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Trapped

How Male Guardianship Policies Restrict Women's Travel and Mobility in the Middle East and North Africa



Trapped

**How Male Guardianship Policies Restrict Women's Travel and
Mobility in the Middle East and North Africa**

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Trapped

How Male Guardianship Policies Restrict Women’s Travel and Mobility in the Middle East and North Africa

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Glossary

Custody (*hadana* in Arabic)—a legal term used in personal status laws across the region entailing the physical residence as well as care of a child until the child no longer requires it. When a marriage is terminated, most personal status laws in the region determine the conditions around who provides care to the child. Custody differs from guardianship of children, which relates to legal authority to make decisions over matters such as the child’s education, finance, health, and travel. The term ‘custody’ is discouraged in international human rights law as it can imply ‘ownership’ of the child by one or both of the parents, or deny the child’s distinct agency or the primacy of the best interests of the child.

Disobedience or recalcitrance (*nushuz* in Arabic)—A wife can be found disobedient or legally recalcitrant under many personal status laws in the region. A court’s finding of disobedience or recalcitrance means she can lose her right to spousal maintenance from her husband (see below), and may also hinder her access to divorce, financial rights, and access to her children.

Guardian (*wali* in Arabic)—A person in a position of legal authority over a child or any person not deemed qualified to act in legal matters on their own behalf. In many contexts, authorities only allow males to act as guardians—typically the father, brother, paternal uncle, paternal grandfather, or even son. When a woman is married, authorities may deem her husband to be her guardian.

Mahram—An Arabic term meaning a woman or a girl’s close male relative whom it would be legally unacceptable for them to marry. The term mahram, however, is widely used to mean both close male relatives as well as their husbands, if married, when discussing situations in which a woman is expected to have a mahram accompany her such as during travel.

Spousal maintenance (*nafaqa* in Arabic)—relates to the obligation on husbands to provide their wife with spousal maintenance (food, clothing, shelter, and other living expenses) during marriage. Spousal maintenance is distinct from child maintenance or support.

Summary

In September 2020, airport officials in Qatar stopped a 30-year-old mother of five children, demanding to contact her male guardian to confirm she had obtained his permission to travel. She told officials that her husband had dropped her at the airport, “but they wouldn’t accept that. They said ‘no, we have to call your father,’” a relative of the woman told Human Rights Watch. The officials “treated her like a minor, like a child... she is not property,” the relative said.

Women across the Middle East and North Africa region face varying restrictions preventing them from moving freely in their own country and from traveling abroad without the permission of their male guardians—typically their fathers or brothers, and when married, their husbands. The following report examines 20 countries in the Middle East and North African region and describes the different country requirements imposed on women to get their male guardians’ permission for their mobility within their country, to obtain a passport, and to travel abroad. It also examines whether women can travel abroad with their children as guardians on an equal basis with men.

Those who defend such patriarchal rules in the Middle East and North Africa often claim it is for women’s own protection but these rules are inherently demeaning and in fact expose them to domestic violence. Women have pointed to how men have used such rules to extort, exploit, punish or degrade them, and harm their rights.

These travel and mobility restrictions on women contradict many states’ own laws and constitutions which guarantee women’s equality and the freedom to reside in and leave one’s own country. They also violate international human rights law which guarantees equality and non-discrimination and freedom of movement for everyone, including to enter one’s own country, and to leave any country, including their own. Any restrictions on freedom of movement must be necessary in a democratic society, clearly provided by law, proportionate to protect the rights and freedoms of others, and consistent with all other rights such as equality and non-discrimination. Discriminatory movement restrictions also breach women’s right to equality before the law as well as their related rights including to work, study, marry, access health care, provide care to their children in their child’s best interests on an equal basis with men, and be free of violence. Almost all states in the

Middle East and North Africa are states parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

This report provides governments, policymakers, and civil society including women's rights activists and organizations a resource outlining the current status of women's freedom of movement including male guardianship requirements in each state.

Women's Mobility within the Country

Women's mobility is restricted in several countries. The mapping below shows countries in which women can face sanction if they leave the home without male guardian permission.

In positive news, some countries such as **Algeria, Morocco, and Tunisia** have removed language around women's obedience to their husbands which led to restrictions on their movements. However, **15 countries** in the region still apply personal status or family laws that require women to either "obey" their husbands or live with them, and/or deem women disobedient if they leave the marital home or work or travel without their husbands'



permission. Courts can order them to return to their marital home; if they do not, they can lose their right to spousal maintenance from their husbands. In March 2022, **Saudi Arabia** issued its first written Personal Status Law which codified the practice of requiring women to obey their husbands in a “reasonable manner” and that they can lose their right to spousal maintenance from their husbands if, for instance, they refuse to move into or stay in the marital home “without a legitimate excuse.”

