

EQUALITY NOW
BEIJING ♀ 20

Ending Sex Discrimination in the Law

Words & Deeds



Holding Governments Accountable
in the Beijing+20 Review Process

ABOUT EQUALITY NOW

Founded in 1992, Equality Now is an international human rights organization that works to protect and promote the rights of women and girls around the world in the areas of **Discrimination in Law, Female Genital Mutilation (FGM), Sexual Violence and Sex Trafficking, with a cross-cutting focus on Adolescent Girls**. Equality Now combines grassroots activism with international, regional and national legal advocacy to achieve legal and systemic change to benefit women and girls, and works to ensure that governments enact and enforce laws and policies that uphold their rights.

Equality Now has offices in New York, Nairobi and London, presences in Amman, Jordan and Washington, DC and partners and members in almost every country in the world.

ACKNOWLEDGMENTS

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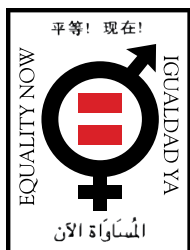
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PHOTO: LAKSHMI ANANTNARAYAN

First, repeal laws that discriminate against women and girls. And make it possible for women to get access to justice... Let us advance this principle for the sake of women and our world. – UN Secretary-General Ban Ki-moon, Sept. 2012

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Introduction

In 1995, at the historic UN 4th World Conference on Women, 189 governments agreed on a comprehensive roadmap — the Beijing Platform for Action — to advance women’s rights and achieve gender equality. In it States declared that laws which discriminate against women undermine equality and pledged to “revoke any remaining laws that discriminate on the basis of sex.” Yet inequality, even in its most overt form, has not been vanquished. In 2000, the General Assembly reviewed the Platform for Action and established a target date of 2005 to revoke all discriminatory laws. This target was far from met.

2015 marks both the 20th anniversary of the adoption of the Beijing Platform for Action and the adoption by States of a new post-2015 development framework to eradicate poverty and to promote equality globally. Governments must turn words into deeds and finally repeal or amend all laws that discriminate on the basis of sex so the next generation of women and girls can enjoy their rights and live as equal partners in society. Without good laws women and girls have no formal recourse to protect and promote their rights and cannot fully participate in society. Legal equality is also essential to meeting internationally agreed upon development goals for the greater inclusion and prosperity of all peoples.

In our advocacy reports, *Words and Deeds — Holding Governments Accountable in the Beijing Review Process*, published in 1999, 2004, 2010 and 2015, Equality Now highlights a sampling of explicitly discriminatory laws relating to: **marital status** (marriage, divorce, polygamy, wife obedience); **personal status** (citizenship, weight of court testimony, travel, prostitution); **economic status** (inheritance, property, employment) and in addressing **violence against women** (rape, domestic violence, “honor” killings). Such laws demonstrate the clear disrespect of governments for the fundamental right of women and girls to equality and an official endorsement of women and girls as people of lesser worth.

Equality Now is pleased to report that more than half of the laws highlighted in our previous reports have been fully or partially repealed or amended (see Annex). Among the countries that have made reforms are Algeria, Argentina, Australia, the Bahamas, Bangladesh, Bolivia, Colombia, Costa Rica, Ethiopia, France, Guatemala, Haiti, India, Iraq, Jordan, Kenya, Kuwait, Latvia, Lesotho, Malaysia, Mexico, Monaco, Morocco, Nepal, Pakistan, Papua New Guinea, Peru, Poland, Republic of Korea, Romania, Serbia and Montenegro, Swaziland, Switzerland, Tonga, Turkey, Uruguay and Venezuela.

However, many other discriminatory laws previously highlighted remain in force. And, new ones continue to be adopted, such as Kenya’s Marriage Act No. 4 of 2014. Other countries had the opportunity to fulfill their pledge while revising their laws recently but failed to remove the discrimination (e.g. the United Kingdom, Mali and Iran). These examples are included in this report.

In 2013, Equality Now took an in-depth look at one type of personal status law in our report, *Campaign to End Sex Discrimination in Nationality and Citizenship Laws*. The report shows countries that do not allow women to pass their nationality to their children or spouses on the same basis as men, and the harmful effects of these discriminatory laws, with a call to governments to change such laws. Since its publication, several countries have amended their laws, including Austria, Senegal and Suriname — others are on their way to doing the same. There is now a global initiative to end gender discrimination

in nationality laws, which is building momentum among governments to amend such laws in line with the Beijing Platform for Action and other international obligations. With genuine government commitment, revocation of sex discriminatory laws can be easily achieved. In 2014, Equality Now published *Protecting the Girl Child — Using the law to end child, early and forced marriage and related human rights violations*. In it we call on governments to take a comprehensive approach to ending child marriage, which affects nearly 15 million girls each year, including by raising the minimum age of marriage for women to 18. In a 2014 UN resolution, the world proclaimed ending child marriage as a priority and an essential element to promoting equality and reducing global poverty in the post-2015 sustainable development framework. We must now ensure change is achieved.

All governments need to review and amend their laws as a matter of urgency to protect all people's civil, political, economic, social and cultural rights protected under the Beijing Platform for Action and other international obligations.

What You Can Do

- Urge heads of state in this report to amend or repeal all sex discriminatory laws and fulfill their commitment to the 1995 Beijing Platform for Action and gender equality. You can take action at www.equalitynow.org/beijing20.
- Write your President or Prime Minister and ask them to review the legislation in your country to amend all laws that discriminate against women or have a discriminatory impact on women. You can find a sample letter to download at www.equalitynow.org/beijing20/sample_letter.
- Spread the word and increase the impact! Share this campaign with your networks to hold governments accountable to their international legal obligation to ensure gender equality.
- Join the movement to end sex discrimination in nationality and child marriage laws by taking Action at www.equalitynow.org.

Please keep Equality Now updated on your efforts and send copies of any replies you receive to:

