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

<table>
<thead>
<tr>
<th>Country</th>
<th>Constitution</th>
<th>CEDAW</th>
<th>Nationality Law</th>
<th>Penalties</th>
<th>Personal Status / Family Law</th>
<th>Labour Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bahrain</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Djibouti</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Egypt</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iraq*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jordan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lebanon</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libya</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morocco</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oman</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Palestine, State of</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qatar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Somalia</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sudan</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Syria</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tunisia</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yemen</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 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 criminalized
- Law does not allow mitigating circumstances for femicide
- Law does not include exoneration if offender marries his victim
- Abortion is legal or not criminalized in the case of rape
- Sexual harassment is criminalized
- Adultery is not criminalized
- Comprehensive provisions (punitive, protective and preventive) on human trafficking
- Laws on FGM/C (if known to be practiced)
- Sex work is not criminalized
- Consensual same-sex sexual conduct is not criminalized

#### Personal Status / Family Law
- Minimum age of marriage at 18 (with no exception for marriage below 18)
- 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?**

- **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.

---

**December 2019**

*Some laws in "Kurdistan Region of Iraq" are different to Iraq’s and they are reflected in the Country Assessment and the 2-page summary.*
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.

Constitution

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)

Ratified with no reservations.

Ratified with reservations.

No ratification.

NATIONALITY LAWS

Right to pass nationality to children

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, but significant legal inequalities remain.

Women do not have the same rights as men to pass their nationality to a child.

Right to pass nationality to foreign spouse

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

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.

There is no domestic violence law.

Sexual harassment

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.

There is minimal or no protection from sexual harassment in criminal or labour laws.

Human trafficking

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.

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

Female Genital Mutilation / Cutting

Female genital mutilation/cutting (FGM/C) is prohibited / criminalized.

Female genital mutilation/cutting (FGM/C) is practised and is not prohibited.

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

Sex work and anti-prostitution laws

People who sell sex / sex workers are not criminalized.

Sex work is criminalized, subject to exceptions that permit sex work to occur under regulatory supervision.

Anti-prostitution laws criminalize people who sell sex / sex workers.

Some-sex sexual conduct

Consensual homosexual conduct between adults is not criminalized. Police do not enforce criminal laws (e.g., debauchery, indecency, immoral conduct) for consensual same-sex conduct or expression of sexual orientation.

There are conflicting judicial interpretations of the criminal law relating to homosexual conduct. Police enforce criminal laws (e.g., debauchery, indecency, immoral conduct) to penalize consensual same-sex conduct or expression of sexual orientation.

Homosexual conduct is criminalized.

The topic was not addressed by the country assessment.

Marital rape

Marital rape is expressly addressed by penal law and is criminalized.

Marital rape is sometimes prosecuted under rape or other criminal laws.

The legal definition of rape in the Penal Code/Sharia is interpreted by the legal system as excluding marital rape.

Abortion for rape survivors

Abortion for rape survivors is legal or prohibited.

Abortion for rape survivors may be permitted in some cases.

Abortion for rape survivors is prohibited.

Gender-specific restrictions on women’s work

Women do not enjoy equal rights under inheritance laws.

A substantial religious minority (e.g., Christians) of women enjoy far greater rights under inheritance laws.

Women do not enjoy equal rights under inheritance laws.

Domestic workers

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.

Domestic workers have minimal or no legal rights to protection from exploitation and abuse.

Labour Laws

Right to equal pay for the same work as men

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.

Disallowance of pregnancy

The labour code prohibits employers from dismissing women because of pregnancy. Although the labour code does not include a specific prohibition on discrimination of women because of pregnancy, such conduct may be illegal under other provisions, e.g., unlawful discrimination.

Marriage and divorce

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

No gender-specific legal restrictions on night work, domestic work, or similar occupation.

Gender-specific legal restrictions on women’s participation in night work, domestic work, or specific occupations.

Domestic workers

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.

Domestic workers have minimal or no legal rights to protection from exploitation and abuse.

Right to equal pay for work of equal value (even if women’s work is different from men’s work)

The labour code provides women with the right to equal pay for work of equal value.

The labour code does not provide women with the right to equal pay for work of equal value.

Guardianship of children

Women have rights to custody of children up to a certain age, but women’s rights are restricted in some cases, e.g., custody of unmarried children.

Women have no or minimal rights to custody of children, and consideration of the best interest of the child is not a legal requirement.

Custody of children

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.

Women have rights to custody of children up to a certain age, but women’s rights are restricted in some cases, e.g., custody of unmarried children.

Women have no or minimal rights to custody of children, and consideration of the best interest of the child is not a legal requirement.

Domestic workers

Domestic workers have minimal or no legal rights to protection from exploitation and abuse.

Domestic workers have some legal rights to protection from exploitation and abuse.

Domestic workers have no legal rights to protection from exploitation and abuse.