Courts may also use women’s “disobedience” to restrict women’s access to divorce and deny them financial rights or custody of their children. This can trap women contemplating filing for divorce from leaving the home. For example, two Lebanese women, Cyntia and Mireille, told Human Rights Watch in 2013 that they were advised by their local parish bishops in Lebanon not to leave their marital homes despite their husbands’ physical and emotional abuse against them, as the Maronite Court would consider their leaving as an act of recalcitrance which in turn could lead to their children being removed from their care.

In **Jordan, Kuwait, Qatar, and Saudi Arabia**, male guardians and other family members can also report women to the police for being “absent” from their homes, which can lead to their arrest and forcible return home or administrative detention. In June 2021, Saudi Arabia made changes to a law that court orders on obedience requirements for women to be returned home are no longer required to be immediately enforced, but it is unclear if this will translate into practice by the police.

In countries experiencing conflict, some armed groups have imposed guardianship restrictions in areas under their control. In parts of **Syria** under the control of some armed groups, women in public spaces are required to be accompanied by a *mahram* (husband or close male relative she cannot marry). In areas under their control in **Yemen**, Houthi authorities have increasingly required women to travel with a mahram or to provide evidence of their male guardians’ written approval. Yemeni women reported to local media that bus drivers refused to take them because they did not have a mahram, or had to pay more money to travel since they must pay for their mahram’s ticket. Such rules have also forced many Yemeni women to leave their jobs at local and international non-governmental organizations, and UN agencies, because they do not have a mahram who can accompany them on their crucial work travel, losing much-needed income for their families, and cutting off Yemeni women and girls from receiving humanitarian aid.

Moreover, some countries enforce or allow other discriminatory mobility restrictions that women continue to campaign against. Women in **Iran**, for instance, have had a decades-long fight against the mandatory hijab, which remains a central feature of the nationwide “women, life, freedom” protests that erupted after the death in custody of Mahsa (Jina) Amini in September 2022 following her arrest for “improper” hijab.

In **Saudi Arabia** and **Yemen**, women are not allowed to leave prison after completion of their sentences without a male guardian to accompany them upon release. Some state universities including in **Bahrain, Iran, Kuwait, Oman, Qatar, Saudi Arabia**, and the **United Arab Emirates** require women to show they have male guardian permission before they can go on field trips, or stay at or leave campus accommodations or grounds.

Social custom in many countries dictates that single women should not live on their own. Women may face discrimination in practice when trying to rent apartments where they are not married or without a male guardians’ permission such as in **Algeria, Egypt, Iraq, Kuwait, Qatar, Saudi Arabia**, and in **Gaza (Palestine)**. Hotels, in countries like **Egypt, Iraq, Kuwait, Morocco, Qatar, and Yemen**, either because of state policy or in practice, prevent some women from renting a hotel room without a male guardian. **Egyptian** and **Moroccan** authorities have denied that they have issued instructions to hotels after some women reported being prevented from staying in a hotel room unaccompanied by a male relative. In February 2023, **Egyptian** authorities issued regulations to its 2022 Hotel and Tourism Establishments Law obliging tourist establishments and hotels to allow people to enter or reside in the establishment without discrimination including on the basis of sex.

Women’s rights activists have made some gains after campaigning. In 2018, **Saudi Arabia** allowed women to drive and **Oman** allowed women to drive taxis. In 2020, **Qatar** stopped requiring women to show male guardian permission in order to obtain driving licenses. Women have filed and won several lawsuits in **Israel** against gender exclusion or segregation in public spaces that disproportionately impact them. In recent years, **Saudi Arabia** also eased up on strict gender exclusion and segregation rules including allowing women to attend sports stadiums to watch events. **Iran** allowed a small number of women to attend specific matches but continued its general ban on female spectators at stadiums.

Women's Ability to Obtain Passports

The mapping below shows countries in which women are required to show male guardian permission in order to obtain their own passports.

In a positive advance, most countries in the region allow women to obtain passports without requiring guardian permission. Many governments previously had laws requiring women to show their husband's permission, or even their guardians' permission, to obtain passports, but changed them following campaigning by women's rights activists. States that allow women to obtain their own passport without showing guardian permission include Bahrain (since 2005), Egypt (since 2000), Iraq (since 2014), Israel, Jordan (since 2013), Lebanon, Libya, Mauritania, Morocco (since 2004), Oman (since 2010), Palestine (since 1996), Qatar (since 2007), Syria, Tunisia, and the United Arab Emirates (since 2017).



Iran's law requires married women to show their husbands' permission to obtain a passport. **Yemen** requires as a matter of policy, but not law, that women of all ages need to show permission from their male guardian in order to obtain a passport. In 2021, a local media outlet reported how a Yemeni woman sought to obtain her passport to join her husband who lives abroad. However, when she went to the Passports Office with her father the officials refused to process it on the basis that as a married woman her guardian is her husband. She had to find a senior officer to act as a guarantor for her to obtain her passport.

Algeria allows women, like men, to obtain passports from age 19 without guardian permission, while **Kuwait** and **Saudi Arabia** allow men and women from age 21 to obtain passports without guardian permission. In practice, however, women from age 18 but under the legal age limits of 19 or 21 years old are more likely to face situations in which their guardians may not approve their passport applications to travel than men under 21. **Saudi Arabia** adopted this rule in August 2019—previously, they had required women of all ages to show permission from their male guardians to obtain their passports. **Kuwait** made the change in 2009 when it allowed married women to obtain passports without their husbands' permission.