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Marital Status

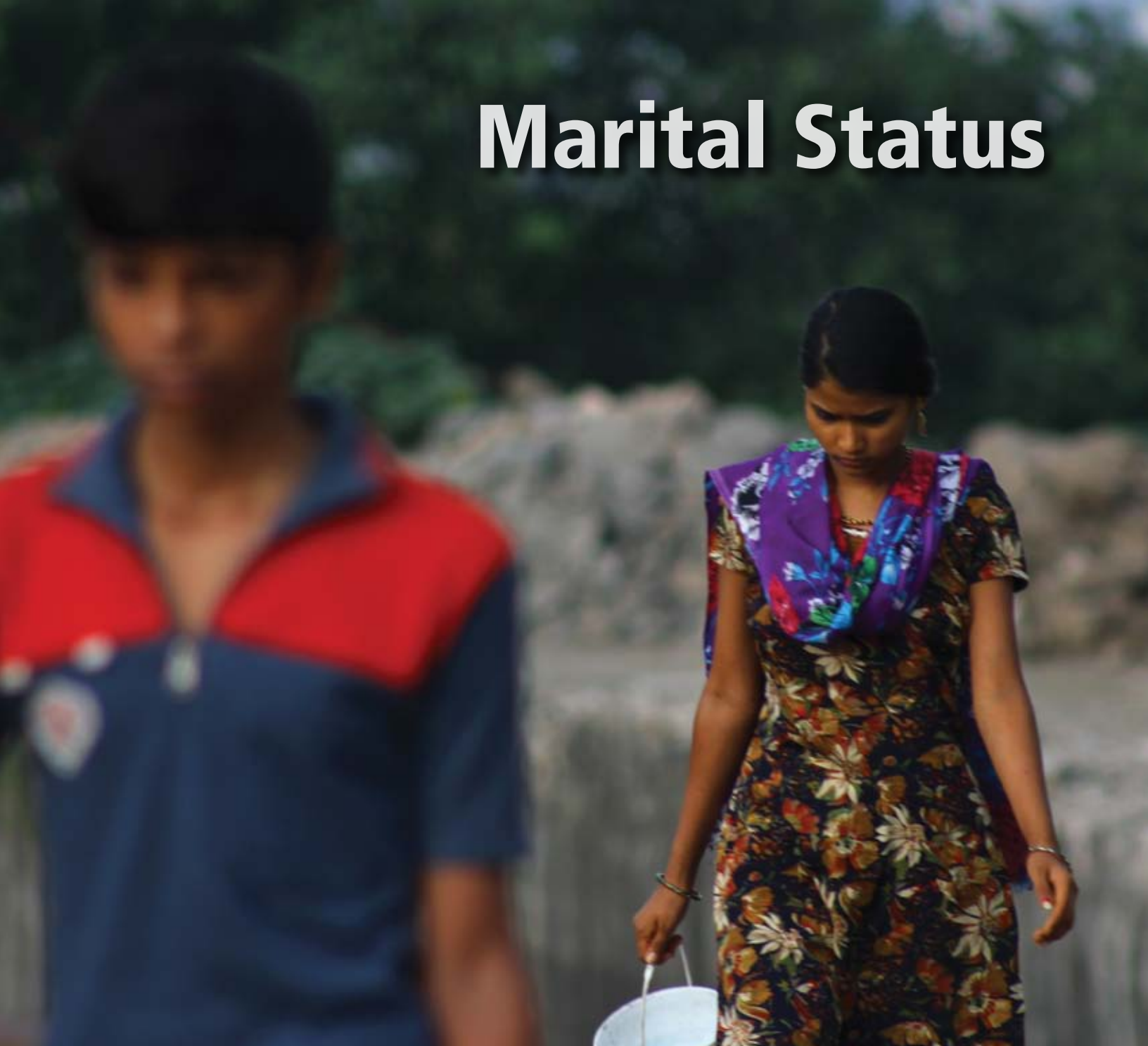


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Sex discrimination in marital status laws render women subordinate in many aspects of family relations before, during and after marriage. It also permits girls to be married when they are still children.

Marriage, Divorce, Polygamy & Wife Obedience

AFGHANISTAN



Shia Personal Status Law of 2009:

Article 133. (1) **The household's supervision is the right of the husband**, unless based on the husband's mental deficiency, and by order of the court, it is given to the wife.

(2) **A wife can leave the house for legal purposes to the extent that local custom allows...**

Note: In 2009, the government of Afghanistan enacted the Shia Personal Status Law (applicable to the Shia population of Afghanistan), which contains a number of discriminatory provisions, including the ones highlighted above.

Article 22 of the Constitution of Afghanistan: *Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden. **The citizens of Afghanistan, man and woman, have equal rights and duties before the law.***

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ALGERIA



The Family Code of 1984 modified by Ordinance No. 05-02 of 27 February 2005:

Article 8. It is permitted to contract **marriage with more than one wife** within the limits of the Shari'a, if there is a just ground and the conditions and intentions of equity can be fulfilled...

Article 11. An **adult woman** concludes her marriage contract in the presence of her "wali" [**guardian**] who is her father or close male relative or any other **male** of her choice.

Article 30.... It is equally temporarily **prohibited**: ... The **marriage of a Muslim woman with a non-Muslim man**.

Article 48. **Divorce** is the dissolution of marriage... It arises from the **will of the husband**, mutual consent of the spouses, or the demand of the wife as provided in articles 53 and 54...

Article 53. The wife can seek a divorce on the following grounds: (i) non-payment of maintenance... ; (ii) infirmities hindering realization of the objects of marriage; (iii) refusal of the husband to cohabit with his wife for more than four months; (iv) conviction of the husband which is of such a nature as to dishonour the family and render impossible leading of common life and conjugal relations; (v) absence of the husband for more than a year without a valid excuse or maintenance; (vi) violation of provisions of article 8; (vii) an immoral act which is severely reprehensible; (viii) for persistent disagreement between the spouses; (ix) for violation of the clauses stipulated in the marriage contract; and (x) for any recognized legal injury.

Article 54. *The wife can separate from her spouse without his agreement, for the payment of a sum...*

Note: Article 29 of the Constitution of Algeria: **All citizens are equal before the law.** No discrimination shall prevail because of birth, race, **sex**, opinion or any other personal or social condition or circumstance.

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BURUNDI



Decree-Law No. 1/024 of 28th April 1993 amending the Code of the Person and the Family:

Article 122. *Spouses owe each other fidelity, help and assistance. **The husband is the head of the conjugal community.** He performs this function to which the wife contributes morally and materially in the interests of the household and children. A wife undertakes this function when the husband is absent or prohibited from doing so.*

Note: Article 13 of the Constitution of Burundi: **All Burundians are equal** in worth and dignity. All citizens have equal rights and are entitled to an equal protection under the law. No Burundian will be excluded from the social, economic or political life of the nation because of race, language, religion, **sex** or ethnicity.

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CUBA



Family Code:

Article 3. *Men and women have authority to make their marriage official when they are over 18 years old. Therefore, those that are younger than 18 years old do not have authority to make their marriage official. Notwithstanding what was just stated, exceptionally there are justified reasons so that those under 18 years old have authority to make their **marriage** official, **as long as the female is at least 14 years old and the male 16 years old.***

Note: Article 41 of the Constitution of the Republic of Cuba: **All citizens have equal rights** and are *subject to equal responsibilities*.

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DEMOCRATIC REPUBLIC OF CONGO



Law 87-010 on the Family Code:

Article 444. **The husband is the head of household.** He must protect his wife; **she must obey her husband.**

Article 448. **The wife must obtain the permission of her husband** on all legal acts which require her to provide a service that must be given in person.

Article 450. Subject to the exceptions below and those contained in the matrimonial regime, the **wife cannot appear in court on civil matters, acquire, sell or undertake commitments without the authorization of her husband.** If the husband refuses to authorize his wife, authorization may be given by a judge. The husband can give general authorization, but he still retains the right to revoke it.

Article 454. **The wife is obliged to live with her husband and follow him wherever he sees fit** to reside; the husband is obliged to accommodate her.

Article 497. Property acquired by the wife in the exercise of a profession separate from that of her husband and resulting savings constitute assets that she manages and administers. **If the management and administration of such property by the woman affects the harmony and the pecuniary interests of the household, the husband can undertake them.** The woman may appeal the decision at the peace court...

Note: Article 12 of the Constitution of the Democratic Republic of Congo: **All Congolese are equal before the law** and entitled to equal protection under it.

