Gender Justice & Equality before the Law in the Arab States Region



		Algeria	Bahrain	Djibouti	Egypt	Iraq*	Jordan	Lebanon	Libya	Morocco	Oman	Palestine, State of	Qatar	Saudi Arabia	Somalia	Sudan
CONSTITUTION	Constitution refers to gender equality or non-discrimination															
CEDAW	CEDAW ratified without reservations															
NATIONALITY LAW	Equal rights to pass nationality to child Equal rights to pass nationality to spouse															
PENAL CODE	Domestic violence legislation exists (stand-alone)Rape is criminalized (except marital rape)Marital rape is criminalizedLaw does not allow mitigating circumstances for femicideLaw does not include exoneration if offender marries his victimAbortion is legal or not criminalized in the case of rapeSexual harassment is criminalizedAdultery is not criminalizedComprehensive provisions (punitive, protective and preventive) on human traffickingLaws on FGM/C (if known to be practiced)Sex work is not criminalizedConsensual same-sex sexual conduct is not criminalized															
PERSONAL STATUS / FAMILY LAW	Minimum age of marriage at 18 (with no exception for marriage below 16) No requirement for male marriage guardian for adult women Polygamy is prohibited Equal rights in marriage and divorce Equal rights to guardianship of children Equal rights to custody of children Equal rights to inheritance															
LABOUR LAW	Women have the right to equal pay for the same work as men Women have the right to equal pay for work of equal value Unlawful to dismiss worker based on her pregnancy or taking maternity leave Maternity leave meets the ILO standard of 14 weeks Legal protections for domestic workers No gender-specific restrictions on women's work															

DOES THE LAW ENSURE GENDER EQUALITY AND PROTECTION FROM VIOLENCE?

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 available data or inadequate information.

YES

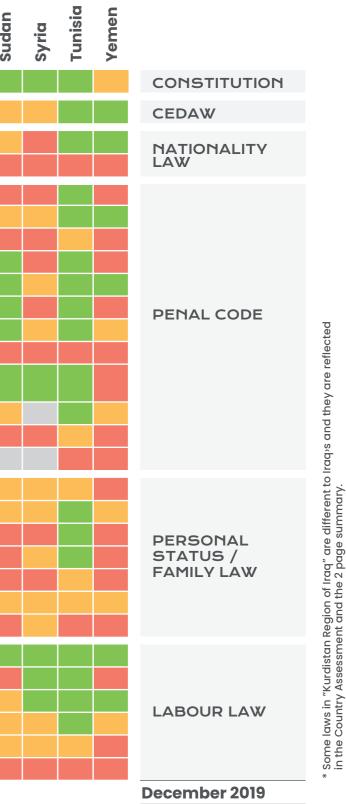
NO The law does not provide for gender equality and/or there is no or minimal protection from gender-based violence.

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Partly

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

Gender Justice Assessment: **Explanation of Categories**

Laws were categorized using a simple colour code system that compares the laws identified in the country profiles with international human rights standards and the recommendations of the UN Committee on the Elimination of Violence against Women. The objective is to highlight examples so that countries can learn from each other and to assist discussion about the legislative models that support the achievement of gender justice.

CONSTITUTIONAL PROVISIONS

Constitution

- GREEN Articles of the Constitution refer directly to gender equality or sex/gender discrimination.
 - There is some express or implied reference in the Constitution to gender or sex, but it provides limited or weak equality rights to women.
 - Articles of the Constitution do not address gender equality or sex/gender discrimination.

CEDAW

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

GREEN	Ratified with no reservations.
AMBER	Ratified with reservations.
RED	Not ratified.

NATIONALITY LAWS

Right to pass nationality to children

- GREEN Women have the same rights as men to pass their nationality to a child.
- Women have the same rights as men to pass their nationality to a child under Constitutional provisions, with legislation pending; children acquire some residency rights from their mother.
- **RED** Women do not have the same rights as men to pass their nationality to a child.

Right to pass nationality to foreign spouse

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

CRIMINAL LAWS

Domestic violence

- GREEN There is a law on domestic violence that enables women to obtain protection orders from a court and that criminalizes domestic violence.
- There is a domestic violence law, but either it does not enable women to obtain protection orders from a court or it does not criminalize domestic violence. RED There is no domestic violence law.

Rape (except marital rape)

- GREEN Rape is criminalized. Penalties for aggravated rape do not include capital punishment.
- Rape is criminalized. Penalties for aggravated rape include capital punishment.
- RED Rape is not criminalized.

Marital rape

- GREEN Marital rape is expressly addressed by penal law and criminalized.
- Marital rape is sometimes prosecuted under rape or other laws.
- The legal definition of rape in the Penal Code/Sharia is RED interpreted by the legal system as excluding marital rape.

Femicide: Mitigation of penalty

- GREEN There is no provision allowing for the reduction of penalty for femicide including so called "honour" crimes.
- Some provisions allowing for reduction of penalty for femicide have been repealed, but loopholes remain.
- A provision allows for the reduction of penalty for femicide or so called "honour" crimes.