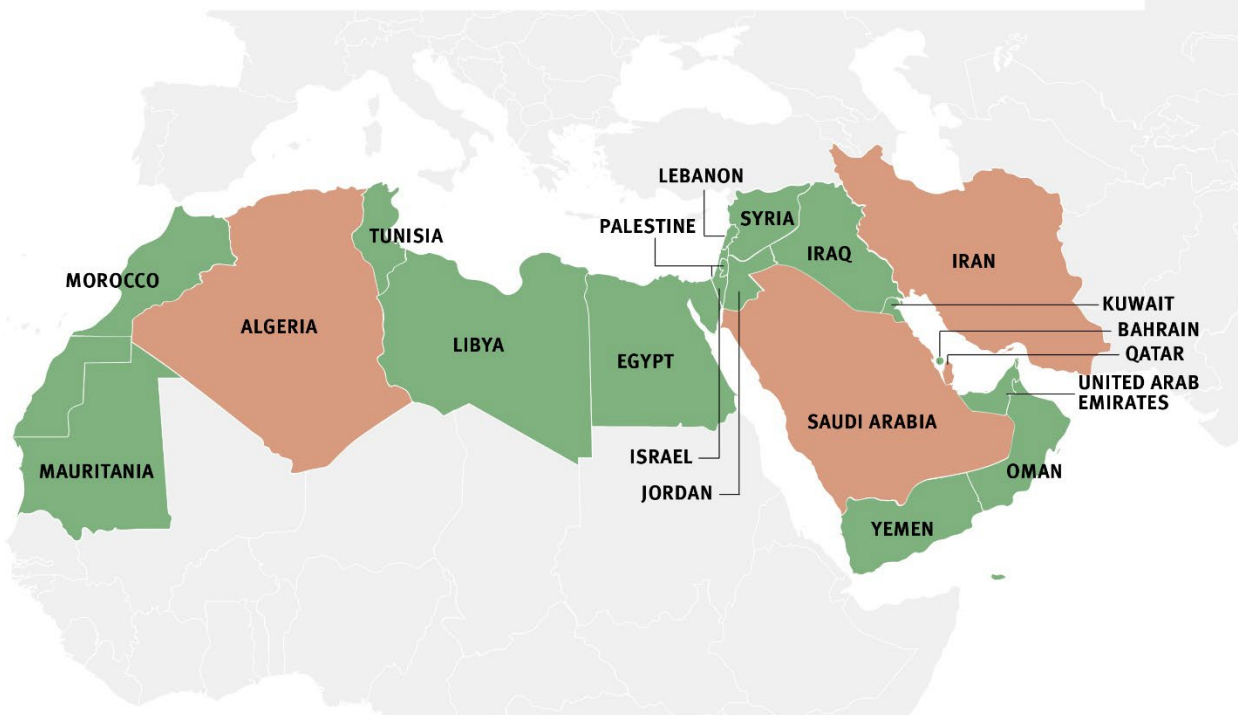
Women's Travel Abroad

The mapping on the following page shows countries in which women are required to show male guardian permission before they are allowed to leave their country or where a male guardian can obtain a court order to prevent a woman from traveling abroad.

Most countries in the region do not require women to have guardian permission *before* they travel. Until August 2019, women in **Saudi Arabia** could not travel abroad at any age without male guardian permission in the form of an exit permit which could be provided via a mobile app or website. After much campaigning by women's rights activists and following outrage over Saudi authorities forcibly returning, or attempting to return, Saudi women who fled abroad, the authorities amended this rule, so that women aged 21 and above, like men, no longer need to show such guardian permission to travel. There are some exceptions allowing those under age 21 to travel without a parent's permission including if they are married, have a government scholarship to study abroad, or are employees participating in official trips abroad. While parental permission applies to both men and women under 21 years old, in practice, women may be more likely to be denied permission to travel than men.

Can women travel abroad without prior guardian permission?

Yes No



Can women travel without threat of a travel ban by their male guardian?

Yes No



Currently, **Iran** and **Qatar** remain outliers for having official policies requiring exit permits for women to leave their own country. **Iran's** law provides that married women must show their husbands' permission to obtain passports and that their husbands must indicate whether they can travel for single or multiple trips. Even if a husband grants such permission, he can always change his mind and notify the government to prevent her from traveling abroad. Women have reported how men abuse this power including as retaliation or a bargaining tool to force women into giving up their financial or other rights during their marriage or when finalizing divorce. In May 2017, two-time Iranian Paralympic gold medalist Zahra Nemati was banned from leaving Iran to travel abroad by her husband after she filed for divorce.

