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

<table>
<thead>
<tr>
<th>Country</th>
<th>Constitute (Constitution refers to gender equality or non-discrimination)</th>
<th>CEDAW (CEDAW ratified without reservations)</th>
<th>Nationality Law (Equal rights to pass nationality to child, Equal rights to pass nationality to spouse)</th>
<th>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 homicide, Law does not include exonerations 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 preventative) 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)</th>
<th>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)</th>
<th>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)</th>
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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.

*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.

**CONSTITUTIONAL PROVISIONS**

**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 but it provides limited or weak equality rights to women.
- Articles of the Constitution do not address gender equality or sex/gender discrimination.

**CEDAW**
- Conventions or protocols to the Convention.
- Ratified with reservations.
- Ratified with no reservations.

**Nationality Laws**
- Women have the same rights as men to pass on nationality to children.
- Women and men have equal rights to children.

**Criminal Laws**
- There is no domestic violence law.
- 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.

**Domestic violence**
- There is a domestic violence law, but it does not criminalize penalties for aggravation.
- There is a domestic violence law, but it does not enable women to obtain protection orders from a court or it does not criminalize domestic violence.

**Rape** (except marital rape)
- Rape is criminalized. Penalties for aggravated rape do not include capital punishment.
- Rape is criminalized. Penalties for aggravated rape include capital punishment.
- Rape is not criminalized.

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

**Femicide: Mitigation of penalty**
- 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.

**Exonation by marriage**
- The Penal Code does not include a provision exonerating an offender for rape, abduction, or other crimes if the victim is the wife.
- Exoneration of offenders upon marriage occurs in limited circumstances, e.g., the result of enforcement of customary law or loopholes in penal codes allowing for exeration 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.
- Abortion for rape survivors may be permitted in some circumstances.
- Abortion for rape survivors is prohibited.

**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 workers in protective and preventive measures.
- There are minimal or no anti-trafficking offences in criminal law.

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**Female Genital Mutilation / Cutting**
- FGM/C is prohibited / criminalized.
- 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 certain forms of sex work under regulatory supervision.
- Anti-prostitution laws criminalize people who sell sex / sex workers.

**Same-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.

**PERSONAL Status LAWS**

**Minimum age of marriage**
- Minimum age of marriage is 18 years or older for women and men. Marriage at a younger age is only permitted if the minimum age is not below 18 years; the grounds for dismissal if the marriage permission are strictly defined by law, and the law requires the full, free, and informed consent of the child who must, e.g., be assessed by a court or a public official before the court.
- The legal age for girls to marry is 18 years or older. Marriage of a younger age is permitted subject to judicial discretion.
- The legal age for girls to marry is less than 18 years or the minimum age of marriage. Early marriage is not prohibited.

**Male (marriage) guardianship over women**
- No legal requirement for a marriage guardian.
- Male guardianship over adult women does not exist in law.
- Marriage guardianship 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**
- Women enjoy equal rights in marriage and divorce.
- Women enjoy equal rights in marriage and divorce, but significant legal inequalities remain.
- Women do not enjoy equal rights in all or most aspects of marriage and divorce.

**Polygamy**
- Polygamy is prohibited.
- Polygamy is permitted under strict conditions and requires court approval.
- Polygamy is permitted without strict conditions.

**Guardianship of children**
- Women and men have equal legal rights to guardianship of children, including alcohol or divorce.
- Women have some legal guardianship rights in important areas, such as decisions regarding education, health, and travel.
- Women have no or minimal rights to guardianship of children.