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DOMINICAN REPUBLIC



The Civil Code:

Article 144. **Marriage is forbidden for men younger than 18 years old or women under 15 years of age.**

Note: Article 39(4) of the Constitution of the Dominican Republic: **Women and men are equal before the law.... The necessary measures shall be promoted in order to ensure the eradication of gender inequality and discrimination.**

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GUINEA



Civil Code of the Republic of Guinea:

Article 328: **A wife can have a separate profession from that of her husband unless he objects.** *If the husband's opposition is not justified by the interests of the family, the woman may be authorized by way of law to override it, in which case commitments made by her since the objection are valid. The commitments made by a wife in the exercise of this profession are, with regards to the husband, void if the third parties with whom she is contracted have personal knowledge of the objection at the time they deal with the wife.*

Article 331: **The choice of the family residence is made by the husband. The wife is obliged to live with him** and he must provide her with a home. *When the residence determined by the husband presents physical or moral dangers to the wife, she may exceptionally be authorized to procure, for her and her children, another residence as set by the judge.*

Note: Article 8 of the Constitution of Guinea: *All human beings are **equal before the law. Men and women have the same rights.***

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INDONESIA



Law No. 1 of 1974 on Marriage:

Article 3. (2) *The Court may permit a **husband to have more than one wife**, if the parties concerned so wish.*

Note: Article 27(1) of the Constitution of Indonesia: **All citizens shall be equal before the law** and the government and shall be required to respect the law and the government, with no exceptions.

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ISRAEL

Rabbinical Courts Jurisdiction (Marriage and Divorce) Law (5713-1953):

1. *Matters of marriage and divorce of Jews in Israel, being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts.*
2. **Marriages and divorces** of Jews shall be performed in Israel in accordance with **Jewish religious law.**

“Plonit v. Ploni”, The High Rabbinic Court, 1995:

“... even if it is true that she despises him there is **no basis** on which to **force him to divorce her** as it is written in the Shulchan Aruch [Medieval Compilation of Jewish law] section 37 page 2 ‘if the husband wants to divorce her,’ but there is not anything to obligate him and the authorities specified and it appears in the decrees of the rabbis that even **to obligate him to divorce**, without force, it **is not allowed** and this is from the language of the Shulchan Aruch which says ‘if he wants,’ that **the matter depends only on what he wants**, and we should therefore grant his appeal.”

“Plonit v. Ploni”, The Supreme Court of Israel, 1997:

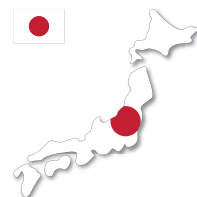
“... there is no basis for us to intervene, within the confines of this court’s supervisory role, into the decisions of the religious courts. That is to say, we do not sit as a level of appeal for those courts ... One must add that, according to Section 2 of the Rabbinical Courts Jurisdiction (Marriage and Divorce) Law 5713-1953, the law that the rabbinical courts should apply with regard to matters of marriage and divorce is the law of the torah [religious law]. The petitioner’s lawyer does not dispute that the rabbinical court did so [applied the religious law], and because the court did so, even if petitioner’s lawyer believes this law is not appropriate, there is no basis for us to intervene.”

Note: The Declaration of the Establishment of the State of Israel (May 14, 1948): *The State of Israel ... will ensure complete **equality** of social and political rights **to all its inhabitants irrespective of** religion, race, or **sex** ...*

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JAPAN



The Civil Code of Japan:

Article 731. A **man** who has attained **18 years of age**, and a **woman** who has attained **16 years** of age may enter into **marriage**.

Article 733. (1) A **woman may not remarry** unless six months have passed since the day of dissolution or rescission of her previous marriage.

(2) In the case where a woman had conceived a child before the cancellation or dissolution of her previous marriage, the provision of the preceding paragraph shall not apply.

Note: Article 14(1) of the Constitution of Japan: **All of the people are equal under the law** and there shall be **no discrimination** in political, economic or social relations because of race, creed, **sex**, social status, or family origin.

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KENYA



The Marriage Act No. 4 of 2014:

Section 2. *In this Act, unless the context otherwise requires—***“polygamy”** means the state or practice of a **man having more than one wife** simultaneously.

Section 3. (1) *Marriage is the voluntary union of a man and a woman whether in a monogamous or polygamous union and registered in accordance with this Act ...* (3) *All marriages registered under this Act have the same legal status.*

Section 6. (1) *A marriage may be registered under this Act if it is celebrated ...* (c) *in accordance with the customary rites relating to any of the communities in Kenya ...* (3) **A marriage celebrated under customary law or Islamic law is presumed to be polygamous or potentially polygamous.**

Note: Article 27(1) of the Constitution of Kenya: **Every person is equal before the law** and has the right to equal protection and equal benefit of the law.

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MALI

Law No. 2011 – 087 of December 30, 2011 Relating to the Code of Persons and Family:

Article 307. **Marriage may be contracted:**

- *Either under monogamy, in which case a husband cannot contract a second marriage before the dissolution of the first. However, **a man who has opted for a monogamous marriage shall have the right to revise his option with the express consent of his wife.***
- *Or under **polygamy**, in which case it is necessary that the wife consents and **a man shall not be married simultaneously to more than four wives.***

Article 316. *Within the respective rights and duties of spouses as enshrined in the Code, **the wife must obey her husband**, and the husband must protect his wife.*

Article 319. *The **husband** is the **head of the household** ... The **choice of the family residence belongs to the husband**. The wife is obliged to live with him and he shall accommodate her ...*

Article 366. ***A divorced woman shall not remarry before** a period of three months after the divorce.*

Article 373. ***A widow shall not remarry before** a period of four months and ten days after the death of her husband. **A pregnant widow can only remarry after** childbirth.*

If the birth occurs during this time, it is no longer required to complete the period prescribed in the previous paragraph.

Note: Article 2 of the Constitution of Mali: **All Malians are born and live free and equal in their rights and duties. Any discrimination based on social origin, color, language, race, sex, religion, or political opinion is prohibited.**

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NICARAGUA



Civil Code:

Article 151.... *The **husband is the representative of the family** ...*

Article 152. *The husband is required to live with his **wife** and she is to live with her husband and **follow him to wherever** he changes his residence ...*

Note: Article 27 of the Constitution of the Republic of Nicaragua: **All individuals are equal** in the eyes of the law and have the right to equal protection. **There will not be discrimination** based on birth, citizenship, political belief, race, **sex**, language, religion, opinion, economic status or social condition.

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SUDAN



The Muslim Personal Law Act of Sudan, 1991:

Section 25(c). *The validity of a marriage contract is conditioned on the existence of a **guardian** who **would conclude the contract** [for the woman].*

Section 33. A **guardian of a Muslim woman shall be male**, sane, mature and Muslim.