Qatar's interior ministry rules, but not law, require unmarried Qatari women under age 25 to show permission from their male guardian (in person or an exit permit) to travel abroad while allowing Qatari men to travel without such permission from age 18. Guardians can issue this exit permit, usually one-year-long, via a government mobile app. In 2020, Qatari airport officials stopped some women under 25 years old who had valid exit permits, as well as women over 25, who should not require such permission under current rules, and demanded to call their male guardian to prove that they were not “escaping.”

In several places, including **Gaza, Iran, Qatar, Saudi Arabia,** and **Yemen**, authorities allow male guardians to obtain court orders or simply notify the authorities to issue travel bans on women. Men can do so at any time even when they may have agreed to the travel in the first place and this power acts as an ever-present threat over women. In **Qatar**, male guardians including husbands are allowed to apply to a court for travel bans against their female relatives or wives. Women are not notified of their travel ban and may find out only when they are at the airport when seeking to travel abroad.

Some authorities have imposed new restrictions leading to outcries by civil society. In February 2021, **Gaza's** Supreme Judicial Council, a body run by Hamas authorities, issued a notice allowing a male guardian to apply to a court to prevent an unmarried woman from traveling if they assess the travel will cause “absolute harm.” A woman, even if able to leave Gaza amid sweeping Israeli and Egyptian movement restrictions, can be prevented from traveling as soon as her guardian applies for a court-ordered ban, before a court ruling. In September 2021, Palestinian border officials at the Rafah Crossing between Gaza

and Egypt blocked Afaf al-Najar, a 19-year-old woman in Gaza, from traveling abroad to study for her bachelor's degree after her father applied for a judicial travel ban.

In **Yemen**, the Houthi's Land Transport Regulatory Authority expanded restrictions in August 2022, requiring that women no longer be permitted to travel anywhere within Houthi-controlled areas, to areas controlled by the Yemeni government, or outside the country without a mahram.

In May 2023, **Libya's** Internal Security Agency, a body linked with the Tripoli Prime Ministry, began requiring Libyan women traveling without a male escort, to complete a form declaring reasons for traveling, and why they are traveling solo, and giving details of past travels.

Even in countries where such restrictions may not be official policy, in practice some women reported that officials insisted on guardian permission such as in **Iraq**. In **Jordan**, authorities sometimes comply with requests from guardians to bar their daughters, wives, and children from leaving the country.

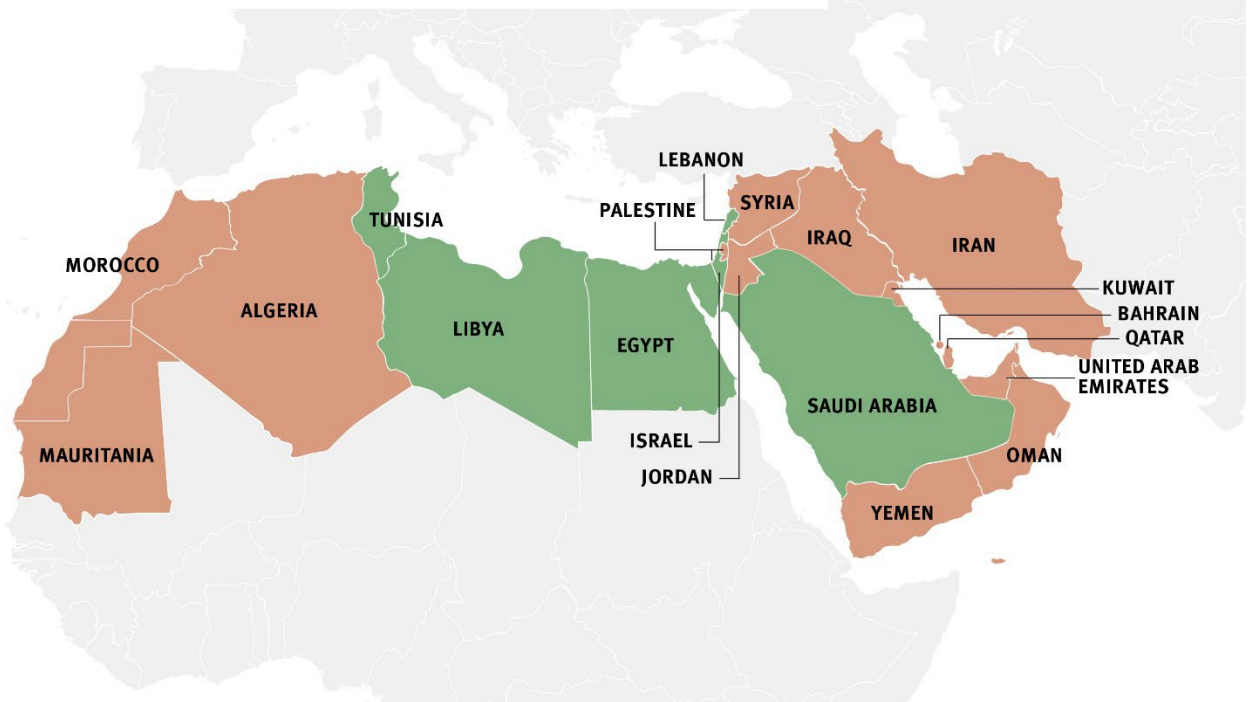
As noted above, some countries maintain family laws that consider women leaving the home, including traveling abroad, without their husbands' permission as "disobedience," and based on these laws they can lose their right to spousal maintenance from their husbands, and potentially can also impact their access to divorce and decisions relating to their children's residence.

