 46 of the Labour Act states that a female worker is entitled to 8 weeks of maternity leave with full pay. This is less than the ILO standard of 14 weeks.

Legal restrictions on women's work

Article 19 of the Labour Act prohibits women from working in occupations that are hazardous, arduous, or harmful to their health.

Domestic workers

Domestic workers are not covered by the Labour Act. Some protections are provided by the Domestic Servants Act of 1955 in terms of contracts of employment, wages, holidays, and gratuity on termination of service.

SYRIA



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Syria ratified CEDAW in 2003, subject to reservations to Articles 9(2) (nationality), Article 15(4) (domicile and residence), Article 16(1)(c), (d), (f), and (g) (marriage and divorce), Article 16(2) (child marriage), and Article 29(1) (arbitration of disputes).

Constitution

Article 33 of the 2012 Constitution states that citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion, or creed.

NATIONALITY LAW

NATIONALITY

According to the Nationality Law of 1969, women do not have the same rights as men to pass citizenship to their children or a foreign spouse.

CRIMINAL LAWS

Domestic violence

Syria does not have domestic violence legislation.

Marital rape

Marital rape is not specifically criminalized. The rape offence excludes rape of a spouse.

Rape (other than of a spouse)

Article 489 of the Penal Code No. 148 of 1949 criminalizes rape, other than of a female spouse. The death penalty applies to rape if the victim is under 15 years or if the offence took place under the threat of the use of a firearm.

Exoneration by marriage

There is no provision fully exonerating an offender who marries his victim. However, a perpetrator of rape and certain other crimes may have his penalty reduced if he marries his victim under Article 508 of the Penal Code. A minimum penalty of two years imprisonment applies for rape.

Abortion for rape survivors

Abortion is prohibited by Articles 525–532 of the Penal Code, including for women who have been raped.

Sexual harassment

There is no specific sexual harassment offence in the Penal Code or Labour Law. However, according to the Penal Code criminal conduct includes indecent touching.

Honour crimes: Mitigation of penalty

Article 192 of the Penal Code provides for reduction of sentences if the judge finds that the motive was 'honourable'. Article 548 allows for reduction of the sentence of a man who injures or kills a spouse caught in the act of committing adultery.

Adultery

Adultery is a criminal offence under Articles 473–474 of the Penal Code.

Female Genital Mutilation / Cutting (FGM/C)

There is no legal prohibition. The practice is not reported to occur in Syria.

Human trafficking

The Law Against Trafficking in Persons No. 3 of 2010 provides comprehensive measures against human trafficking.

Sex work and anti-prostitution laws

Prostitution is prohibited by Article 513 of the Penal Code and the Law on Suppression of Prostitution of 1961.

PERSONAL STATUS LAWS

Minimum age of marriage

Article 16 of the Personal Status Law states that eligibility for marriage is reached at the age of 18 for a boy and 17 for a girl. Judges can authorize a marriage of a girl from the age of 13. If a 17-year-old girl wants to marry and the guardian does not object, the judge shall authorize the girls' marriage.

Male guardianship over women

The role of the male marriage guardian is restricted by the Personal Status Law. A valid marriage requires the woman's consent. However, the guardian may request a court to annul a marriage that he does not approve because of the husband's social status.

Marriage and divorce

Syria has reformed the law to improve the rights of women in marriage and divorce, but inequalities remain in some areas. A husband can choose arbitrary divorce by his own will.

Polygamy

Polygamy is permitted by the Personal Status Law subject to court permission. The husband must have a lawful justification and be able to support more than one wife.

Guardianship of children

Guardianship is normally granted to the father, but may be awarded to the mother with the consent of the judge.

Custody of children

The mother is entitled to keep custody of her sons till they reach the age of 13 and daughters till they are 15, provided the mother does not remarry a stranger.

Inheritance

The Personal Status Law defines the rules of inheritance for Muslims, which follow Sharia principles. Muslim women have a right to inheritance, but in many cases receive less than men. Women and men have equal rights to agricultural land, and Catholic women and men have equal inheritance rights.

LABOUR LAWS

Right to equal pay for the same work as men

Article 75 of the Labour Law recognises the principle of equal pay for equal work.

Dismissal for pregnancy

Article 67 of the Labour Law prohibits employers from dismissing a worker because of her pregnancy.

Paid maternity leave

Articles 121 and 122 of the Labour Law state that women are entitled to maternity leave, which employers are liable to pay. The entitlement is 120 days for the first child, 90 days for the second child, 75 days for the third child. This entitlement partially complies with the ILO standard of 14 weeks.

Legal restrictions on women's work

Article 120 of the Labour Law states that the Minister shall determine circumstances where women shall be allowed to perform night work or harmful, arduous, immoral, or other work prohibited to women.