Section 34. (1) *The **marriage of a pubescent woman shall be concluded by her guardian** with her permission and consent to the husband and the dowry. Her word regarding her attainment of pubescence shall be conclusive unless it contradicts the obvious.*

(2) *A virgin pubescent woman's express or implied affirmation is necessary **if her guardian concluded her marriage contract and informed her later.***

Section 40(3). *The **guardian of a minor girl cannot conclude her marriage contract** unless there is permission from the judge. The guardian has to prove that the marriage will benefit the minor girl, that the husband is suitable and the husband pays the dowry usually paid to women of her status.*

Section 51. *The **wife's rights in relation to the husband** shall be:*

(a) *to be provided with living expenses;*

(b) ***to be allowed to visit her parents** and those relatives whom she is prohibited by Shari'a law from marrying and to receive the aforesaid in her home;*

(c) *the husband must not (i) interfere with her private property, and (ii) harm her financially or emotionally; and*

(d) *to be treated equally and justly with **her co-wife or co-wives.***

Section 52. *The **husband's rights** in relation to his wife shall be:*

(a) ***to be taken care of and amicably obeyed;** and*

(b) to have the wife **preserve herself** and his property.

Section 91. Except in situations involving a violation of Shari'a law, **a wife shall always obey her husband** if he:

(a) has paid her dowry in full,

(b) could be entrusted with her, and

(c) provides her with a home that complies with the Shari'a requirement among good neighbors.

Section 92. If the **wife refuses to obey her husband**, her right to be provided with a living ceases to be valid during such refusal.

Note: Article 31 of the Constitution of Sudan: **All persons are equal before the law** and are entitled without discrimination, as to race, colour, **sex**, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law.

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TANZANIA



The Law of Marriage Act, 1971, as amended by Act 23/73, Act 15/80 and Act 9/96:

Section 10. Kinds of Marriage.

...

(2) A marriage contracted in Tanzania, whether contracted before or after the commencement of this Act shall —

(a) if contracted in Islamic form or according to rites recognized by customary law in Tanzania, **be presumed**, unless the contrary is proved, **to be polygamous or potentially polygamous**; and

(b) in any other case, be presumed to be monogamous, unless the contrary is proved.

Section 13. Minimum Age.

(1) No person shall **marry** who, being **male** has not attained the apparent age of **eighteen** years, or being **female**, has not attained the apparent age of **fifteen** years.

Section 15. Subsisting Marriage.

(1) No man, while married by a monogamous marriage, shall contract another marriage.

(2) No man, while married by a polygamous or potentially polygamous marriage, shall contract a marriage in any monogamous form with any person.

(3) No woman who is married shall, while that marriage subsists, contract another marriage.

Note: Article 13(1) of the Constitution of Tanzania: **All persons are equal before the law** and are entitled, without any discrimination, to protection and equality before the law.

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YEMEN



The Personal Status Act No. 20 of 1992:

Article 40. A **husband has the right to be obeyed by his wife** in the interest of the family, especially in regard to the following:

1. **She must move with him to the conjugal home**, unless she has stipulated in the marriage contract that she must remain in her own home or her family's home, in which case she must permit him to live with her and have access to her;
2. **She must permit him to have legitimate intercourse** with her when she is fit to do so;
3. **She must obey him** and refrain from disobedience, and perform her work around the conjugal home, as other women do;
4. **She must not leave the conjugal home without his permission**, unless for a legitimate excuse or one commonly regarded as not prejudicial to honor or to her duties towards him. She may especially go out to attend to her property interests or to perform a mutually agreed job that does not conflict with Islamic law. A legitimate excuse would be for the woman to take care of her frail parents if she is the only one available to care for either or both of them.

Note: Article 41 of the Constitution of Yemen: **Citizens are all equal** in rights and duties.

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Personal Status



PHOTO: LENA STEIN

Sex discrimination in personal status laws negatively impacts the ability of women to conduct various aspects of their daily lives. The discrimination goes beyond family law and marital relations to prohibit rights to confer citizenship, travel, participation in public life, etc.

Citizenship

BAHRAIN



Decree Law No. 12 Amending Bahraini Citizenship Act of 1963:

Article 4. A **person shall be deemed a Bahraini national** in the following cases:

A. If he/she was born in Bahrain or abroad and the **father**, at the time of the birth, was a **Bahraini national**.

B. If he/she was born in Bahrain or abroad and the **mother**, at the time of birth, was a **Bahraini national, providing that the father was either unknown or paternity was not legally proven**.

Note: Article 18 of the Constitution of Bahrain: *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.*

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BRUNEI



Brunei Nationality Law No. 4 of 1961, as amended by S 43/00 and S 55/02:

Section 4. (1) On and after the appointed day the **following persons, and no others, shall be subjects of His Majesty** the Sultan and Yang Di-Pertuan by operation of law —

(a) any person born in Brunei Darussalam ... and any person born outside Brunei Darussalam ... **whose father was**, at the time of birth of such person, a subject of His Majesty the Sultan ...

Section 5. (6) ... **a woman who — (a) is not a subject of His Majesty the Sultan ... ; and (b) is or has been married to a subject of His Majesty the Sultan ... , shall ... be eligible to be registered as a subject of His Majesty the Sultan ...**

Section 9. (5) A person who has the status of a subject of His Majesty the Sultan ... **shall cease to have such status** if —(b) **being a woman** who has acquired such status by registration [through marriage to a subject of His Majesty the Sultan and thereafter] she acquires by reason of her subsequent marriage the nationality or citizenship of her husband being the nationality or citizenship of any State or country outside Brunei Darussalam.

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MONACO



Law No. 1155 on Nationality (December 18, 1992) as amended by Law No. 1276 (December 22, 2003) and Law No. 1387 (December 19, 2011):

Article 1. *A Monegasque is:*

1. Every person **born of a Monegasque father** unless he acquired his nationality by declaration under the provisions of Article 3.
2. Every person born of a **mother who was born Monegasque and who still has Monegasque nationality** on the date of that person's birth.
3. Every person born of a **Monegasque mother and who has a Monegasque-born ancestor** on the mother's side of the family.
4. Every person born of a **Monegasque mother** who acquired Monegasque nationality **by naturalization, by reestablishment** of nationality, or **by application** of the provisions of the second paragraph of article 6 or the fourth paragraph of article 7 of this law.
5. Every person born of a **mother who acquired Monegasque nationality by declaration** following a simple adoption.

Note: While Article 1 of Law No. 1155 was amended in 2003 to expand the categories by which a child can obtain citizenship through his/her mother, Article 1 is still **discriminatory in that fathers, unlike mothers, have unconditional rights in passing nationality to their children.**

Article 17 of the Constitution of Monaco: *The **citizens of Monaco** enjoy **equality before the law**. No preferential status or treatment is accorded to any of them.*

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SWAZILAND



Constitution of the Kingdom of Swaziland Act 2005:

Article 43. (1) A **person born in Swaziland** after the commencement of this Constitution is a **citizen** of Swaziland **by birth** if at the time of birth **the father of that person** was a citizen of Swaziland in terms of this Constitution.

(2) A **person born outside Swaziland** after the commencement of this Constitution is a **citizen** of Swaziland if at the time of birth **the father of that person** was a citizen of Swaziland in terms of this Constitution ...

(4) Where a child born outside of marriage is **not adopted by its father or claimed by that father** in accordance with Swazi law and custom and the mother of that child is a citizen of Swaziland, the child shall be a citizen of Swaziland by birth ...