Women's Travel Abroad with Their Children

This mapping shows situations in which women either cannot apply for their children's passports or cannot travel abroad with their child, on an equal basis with men.

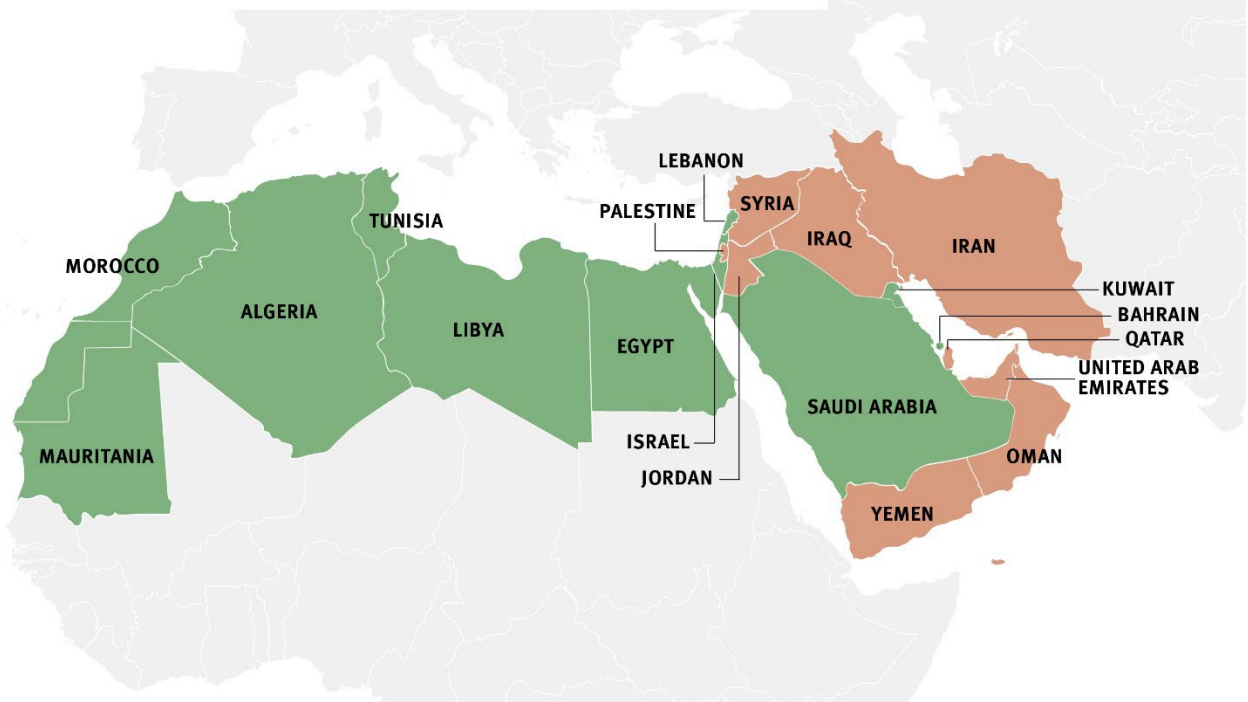
Can women apply for their children's passports on an equal basis with men?

Yes No



Can women travel with their child on an equal basis with men?

Yes No



In many countries in the region, authorities deem men as the natural guardians of children and deny women the authority of guardianship over their own children. Whether a woman is married, divorced, or widowed, she can face sometimes insurmountable restrictions on traveling abroad with her children. International law provides that women should not face discrimination in relation to decisions concerning children, and that domestic laws and policies must ensure that the best interests of the child are assessed and prioritized on a case-by-case basis.

Fourteen states in the region do not allow women to obtain passports for their own children on an equal basis with men. Only **Egypt, Israel, Lebanon, Libya, Saudi Arabia, and Tunisia** allow women the same rights as men to apply for their children's passports. In March 2018, the Palestinian Authority, which manages affairs in parts of the West Bank (Palestine), changed its rules to allow either parent to apply for their child's passport. However, Hamas, the de facto authority in Gaza, continues to require male guardians to apply for their child's passport.

In addition, **Iran, Iraq, Jordan, Oman, Palestine, Qatar, Syria, the United Arab Emirates, and Yemen**, officially or in practice, require women to obtain permission from the child's father to travel abroad with their children, while there is no similar requirement imposed on men. A few countries also allow for men, but not women, to obtain court orders to prevent their child's travel.