Domestic workers

Article 5 of the Labour Law excludes domestic workers from the protections of the Labour Law. There are some protections for domestic workers provided by decisions of the Interior Ministry and the Minister of Social Affairs on work contracts and by-laws relating to work visas and the working conditions of migrants.

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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Tunisia ratified CEDAW in 1985 and lifted all specific reservations to the Convention in 2014. Tunisia maintains a general declaration stating it will not take any regulatory or legislative decision that would violate Article 1 of the Tunisian Constitution, which states that Tunisia's religion is Islam.

Constitution

Article 21 of the 2014 Constitution states that all citizens, male and female, have equal rights and duties, and are equal before the law without any discrimination.

NATIONALITY LAW

NATIONALITY

Women can pass on their nationality to their children in the same way as men. However, they do not have the same rights as men to pass citizenship to a foreign spouse.

CRIMINAL LAWS

Domestic violence

Women and girls are protected by the Law on Eliminating Violence against Women, No. 58 of 2017.

Abortion for rape survivors

Abortion has been decriminalized. Article 214 of the Penal Code permits an abortion during the first three months of pregnancy if it is performed by a doctor in a hospital or licensed clinic.

Female Genital Mutilation / Cutting (FGM/C)

Article 221 of the Penal Code prohibits the mutilation or partial or full removal of a woman's sexual organ.

Marital rape

Marital rape is not specifically criminalized. The Personal Status Code requires both spouses to "fulfil their marital obligations according to custom." However, Tunisia has indicated to the CEDAW Committee that marital rape can be prosecuted.

Sexual harassment

Article 226 of the Penal Code prohibits sexual harassment.

Human trafficking

Law No. 61 of 2016 on Preventing and Combating Trafficking in Persons provides comprehensive measures against trafficking.

Rape (other than of a spouse)

Article 227 of the Penal Code criminalizes rape, which is defined as any act of intercourse with a man or woman without consent, regardless of the nature or the method used.

Honour crimes: Mitigation of penalty

Mitigation for 'honour' crimes committed against women caught in the act of committing adultery no longer applies. Article 207 of the Penal Code was repealed in 1993.

Sex work and anti-prostitution laws

Article 231 of the Penal Code criminalizes prostitution other than as regulated by law. A Decree issued in 1942 regulates the conditions for the legal practice of prostitution in specific residences, with the requirement for sex workers to undergo health screening, pay taxes, and register with the Interior Ministry.

Exoneration by marriage

Article 227 bis of the Penal Code exonerated a rapist if he married his victim. Article 239 exonerated a man from punishment for kidnapping a woman if he married her. These articles were removed from the Penal Code in 2017.

Adultery

Adultery is an offence under Article 236 of the Penal Code.

Sexual orientation

Homosexual conduct is criminalized. Sodomy is prohibited by Article 230 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The legal age of marriage for each spouse is 18 years. It is possible in exceptional cases to conclude a marriage contract below the prescribed age after obtaining special permission from the court, which is given only for serious reasons and for the obvious interest of the spouses.

Guardianship of children

The father is the guardian over his children. The Personal Status Law was amended by Law No. 74 of 1993 to enable women to exercise some guardianship authority.

Male guardianship over women

There is no legal requirement for a male marriage guardian to consent to an adult woman's marriage or to sign the marriage contract.

Custody of children

Judges have discretion in granting custody to the mother or the father based on the best interests of the child. After divorce, the mother loses custody if she remarries unless it is judged by the court to be in the best interest of the child to award custody to a married woman or if the husband is within the prohibited degree of relationship to the child.

Marriage and divorce

Women and men have equal rights in most aspects of marriage and divorce. The law requires consensual marriage. The Personal Status Code provides for judicial divorce and guarantees equal divorce rights for women and men.

Inheritance

The Personal Status Code defines the rules of inheritance, which follow Sharia principles. Women have a right to inheritance, but in many cases receive less than men. Daughters receive half the share that sons receive.

Polygamy

Polygamy is prohibited by the Personal Status Law.

LABOUR LAWS

Right to equal pay for the same work as men

Women have the right to equal pay for the same work as men. Article 5 bis of the Labour Code prohibits discrimination between men and women in the application of the Code.

Domestic workers

Domestic workers do not benefit from the protective provisions of the Labour Code. Their relationship with their employer is subject to the civil law of contracts.

Dismissal for pregnancy

Article 20 of the Labour Code prohibits employers from dismissing a worker because of her pregnancy.

Paid maternity leave

Article 64 of the Labour Code states that women are entitled to 30 days of maternity leave. This is below the ILO standard of 14 weeks.