Article 44. (1) A **woman** who is not a citizen of Swaziland at the date of her marriage to a person who is a citizen (otherwise than by registration) shall become a citizen by lodging a declaration in the prescribed manner with the Minister responsible for citizenship or with any Diplomatic Mission or Consular Office of Swaziland or at any other prescribed office, either before or at any time during the marriage, accepting Swaziland citizenship.

(2) A **woman** who lodges a declaration in terms of subsection (1) shall be a citizen from the date of her marriage, where the declaration is lodged before the marriage, or where the declaration is lodged after marriage, from date of lodgement ...

Note: Article 20(1) of the Constitution of the Kingdom of Swaziland Act 2005: **All persons are equal before and under the law** in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

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TOGO



Ordinance No. 78-34 of 7 September 1978 establishing the Code of Togolese Nationality:

Article 5. ... a **foreign woman who marries a Togolese man acquires the Togolese nationality** at the time of the marriage.

Article 12. ... **a foreigner ... married to a Togolese woman** [can be naturalized under Article 10 **by decree following an investigation**].

Article 23. **Loses Togolese nationality:** ... (3) **a foreign woman divorced** from her Togolese husband.

Note: Article 2 of the Constitution of 1992 of Togo: *The Togolese Republic guarantees **equality before the law for all citizens** without distinction of origin, race, **sex**, social status or religion.*

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UNITED STATES OF AMERICA



The Immigration and Nationality Act:

Section 309. Children born out of wedlock.

(a) *The provisions of paragraphs (c), (d), (e), and (g) of section 301 [granting United States citizenship] shall apply as of the date of birth to a person born out of wedlock if -*

(1) *a **blood relationship** between the person and the **father is established** by clear and convincing evidence,*

(2) *the **father had the nationality of the United States** at the time of the person's birth,*

(3) *the **father** (unless deceased) has **agreed** in writing **to provide** financial **support** for the person until the person reaches the age of 18 years, and*

(4) *while the person is under the age of 18 years -*

(A) *the person is legitimated under the law of the person's residence or domicile,*

(B) *the father acknowledges paternity of the person in writing under oath, or*

(C) *the paternity of the person is established by adjudication of a competent court.*

...

(c) *Notwithstanding the provision of subsection (a) of this section, a person born, after December 23, 1952, outside the United States and out of wedlock shall be held **to have acquired at birth the nationality status of his mother**, if the mother had the nationality of the United States at the time of such person's birth, and if the mother had previously been physically present in the United States or one of its outlying possessions for a continuous period of one year.*

Note: The law cited above, codified at 8 U.S.C. §1409, was challenged in *Miller v. Albright*, 523 U.S. 420, but upheld on procedural grounds by the United States Supreme Court in 1998. Justice Ruth Bader Ginsburg wrote in her dissenting opinion:

*"The law at issue might have made custody or support the relevant criterion. Instead, it **treats mothers one way, fathers another**, shaping government policy to fit and reinforce the stereotype or historic pattern. ... Even if one accepts at face value the Government's current rationale, it is surely based on generalizations (stereotypes) about the way women (or men) are ... One can demur to the Government's observation that more United States citizen mothers of children born abroad out of wedlock actually raise their children than do United States citizen fathers of such children. As Justice Breyer has elucidated, this observation does not justify **distinctions between male and female United States citizens who take responsibility, or avoid responsibility, for raising their children.**"*

The law was again challenged before the United States Supreme Court in the case *Nguyen v. INS*, 533 U.S. 53 (2001), which held that the law does not violate the equal protection guarantee of the United States Constitution. In her dissenting opinion Justice O'Connor wrote "[i]ndeed, the majority's discussion may itself simply reflect the stereotype of male irresponsibility that is no more a basis for the validity of the classification than are stereotypes about the 'traditional' behavior patterns of women."

In June 2010, Equality Now, Human Rights Watch and other human rights organizations and institutions filed an *amicus curiae* brief at the United States Supreme Court challenging another section of this discriminatory statute which **requires a longer residency period for fathers than mothers to pass their nationality to their children born abroad and out of wedlock**. However, the U.S. Supreme Court in its decision of 13 June 2011 in *Flores-Villar v. United States*, reaffirmed, without any opinion or explanation, the decision in the lower court upholding these discriminatory provisions.

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Evidence

IRAN



The Islamic Penal Code of 2013, Books I, II and V:

Article 199. The **standard [of proof] for testimony** in all offenses shall be **two male witnesses**; unless in *zina*, *livat*, *tafkhez*, and *musaheqeh* which shall be proved by **four male witnesses**. In order to prove a *zina* punishable by the *hadd* punishment of flogging, shaving [of head] and/or banishment, testimony of **two just men and four just women** shall be sufficient. If the punishment provided is other than the above, testimony of at least **three men and two women** shall be required. In such cases, if **two just men and four just women** testify for the offense, only the *hadd* punishment of flogging shall be given. Bodily offenses punishable by *diya* shall also be proved by **one male witness and two female witnesses**.

Article 209. Where, in financial claims such as *diya* for bodily offenses, and also in claims which are about claiming a sum of money such as a negligent or quasi-intentional bodily offense which must be compensated by a *diya*, the private claimant is unable to provide an admissible evidence which meets the requirements under *Shari'a*, s/he [still] can produce **one male witness or two female witnesses** together with an oath and prove the financial part of his/her claim.

Article 638. **Women** who appear in public without **prescribed Islamic dress** (*hejab-e-shar'i*), shall be sentenced to either imprisonment of between 10 days and 2 months, or a fine of between 50,000 and 500,000 rials.

Note: *Zina* is defined as illicit sex outside of marriage. *Livat*, *tafkhez* and *musaheqeh* are defined as various forms of homosexual sexual activity either between men or women. *Hadd* is a punishment for certain crimes as specified under *Shari'a*. *Diya* are fines imposed under *Shari'a* for certain crimes.

Article 20 of the Constitution of Iran: **All citizens of the country, both men and women, equally enjoy the protection of the law** and enjoy all human, political, economic, social and cultural rights, in conformity with Islamic criteria.

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PAKISTAN



The Qanun-e-Shahadat Order, 1984 (Law of Evidence):

Article 17. Competence and number of witnesses.

(1) *The **competence of a person to testify**, and the number of witnesses required in any case shall be determined in accordance with the injunctions of Islam as laid down in the Holy Quran and Sunnah.*

(2) Unless otherwise provided in any law relating to the enforcement of Hudood or any other special law,

*(a) in matters pertaining to financial or future obligations, if reduced to writing, the instrument **shall be attested by two men, or one man and two women**, so that one may remind the other, if necessary, and evidence shall be led accordingly; and*

(b) in all other matters, the Court may accept, or act on, the testimony of one man or one woman or such other evidence as the circumstances of the case may warrant.

Note: Article 25 of the Constitution of Pakistan: (1) **All citizens are equal before law** and are entitled to equal protection of law. (2) There shall be no discrimination on the basis of **sex**.