Exoneration by marriage

- GREEN
 - The Penal Code does not include a provision exonerating an offender for rape, abduction, or other crimes if he marries the victi.m Exoneration of offenders upon marriage occurs in
 - limited circumstances, e.g., as a result of enforcement of customary law or loopholes in penal codes allowing for exoneration where the victim is a girl below a prescribed age
 - The Penal Code includes provisions exonerating an offender for rape, abduction, or other crimes if he marries the victim.

Abortion for rape survivors

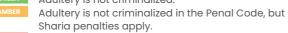
- Abortion for rape survivors is legal or not prohibited. GREEN Abortion for rape survivors may be permitted in some cases.
- RED Abortion for rape survivors is prohibited.

Sexual harassment

- GREEN Sexual harassment is defined in legislation and is prohibited by the Penal Code or Labour Code.
- Sexual harassment is not defined in legislation, but offences in criminal or labour laws provide some protections
- RED There is minimal or no protection from sexual harassment in criminal or labour laws.

Adultery

Adultery is not criminalized.



Adultery is criminalized.

Human trafficking

GREEN There are comprehensive anti-trafficking laws with punitive, protective, and preventive measures.

Some distinct forms of trafficking are criminalized, e.g., sex trafficking, but the law does not require protective and preventive measures.

RED There are minimal or no anti-trafficking offences in criminal law

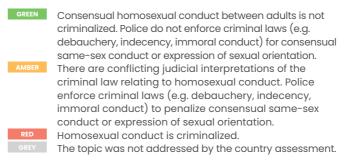
Female Genital Mutilation / Cutting

- GREEN FGM/C is prohibited / criminalized.
- FGM/C is subject to regulation, but is not criminalized.
- RED FGM/C is practised and is not prohibited.
- There are no documented cases. There is no legal prohibition

Sex work and anti-prostitution laws

GREEN People who sell sex / sex workers are not criminalized. Sex work is criminalized, subject to exceptions that permit sex work in some areas under regulatory supervision. Anti-prostitution laws criminalize people who sell sex / sex workers.

Same-sex sexual conduct



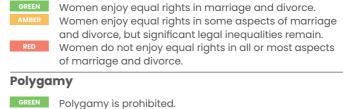
PERSONAL STATUS LAWS

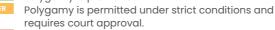
Minimum age of marriage



- requiring the woman's consent, not forcing a woman to marry against her will, and/or the right to challenge a guardian's refusal of consent in court. Consent of the male guardian to marriage is an
- essential requirement. There is a lack of legislative protection to prevent forced or early marriage for women and girls subject to guardianship. The role of the male marriage guardian is maintained with weak legal protections for women and girls.

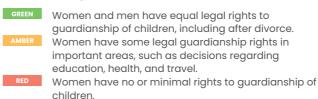
Marriage and divorce





RED Polygamy is permitted without strict conditions.

Guardianship of children



Custody of children

GREEN	Women and men have equal rights to custody of
	children, including after divorce. Consideration of the
	best interest of the child is a legal requirement.
AMBER	Women have rights to custody of children up to a
	certain age, but women's rights are restricted in some
	cases, e.g., loss of custody upon remarriage.
RED	Women have no or minimal rights to custody of
	children, and consideration of the best interest of the
	child is not a legal requirement.
Inherit	tance

GREEN

Women and men have equal rights under inheritance laws. A substantial religious minority (e.g., Christians) of women enjoy equal rights under inheritance laws. Women do not enjoy equal rights under inheritance laws.

LABOUR LAWS

Right to	equal pay for the same work as men
GREEN RED	The labour code provides women with the right to equal pay for the same work as men. The labour code does not provide women with the right to equal pay for the same work as men.
	equal pay for work of equal value (even if a work is different from men's work)
GREEN RED	The labour code provides women with the right to equal pay for work of the same value as men. The labour code does not provide women with the right to equal pay for work of the same value as men.
Dismis	sal for pregnancy
GREEN AMBER RED	The labour code prohibits employers from dismissing women because of pregnancy. Although the labour code does not include a specific prohibition on dismissing women because of pregnancy, such conduct may be illegal under other provisions, e.g., unlawful discrimination. Dismissing women because of pregnancy is not prohibited.
Matern	ity leave meets the ILO standard of 14 weeks
GREEN AMBER RED	Women have a legal right to paid maternity leave at the ILO standard of 14 weeks. Women have a legal right to paid maternity leave at less than the ILO standard of 14 weeks Women do not have a legal right to paid maternity leave.
Gender	-specific restrictions on women's work
GREEN RED	No gender-specific legal restrictions on night work, arduous work, or specific occupations. Gender-specific legal restrictions on women's participation in night work, arduous work, or specific occupations.
Domes	tic workers
GREEN AMBER RED	Domestic workers are covered by the labour code and have substantial legal protections from exploitation and abuse. Domestic workers have some legal rights to protection from exploitation and abuse, but do not have the same or similar labour law protections that other workers in formal employment enjoy. Domestic workers have minimal or no legal rights to protection from exploitation and abuse.

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