Women have reported that such rules are used by men to punish women for divorcing them, to harass them, or as a negotiating tool. One Qatari woman told Human Rights Watch that her husband threatened to ban their children from traveling abroad if she divorced him. When she left him, she was granted temporary custody of their children and sought to travel for a summer holiday with them in 2019. She obtained a single exit permit from the court, with specified dates, and another court order for their child's father to return their passports for their travel but, he refused to give them back. She then got a court order to issue new passports for her children. However, despite having permission to travel from the court, he obtained court-ordered travel bans, which they only found out about upon arrival at the airport and could not get lifted in time to go on a planned summer holiday in 2019.

Recommendations

Male guardianship policies deprive women of their legal status to make decisions about their own lives and can cause deep harm. Discriminatory restrictions on women's mobility within their country and to travel abroad violate women's rights to freedom of movement, work, study, access health care, and marry. Discriminatory laws and policies against women making decisions concerning their children also harm both women and children.

Governments in the Middle East and North Africa should remove all remaining discriminatory restrictions, both in law and practice, on women's freedom to move about within their own country, to obtain a passport, and to travel abroad, including with their children.

Recommendations

Authorities in the Middle East and North Africa should:

- Repeal any and all discriminatory restrictions on women's movements within their respective countries including male guardianship requirements on women. This should include repealing:
 - laws or policies that restrict women's movements including legislative provisions that require women to "obey" their husbands and sanction women if they leave the home without their husbands' permission;
 - policies or practices that allow authorities to arrest women for being "absent" from the home;
 - policies that require women at university to show they have the permission of a male guardian before they can go on field trips, stay at or leave campus accommodation or grounds;
 - policies that require women to show proof of marital status, or permission of a male guardian, in order to check into a hotel, rent an apartment, access utilities e.g. water or electricity, or visit factories or other worksites;
 - policies that require women in public spaces or moving around the country to be accompanied by a *mahram* (husband or close male relative she cannot marry), or that prohibit women from specific public spaces such as stadiums and events.
- Repeal any and all discriminatory requirements on women's ability to exit any country, including their own, and travel abroad, such as male guardianship requirements. This should include repealing:
 - laws, policies, and practices requiring women over 18 years old to show their husbands, male guardians' or parental permission to obtain their individual passports, to exit the country, and any sanctions such as 'disobedience' if they do travel against their so-called guardian or husband's wishes;
- Issue or amend regulations to provide for the right of all women, like men, to enter their own country and for anyone in the country to leave, and prohibit the imposition of travel bans by male guardians. Ensure that any restrictions on travel are only in exceptional circumstances that are necessary and proportionate to protect the rights and freedoms of others, clearly provided by law using precise

- criteria for application of such restrictions, and consistent with all other rights including equality and non-discrimination—and that individuals are informed of the travel ban, the reasons and legal basis for it, and that they can appeal it.
- Allow women to register births and obtain ID cards and passports for their own children on an equal basis with men. Repeal policies that require only men's authorization for their children's travel abroad, but not women's, and ensure that both men and women can make decisions relating to their children's travel abroad on an equal basis. All decisions relating to children should be primarily on the basis of the best interests of the child in line with international standards and without discriminating against women.
 - Issue an anti-discrimination law that prohibits discrimination on the basis of sex and gender, ensures effective remedies for those who experience discrimination, and provides a positive obligation on the state to take steps to eliminate gender-based discrimination.

Methodology

Between January 2020 and July 2023 Human Rights Watch conducted research on laws and policies in the Middle East and North Africa relating to male guardianship and other discriminatory restrictions on women's freedom of movement within their own country and to travel abroad.

The research presented in this report does not cover all issues that can impact women's freedom of movement. It does not cover discriminatory nationality laws whereby women in many countries in the region cannot pass on their nationality to their children on an equal basis with men, which impacts the freedom of movement of women and their children.¹ It also does not cover issues of immigration and citizenship policies which can impact non-citizen women's freedom of movement.

Human Rights Watch analyzed dozens of laws covering personal status matters, passport and travel documents, and crime prevention laws, as well as regulations, government and private companies' websites, policies, forms, and relevant mobile phone applications.

This report includes research published in other Human Rights Watch reports and documentation including *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*; *Boxed In: Women and Saudi Arabia's Male Guardianship System*; and *"Everything I Have to Do is Tied to a Man": Women and Qatar's Male Guardianship Rules*.²

Human Rights Watch sought information from 44 lawyers, activists, and women from across the region through interviews and written communications in Arabic, English, and French, to verify our research findings. All participants were informed of the purpose of the

¹ See Global Campaign for Equal Nationality Rights, "Middle East and North Africa," <https://equalnationalityrights.org/countries/middle-east-north-africa> (accessed July 7, 2023).

² See Human Rights Watch, *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*, January 2015, <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>; Human Rights Watch, *Boxed In: Women and Saudi Arabia's Male Guardianship System*, July 2016, <https://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>; and Human Rights Watch, *"Everything I Have to Do is Tied to a Man": Women and Qatar's Male Guardianship Rules*, March 2021, <https://www.hrw.org/report/2021/03/29/everything-i-have-do-tied-man/women-and-qatars-male-guardianship-rules>.

interview or information requested, its voluntary nature, and the ways in which the data would be used. The report in some cases uses pseudonyms—indicated in quotation marks—for interviewees at their request and withholds other identifying information to protect their privacy and their security. None of the interviewees received monetary or other incentives for speaking with Human Rights Watch.