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Travel

SAUDI ARABIA



Fatwa on Women's Driving of Automobiles (Shaikh Abdel Aziz Bin Abdallah Bin Baz), 1990:

*... the issue of **women's driving of automobiles**. It is known that this is a source of undeniable vices, inter alia, the legally prohibited "khilwa" [meeting in private between a man and a woman] and abandonment of "hijab" [women's veil]. This also entails women meeting with men without taking the necessary precautions. It could also lead to committing "haraam" [taboo] acts hence this was forbidden Pure "Shari'a" also prohibits the means that lead to committing taboo acts and considers these acts "haraam" in themselves ... Thus, the pure "Shari'a" **prohibited** all the ways leading to vice ... Women's driving is one of the means leading to that and this is self-evident.*

Note: While the Saudi Arabian government has claimed that there is no legal provision banning women from driving cars, **fatwas, such as this one, have the force of law in Saudi Arabia. In addition, it is illegal for women to be granted a driver's license.**

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Prostitution

PHILIPPINES



The Revised Penal Code as amended by Act No. 10158 (March 27, 2012):

Article 202. Prostitutes; Penalty. –

*For the purposes of this article, **women** who, **for money or profit**, habitually indulge in **sexual intercourse** or lascivious conduct, **are deemed to be prostitutes**. Any person found guilty of any of the offenses covered by this article shall be punished by *arresto menor* [minor arrest] or a fine not exceeding 200 pesos, and in case of recidivism, by *arresto mayor* [major arrest] in its medium period to *prision correccional* [correctional prison] in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court.*

Note: Article II, Section 14 of the Constitution of the Philippines: *The State recognizes the role of women in nation-building, and shall ensure the fundamental **equality before the law of women and men**.*

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Economic Status

PHOTO: SUZANNA FINLEY

Sex discrimination in economic status laws restricts women from being economically independent, limiting access to inheritance and property ownership as well as to employment opportunities, thereby reinforcing gender stereotypes.

Inheritance and Property

CHILE



The Civil Code:

Article 1749. *The **marital partnership** is to be **headed by the husband**, who shall **administer the spouses' joint property as well as the property owned by his wife**, subject to the obligations and limitations set forth in this Section and those agreed to at the time of marriage ...*

Note: Article 19(2) of the Constitution of Chile: ... **Men and women are equal before the law.**

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TUNISIA



Personal Status Code of 1956:

Section 103. *There are three cases that apply to immediate daughters:*

1. A sole **daughter inherits half** of the estate;
2. Two or more **daughters** collectively **inherit two thirds** of the estate;
3. **Where there are any sons, the male inherits twice as much as the female.**

Note: Article 21 of the Constitution of Tunisia: **Male and female citizens** are equal in rights and duties. They are **equal before the law** without any discrimination.

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UNITED ARAB EMIRATES



Federal Law No. 28 of 2005 of the UAE Personal Affairs Law:

Article 334. 1. *Where there is a combination of male and female heirs:*

- (a) *When the deceased has one or more daughters and one or more sons;*
- (b) *When the deceased has one or more granddaughters and one or more grandsons who are of the same degree of descent or lower, if needed to ward off her exclusion;*

a male of higher ascendancy, however, would exclude her;

(c) When the deceased has one or more sibling sisters and one or more sibling brothers; and

(d) When the deceased has one or more half sisters and one or more half brothers.

2. In such cases, **the male inherits twice as much as the female.**

Note: Article 25 of the Constitution of the United Arab Emirates: **All persons are equal before the law.**

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Employment

CAMEROON



The Civil Status Registration (Ordinance No. 81-02 of 29 June 1981):

Article 74. (1) *A married woman may exercise a trade different from her husband.*

(2) ***The husband may object to the exercise of such a trade in the interest of the marriage or their children.***

(3) *The President of the Court with jurisdiction shall decide by order on such an objection by the husband within ten days of being seized of the matter. His decision shall be rendered free of charge and shall be taken only after the parties have been heard.*

Note: Preamble to the Constitution of Cameroon: **All persons shall have equal rights** and obligations. *The State shall provide all its citizens with the conditions necessary for their development ... The State shall guarantee all citizens of either **sex** the rights and freedoms set forth in the Preamble of the Constitution.*

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CHINA



The Labour Act (1994):

Chapter VII. Special Protection for Female and Juvenile Workers.

Section 59. *It is **prohibited to arrange female workers** to engage in work down the pit of mines, or work with grade IV physical labour intensity as stipulated by the State, **or other work that female workers should avoid.***

Note: Article 48 of the Constitution of China: **Women** in the People's Republic of China **enjoy equal rights with men in each sphere of life**, in political, economic, cultural, social and family life. The state protects the rights and interests of women, applies the principle of equal pay for equal work to men and women alike and trains and selects cadres from among women.

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IRELAND



Social Welfare Consolidation Act No. 26 of 2005, as amended by Social Welfare and Pensions Act No. 8 of 2007:

Section 47. (5). *Subject to this Chapter, **maternity benefit** [government financial support] shall be **payable to***

(a) a woman ...

*(c) **a man** ...*

*(l) **[only] where the mother dies** ... (ll) ... [within 40 weeks after giving birth] ...*

Note: Article 40 of the Constitution of Ireland: (1) **All citizens shall**, as human persons, **be held equal before the law.**

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MADAGASCAR



The Labor Code (Law No. 2003-44 of 28 July 2004):

Article 85. ... **Women, regardless of age, shall not be employed at night** in any industrial establishment of any kind, public or private, secular or religious, nor in any annex of one of these establishments even if these establishments are of a professional or charitable character, except for establishments where the only ones employed therein are members of one same family.

Note: Article 6 of the Constitution of Madagascar: **All individuals are equal under the law**, and enjoy the same fundamental liberties protected by law without discrimination based on **sex**, education, wealth, origin, religious belief or opinion.

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RUSSIAN FEDERATION



Resolution No. 162 of 25 February 2000:

List of heavy work and work in harmful or dangerous conditions in which the **employment of women is prohibited**.

Labor Code – Federal Law No. 197-FZ of 2001:

Article 253. **Labor of females** on hard, dangerous and/or unhealthy trades as well as underground working excluding non-physical work or sanitary and domestic services **is forbidden**. Labor of females on the work related to manual lifting of weights exceeding maximum permissible standards **[is forbidden]**. The lists of industries, professions, and jobs with unhealthy and/or dangerous work conditions with restricted female labor as well as maximum permissible weights for manual lifting and handling by females are approved in the procedure fixed by the Government of Russian Federation taking into account opinion of the Russian Trilateral Committee on Social and Labor Relations.

Note: Resolution No. 162 lists **456 types of work women may not engage in**, including driving trains; operating bulldozers, tractors and trucks; carpenting; plumbing in sewage systems; cutting and cleaning leather materials in leather production; steelmaking; building and repairing ships; inspecting watercrafts in the fishing industry; frontline firefighting; and working as a professional sailor and aircraft and ship mechanic.

Article 19 of the Constitution of the Russian Federation: (1) **All people shall be equal before the law and court**. (2) *The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances ...* (3) **Man and woman shall enjoy equal rights and freedoms and have equal possibilities to exercise them**.

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UNITED KINGDOM



Revised Employment Policy for Women in the Army - Effect on the Royal Marines:

Paragraph 2(b). *In a small corps, in times of crisis and manpower shortage, all Royal Marines must be capable at any time of serving at their rank and skill level in a commando unit ...* **Employment of women** in the Royal Marines will **not allow** for interoperability.