Legal restrictions on women's work

The Labour Code includes legal restrictions on women's employment in undertaking night work, mining, and scrap metal work.

YEMEN



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Gender Justice & The Law

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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YES

The law provides for gender equality and/or protection from gender-based violence and is substantially compliant with international standards. A green category does not indicate that the law is perfect or that gender justice in the relevant topic area has been fully achieved.

NO

The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

Partly

Some gender justice aspects of the law have been addressed, but important gender inequalities remain.

No available data or inadequate information.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Yemen acceded to CEDAW in 1984. It maintains a reservation to Article 29(1), which relates to the settlement of disputes through arbitration by the International Court of Justice.

Constitution

Article 41 of the 1991 Constitution provides that citizens are equal in public rights and duties. Article 75 of the 2015 Draft Constitution provides for non-discrimination based on sex.

NATIONALITY LAW

NATIONALITY

Women can pass nationality to their children but do not have the same rights as men to pass citizenship to a foreign spouse.

CRIMINAL LAWS

Domestic violence

There is no domestic violence legislation in Yemen.

Abortion for rape survivors

Abortion is prohibited by Articles 239 and 240 of the Penal Code. There is no exception for rape survivors.

Female Genital Mutilation / Cutting (FGM/C)

A 2001 Ministerial Decree prohibits carrying out FGM/C procedures in public and private hospitals and clinics, but the Decree does not impose penalties.

Marital rape

Marital rape is not specifically criminalized. The Personal Status Code obliges a woman to obey her husband. The courts interpret this to mean that a woman cannot refuse her husband's request for intercourse.

Sexual harassment

There is no specific offence of sexual harassment. Some types of harassment may fall under the crimes of committing disgraceful acts against women and girls, which are punishable under Articles 273 and 275 of the Penal Code.

Human trafficking

There is no comprehensive anti-trafficking law criminalizing all forms of trafficking and addressing prevention and protection measures. There are minimal legal protections against human trafficking.

Rape (other than of a spouse)

The Penal Code No. 12 of 1994 criminalizes rape.

Honour crimes: Mitigation of penalty

Mitigation for 'honour' crimes that are committed against women caught in the act of committing adultery is provided by Article 232 of the Penal Code.

Sex work and anti-prostitution laws

Article 278 of the Penal Code criminalizes prostitution, which is punishable with imprisonment for a period not exceeding three years or a fine. Sex workers may also run the risk of prosecution for zina (sex outside of marriage), which attracts severe penalties.

Exoneration by marriage

There is no specific provision in the Penal Code exonerating a rapist who marries his victim.

Adultery

Adultery is an offence under Article 12 of the Penal Code.

Sexual orientation

Homosexual conduct is criminalized by Articles 264 and 268 of the Penal Code.

PERSONAL STATUS LAWS

Minimum age of marriage

The Personal Status Code and its amendments do not specify a minimum age of marriage.

Guardianship of children

The father enjoys sole guardianship of his children. After a divorce, the father remains the legal guardian of the children and payment of child support is his responsibility.

Male guardianship over women

The Personal Status Code requires a male marriage guardian to consent to a woman's marriage and to sign the marriage contract. The woman's consent is also necessary. Article 18 of the Personal Status Code allows a woman to apply the court if she seeks to refuse to enter a marriage arranged by the guardian.

Custody of children

Custody is generally granted to the mother until a son is nine and a daughter is 12. A divorced woman loses custody if she remarries.

Marriage and divorce

Women do not enjoy equal rights in marriage and divorce. The wife owes obedience to her husband. Men have a right to divorce by repudiation without resorting to the court. Women have access to limited types of divorce that can only be obtained from a court.

Inheritance

The Personal Status Code defines the rules of inheritance, which follow Sharia principles. Women have a right to inheritance, but in many cases receive less than men. A daughter receives half the share that a son receives.

Polygamy

Polygamy is permitted by the Personal Status Code.

LABOUR LAWS

Right to equal pay for the same work as men

Women have the right to equal pay for the same work as men under Article 67 of the Labour Code, No. 5 of 1995.

Domestic workers

Domestic workers are excluded from the Labour Code by Article 3 of the Code and therefore do not benefit from its protective provisions.

Dismissal for pregnancy

Article 45 of the Labour Code prohibits employers from dismissing a worker during her maternity leave because of her pregnancy.

Paid maternity leave

Article 45 of the Labour Code provides that women are entitled to 70 days of maternity leave with full pay, which employers are liable to pay directly to the employee. This is less than the 14 weeks required by ILO standards.

Legal restrictions on women's work

Article 46 of the Labour Code prohibits employment of women in occupations that are hazardous, arduous, or harmful to their health or social standing. It is also forbidden to employ women at night, except during Ramadan and in the jobs specified by order of the Minister.