Human Rights Watch requested information from official sources through letters, sent between June 8-21, 2023, to governments or authorities in 20 countries including ministries of interior and foreign affairs of Algeria, Bahrain, Egypt, Iran, Iraq (including Kurdistan Regional Government), Israel, Palestine (West Bank and Gaza), Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, and Yemen,

Human Rights Watch received responses from Israel and the United Arab Emirates. Relevant information from these responses is reflected in the report. The Israeli government did not substantively reply to questions Human Rights Watch asked or provide feedback on the text provided. The Israeli Foreign Affairs Ministry instead wrote to Human Rights Watch on June 21 that “Israel is a modern democracy and therefore the questions are not relevant at all regarding it and its population.” A copy of the two-sentence reply can be found in the appendix. The UAE Ministry of Foreign Affairs responded to most questions from Human Rights Watch, some of which are reflected in this report, and provided information about women in the UAE that did not relate to this report. A copy of their responses to Human Rights Watch’s questions is included in the appendix.

Human Rights Watch has included responses it received from the Qatari authorities in March 2021, in relation to the Human Rights Watch report *“Everything I Have to Do is Tied to a Man”*.³

³ Human Rights Watch, *“Everything I Have to Do is Tied to a Man”: Women and Qatar’s Male Guardianship Rules*, March 2021.

Background

Women across the Middle East and North Africa region face varying restrictions preventing them from moving freely in their own country and from traveling abroad without the permission of their male guardians—typically their fathers or brothers, and when married, their husbands.

Male guardianship policies and restrictions on women’s mobility are closely related to the seclusion or segregation of women from a male-dominated patrilineal society that often invokes tradition to control women’s sexuality and strictly limit their autonomy. For example, women have told Human Rights Watch that their male guardians and other family members refused them permission to travel, work, or study where they wished because they were intent on ensuring that they do not end up in a relationship with a man against their family’s wishes, acquire a reputation for being viewed as sexually active or breaking social taboos, or to otherwise “protect” them from male society.⁴

Those who defend such patriarchal rules in the region often claim it is for women’s own protection, but women have pointed out how the rules are inherently discriminatory, denying women equal treatment under the law to make their own choices, and reinforcing the stereotype of women in need of protection. Moreover, such rules are inherently violent, allowing men to commit domestic violence by controlling and restricting women’s lives and movement, and fostering further violence against women. Women have reported to Human Rights Watch and more widely how men have used such rules to extort, exploit, punish, or degrade them.

Laws, policies, and practices that restrict women’s freedom of movement in the Middle East and North Africa are the result of different, and even opposing developments. Colonial rule, the creation of nation-states, authoritarian rule, and rulers that sought to appease patriarchal factions have all played a part in the development of laws and policies that impact women’s freedom of movement in the Middle East and North Africa.⁵ The development of the use of modern passports, for instance, over the course of the 20th

⁴ Human Rights Watch, *“Everything I Have to Do is Tied to a Man”: Women and Qatar’s Male Guardianship Rules*, March 2021.

⁵ Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate*, 1992, Yale University Press; Elizabeth Thompson, “Public and Private in Middle Eastern Women’s History,” *Journal of Women’s History*, vol 15, pp. 52-69.

century led to new forms of discrimination. Around the world, women had to fight for the right to have independent passports separate from their husbands.⁶

Many states and religious bodies in the Middle East and North Africa region—including Islamic (both Shia and Sunni), Druze, Christian, and Jewish—have codified the obedience-maintenance framework into their personal status laws. Under this framework, husbands are obligated to provide their wives with spousal maintenance (food, clothing, shelter, and other living expenses during marriage) and in return, women are required to remain in the marital home, obey their husbands, and request their permission to leave the home or travel.⁷ If they are “disobedient” or seek to leave the marital home altogether, they can lose their entitlement to spousal maintenance.

Islamic scholars, for instance, who support male guardianship including the obedience-maintenance framework do so based principally on a Quranic verse which other scholars see as ambiguous. The verse (Quran 4:34) is translated as, “Men are *qawammun* [protectors and maintainers] in relation to women, according to what God has favored some over others, and according to what they spend from their wealth.”⁸ Other Islamic law experts have argued that male guardianship, as interpreted by jurists and states that impose it, misinterprets fundamental Quranic precepts and that male scholars have elevated guardianship over Quranic concepts such as equality and respect between the sexes.⁹ Scholars of Islam argue that this was one of the many ways in which Islamic scholars and jurists imposed patriarchal concepts of their time and society into their interpretations of Islamic law.¹⁰ For instance, some interpreted *hadiths* (sayings and

⁶ See for example, Sandra Kinsley, “The 1920s Women Who Fought For the Right to Travel Under Their Own Names”, March 27, 2017, <https://www.atlasobscura.com/articles/us-passport-history-women> (accessed July 6, 2023).