Equality Act 2010:

Section 39.

(1) An employer (A) **must not discriminate** against a person (B)—

- (a) in the arrangements A makes for deciding **to whom to offer employment** ...
- (c) by not offering B employment ...

(2) An employer (A) **must not discriminate** against an employee of A's (B) ...

- (b) in the way A affords B access, or by not affording B **access, to opportunities** for promotion, transfer or training or for receiving any other benefit, facility or service ...

Schedule 9 Paragraph 4: (1) A person does not contravene section 39(1)(a) or (c) or (2)(b) by applying in relation to service in the armed forces a relevant requirement if the person shows that the application is a proportionate means of ensuring the combat effectiveness of the armed forces.
(2) A relevant requirement is—(a) a **requirement to be a man** ...

Note: Although the Sex Discrimination Act of 1975 was repealed by the Equality Act of 2010, the exception allowing for discrimination against women in the armed forces remains in schedule 9, paragraph 4 of the Equality Act.

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PHOTO: DEE ASHLEY

Violence

Sex discrimination in laws purporting to address violence, or silence on the issue within the law, can actually *promote* violence against women and girls because there is little to deter perpetrators from committing crimes or inadequate recourse for victims; intimate partner and sexual violence is disproportionately inflicted upon women.

Rape

BAHAMAS



The Sexual Offences and Domestic Violence Act, 1991:

Section 3. **Rape is the act of any person not under fourteen years of age having sexual intercourse with another person who is not his spouse**

- (a) without the consent of that other person;
- (b) with consent which has been extorted by threats or fear of bodily harm;
- (c) with consent obtained by personating the spouse of that other person; or
- (d) with consent obtained by false and fraudulent representations as to the nature and quality of the act.

Note: Article 15 of the Constitution of the Commonwealth of the Bahamas: *Whereas every person in the Bahamas is entitled to the fundamental rights and freedoms of the individual, that is to say, has the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following namely – (a) life, liberty, security of the person and the protection of the law ...*

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INDIA



Indian Penal Code 1860, as amended by the Criminal Law (Amendment) Act No. 13 of 2013:

Section 375. A man is said to commit “rape” if he (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman ... under the circumstances falling under any of the following seven descriptions ... Sixthly. –With or without her consent, when she is under eighteen years of age.

Exception 2. **Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.**

Note: In 2005, India passed The Protection of Women from Domestic Violence Act No. 43 which provides for women to access various civil remedies for domestic violence including sexual abuse. However, there are **no criminal penalties for marital rape when a wife is over 15 years old.**

Article 14 of the Constitution of India: *The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.*

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LEBANON



The Penal Code:

Article 522. *In the event a **legal marriage is concluded between the person who committed any of the crimes** mentioned in this chapter [including rape, kidnapping and statutory rape], **and the victim, prosecution shall be stopped** and in case a decision is rendered, the execution of such decision shall be suspended against the person who was subject to it.*

Prosecution or the execution of the penalty shall be resumed before the lapse of three years in cases of misdemeanors and five years in cases of felonies, in the event such marriage ends by the divorce of the woman without a legitimate reason or by a divorce which is decided by court in favor of the woman.

Note: Article 7 of the Constitution of Lebanon: **All Lebanese shall be equal before the law.** *They shall equally enjoy civil and political rights and shall equally be bound by public obligations and duties without any distinction.*

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MALTA



Criminal Code:

Section 199. (1) *Whosoever shall, by violence, abduct any person, with intent to abuse or marry such person, shall, on conviction, be liable, in the first case, to imprisonment for a term from eighteen months to three years, with or without solitary confinement, and, in the second case, to imprisonment for a term from nine to eighteen months.*

Section 200. (1) *If the offender under the last preceding article shall within twenty-four hours voluntarily release the person abducted without having abused such person, and shall restore such person to the family, or to his or her place of custody, or shall convey such person to any other place of safety, the punishment shall be imprisonment for a term from one to three months.*

(2) In such case, **if the offender, after abducting a person, shall marry such person, he shall not be liable to prosecution**, except on the complaint of the party whose consent, according to the civil laws, would be required for the marriage; and **if the marriage takes place after the conviction**, the penal consequences thereof shall cease and the party convicted shall, upon his application, **be forthwith released by order of the court**.

Note: Section 14 of the Constitution of Malta: **The State shall promote the equal right of men and women** to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organisation or enterprise; the State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.

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PALESTINE



Palestinian Penal Code No. 16 of 1961:

Article 308. Halting prosecution and Resumption of the right to prosecute.

(1) **Legal proceedings shall be stopped against the perpetrator** of one of the crimes included in this chapter [including rape, kidnapping and statutory rape] **if a valid marriage is contracted between the offender and his victim**. If a sentence has been passed in the case, the sentence against the convicted person shall be suspended. (2) If the marriage ends in the woman being divorced for no legitimate reason, the Public Prosecutor shall re-assume the right to prosecute the case and to execute the sentence within three years after the time the crime was committed in the case of a misdemeanor and five years in the case of a felony.

Note: Article 9 of the Basic Law 2003: **Palestinians are equal before the law** and the judiciary, **without discrimination by reason of race, sex, colour, religion, political views or disability**.

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Penal Code:

Chapter XVI. Offences Affecting the Human Body.

Article 375. Rape.

(1) *Any man who penetrates the vagina of a woman with his penis —*

(a) without her consent; or

*(b) with or without her consent, when she is under 14 years of age,
shall be guilty of an offence....*

...

(4) **No man shall be guilty** of an offence under subsection (1) **against his wife**, who is **not under 13 years of age**, except where at the time of the offence:

(a) his wife was living apart from him —

(i) under an interim judgment of divorce not made final or a decree nisi for divorce not made absolute;

(ii) under an interim judgment of nullity not made final or a decree nisi for nullity not made absolute;

(iii) under a judgment or decree of judicial separation; or

(iv) under a written separation agreement;

(b) his wife was living apart from him and proceedings have been commenced for divorce, nullity or judicial separation, and such proceedings have not been terminated or concluded;

(c) there was in force a court injunction to the effect of restraining him from having sexual intercourse with his wife;

(d) there was in force a protection order under section 65 or an expedited order under section 66 of the Women's Charter (Cap. 353) made against him for the benefit of his wife; or

(e) his wife was living apart from him and proceedings have been commenced for the protection order or expedited order referred to in paragraph (d), and such proceedings have not been terminated or concluded.

Article 376A. Sexual Penetration of Minor Under 16.

(1) Any person (A) who

(a) penetrates, with A's penis, the vagina, anus or mouth, as the case may be, of a person under 16 years of age (B); ...

...

(5) **No man shall be guilty of an offence under subsection (1)(a) for penetrating with his penis the vagina of his wife without her consent, if his wife is not under 13 years of age**, except where at the time of the offence —

(a) his wife was living apart from him —

(i) under an interim judgment of divorce not made final or a decree nisi for divorce not made absolute;

(ii) under an interim judgment of nullity not made final or a decree nisi for nullity not made absolute;

(iii) under a judgment or decree of judicial separation; or

- (iv) under a written separation agreement;
- (b) his wife was living apart from him and proceedings have been commenced for divorce, nullity or judicial separation, and such proceedings have not been terminated or concluded;
- (c) there was in force a court injunction to the effect of restraining him from having sexual intercourse with his wife;
- (d) there was in force a protection order under section 65 or an expedited order under section 66 of the Women's Charter (Cap. 353) made against him for the benefit of his wife; or
- (e) his wife was living apart from him and proceedings have been commenced for the protection order or expedited order referred to in paragraph (d), and such proceedings have not been terminated or concluded.

Note: Article 12(1) of the Singapore Constitution: **All persons are equal before the law** and entitled to the equal protection of the law.

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Domestic Violence

NIGERIA



The Penal Code of Northern Nigeria:

Section 55. Correction of Child, Pupil, Servant or Wife.

(1) **Nothing is an offence** which does **not** amount to the **infliction of grievous hurt** upon any persons which is **done**:

- (a) **by a parent** or guardian for the purpose of **correcting his child** or ward ...
- (b) **by a schoolmaster** for the purpose of **correcting a child** ...
- (c) **by a master** for the purpose of **correcting his servant** or apprentice ...
- (d) **by a husband** for the purpose of **correcting his wife**, such husband and wife being subject to any native law or custom in which such correction is recognized as lawful.

Note: Article 42(1) of the Constitution of Nigeria: **A citizen of Nigeria** of a particular community, ethnic group, place of origin, sex, religion or political opinion **shall not**, by reason only that he is such a person: -(a) **be subjected** either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government, **to disabilities or restrictions** to which citizens of Nigeria of other communities, ethnic groups, places of origin, **sex**, religions or political opinions are not made subject ...

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“Honor” Killings

EGYPT



Penal Code No. 58 of 1937:

Article 237. *Whoever surprises **his wife in the act of adultery** and **kills her** on the spot together with her adulterer-partner **shall be punished with detention instead of the penalties prescribed** in articles 234 and 236.*

Note: Article 237 of the Egyptian Penal Code **allows for a lesser punishment for men who kill their wives than for other forms of murder.**

Article 53 of the Constitution of Egypt: ***All citizens are equal before the law.*** *They are equal in rights, freedoms and general duties without discrimination based on religion, belief, **sex**, origin, race, color, language, disability, social class, and affiliation.*

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SYRIA



The Penal Code:

Article 548. *He who catches his **wife, sister, mother or daughter** by surprise, engaging in an **illegitimate sexual act** and **kills or injures them** unintentionally must serve a minimum of **two years in prison**.*

Note: In 2009 Syria amended Article 548, which previously exempted men who killed their female relatives for 'honor' from punishment. This **amended law, rather than treating "honor" killings as any other murder, merely imposes a minimum two year prison sentence**. In 2011 Syria again amended Article 548, which previously imposed a minimum two year prison sentence, to raise the minimum sentence to five years but **placed a ceiling of seven years maximum**. The punishment for murder is hard labor for 20 years.

Article 23 of the Constitution of Syria: *The **state guarantees women all opportunities** enabling them to fully and effectively participate in the political, social, cultural, and economic life. The state shall work on removing the restrictions that prevent women's development and participation in building society.*

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PHOTO: LENA STEIN

Annex

Words & Deeds Holding Governments Accountable in the Beijing+20 Review Process

PROGRESS to End Sex Discrimination in the Law

There has been progress in removing legal discrimination against women. Equality Now is pleased to report that more than half of the countries highlighted in all three previous reports have repealed or fully or partially amended the discriminatory laws indicated. Among these countries are:

COUNTRIES	Legal provision repealed or amended since 2000
ALGERIA	Wife obedience is no longer mandated
ARGENTINA	A sexual abuser is no longer exempt from punishment by agreeing a settlement with the victim
AUSTRALIA, SWITZERLAND	Women are now allowed to apply for all jobs in the army
BAHAMAS	Women now have equal inheritance rights to men
BANGLADESH, KENYA	Women can now pass citizenship to their children on the same basis as men
BOLIVIA, FRANCE	Women are no longer prohibited from working at night
COLOMBIA, MEXICO, ROMANIA, TURKEY	The minimum ages of marriage for males and females are now the same
COSTA RICA, ETHIOPIA, GUATEMALA, PERU, URUGUAY	A rapist can no longer avoid punishment by marrying the victim
HAITI, JORDAN, MOROCCO	There is no longer an exemption from penalty for men who murder their wives and/or female relatives in certain circumstances
INDIA*, MALAYSIA, PAPUA NEW GUINEA, SERBIA & MONTENEGRO, TONGA	Marital rape is now a crime
IRAQ	Women can now obtain a passport without having to get approval from a male guardian or a husband
KUWAIT	Women now have the right to vote
LATVIA	Women are no longer prohibited from working overtime and travelling for work during pregnancy and one year after childbirth
LESOTHO	Property can now be registered in the name of women married in community property
MEXICO	Women are no longer prohibited from remarrying for a specified time after divorce or widowhood
KENYA, MONACO, VENEZUELA	Women can now pass their nationality to their foreign spouse on the same basis as men
NEPAL	Certain restrictions on women's property rights have now been lifted
PAKISTAN	Discriminatory evidentiary standards applied to proving rape under the Zina Ordinance have been removed
POLAND	Women are no longer restricted from passing their surname to their children
REPUBLIC OF KOREA, TURKEY	Men are no longer designated as head of the family
SWAZILAND	A woman married in community of property can now register property in her own name

* Although India's domestic violence law of 2006 gives women the option to bring a civil case for marital rape, India continues to exempt marital rape from its criminal law.

EQUALITY NOW THANKS THE FOLLOWING ORGANIZATIONS AND INDIVIDUALS FOR THEIR ASSISTANCE IN THE RESEARCH OF THIS REPORT:

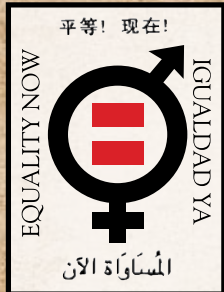
AFGHANISTAN:	Mandana Hendessi, Country Director in Afghanistan, Global Rights
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DOMINICAN REPUBLIC:	Latin American and Caribbean Committee for the Defense of Women’s Rights (CLADEM Dominican Republic)
EGYPT:	Center for Egyptian Women’s Legal Assistance (CEWLA)
GUINEA:	La Cellule de Coordination sur les Pratiques Traditionnelles affectant la Santé des Femmes et des Enfants (CPTAFE)
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NIGERIA:	Alliances for Africa
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PALESTINE:	Women’s Centre for Legal Aid and Counseling
PHILIPPINES:	Coalition Against Trafficking in Women – Asia Pacific
RUSSIAN FEDERATION:	Mari Davtyan, Legal Expert of the Consortium of Women’s NGOs
SINGAPORE:	AWARE – Association for Action and Research
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TANZANIA:	The Legal and Human Rights Centre (LHRC)
TOGO:	Question de Femme
TUNISIA:	Center of Arab Women for Training and Research (CAWTAR)
YEMEN:	Arab Human Rights Foundation

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PROTECTING AND PROMOTING THE HUMAN RIGHTS OF WOMEN AND GIRLS AROUND THE WORLD

BEIJING+20



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