⁷ Human Rights Watch, *Unequal and Unprotected: Women’s Rights Under Lebanese Personal Status Laws*, 2015, <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>; Ruth Roded, “Islamic and Jewish Religious Feminists Tackle Islamic and Jewish Oral Law: Maintenance and Rebellion of Wives”, *Comparative Islamic Studies*, 11(1) (2017), pp. 35–63. <https://doi.org/10.1558/cis.31497> (accessed July 6, 2023).

⁸ See the reflection on the verse and interpretations on the wording in Ziba Mir-Hosseini, Mulki Al-Sharmani and Jana Rumminger, eds., *Men in Charge: Rethinking Authority in Muslim Legal Tradition*, (London: One World Publications, 2015), p.15. See also A. Yusuf Ali, *The Holy Qur’an: Text, Translation and Commentary*, (Maryland: Amana Corp., 1983), p. 190.

⁹ Ziba Mir-Hosseini, Mulki Al-Sharmani and Jana Rumminger, eds., *Men in Charge, Rethinking Authority in Muslim Legal Tradition*, (London: One World Publications 2015); Musawah, “Musawah Vision for the Family,” 2016, https://www.musawah.org/wp-content/uploads/2018/11/MusawahVisionFortheFamily_En.pdf (accessed July 6, 2023).

¹⁰ Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate*, 1992, Yale University Press¹¹ Siti Fatimah Salleh et al, “The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women,” *International Journal of Academic Research in Business and Social Sciences*, vol. 7, No. 8, ISSN: 2222-6990,

actions attributed to the Prophet Mohammed) to claim that in certain situations women are prohibited from traveling unless they are accompanied by their husbands or *mahram* (a male relative they are prohibited from marrying).¹¹ Yet, other Islamic scholars have pointed to hadiths and historical context that allow for women's freedom of movement without the need for their husbands or mahram to permit or accompany them.¹²

Male guardianship policies are not unique to the region, but exist in, and are influenced by, a broader history and context across other laws and traditions around the world that give men control over women's lives or deny women legal capacity equal to men.¹³ For instance, well into the 19th century, married women in some European legal traditions, and in some European colonies and former colonies of Australia, Canada, and the United States of America, were expected to obey their husbands who were deemed their protectors and lost part of their legal personhood upon marriage, including their property becoming the property of their husbands.¹⁴

[https://hrmars.com/index.php/IJARBSS/article/view/3260/The-Influence-Of-Social-Changes-On-The-Islamic-Legal-Ruling-Concerning-Travelling-](https://hrmars.com/index.php/IJARBSS/article/view/3260/The-Influence-Of-Social-Changes-On-The-Islamic-Legal-Ruling-Concerning-Travelling-Women)

¹¹ Siti Fatimah Salleh et al, "The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women," *International Journal of Academic Research in Business and Social Sciences*, vol. 7, No. 8, ISSN: 2222-6990, [https://hrmars.com/index.php/IJARBSS/article/view/3260/The-Influence-Of-Social-Changes-On-The-Islamic-Legal-Ruling-Concerning-Travelling-](https://hrmars.com/index.php/IJARBSS/article/view/3260/The-Influence-Of-Social-Changes-On-The-Islamic-Legal-Ruling-Concerning-Travelling-Women) Women (accessed July 6, 2023).

¹² Ibid., Siti Fatimah Salleh et al, "The Influence Of Social Changes On The Islamic Legal Ruling Concerning Travelling Women," *International Journal of Academic Research in Business and Social Sciences*, vol. 7, No. 8, ISSN: 2222-6990.

¹³ See Uri Yiftach and Michele Faraguna, eds., *Ancient Guardianship: Legal Incapacities in the Ancient World*, Legal Documents in Ancient Societies VI, Jerusalem, 3-5.11.2013, (Trieste: EUT Edizioni Università di Trieste, 2017); Suzanne McGee and Heide Moore, "Women's rights and their money: a timeline from Cleopatra to Lilly Ledbetter," *The Guardian*, August 11, 2014, <https://www.theguardian.com/money/us-money-blog/2014/aug/11/women-rights-money-timeline-history> (accessed July 6, 2023); Ann Elizabeth Mayer, "Reform of Personal Status Laws in North Africa: A Problem of Islamic or Mediterranean Laws?" *Middle East Journal*, vol. 49, no. 3, 1995, pp. 432–46. JSTOR, <http://www.jstor.org/stable/4328833> (accessed July 6, 2023).¹⁴ See William Blackstone, *"Of husband and wife" Commentaries on the Laws of England* (1765–1769), (Lonang Institute, 1769); Ursula Vogel, "Under Permanent Guardianship: Women's Condition under Modern Civil Law," in *The Political Interests of Gender, Developing Theory and Research with a Feminist Face*, ed. Kathleen B. Jones and Anna G. Jónasdóttir, (SAGE, 1988); Karen Offen, *The Woman Question in France, 1400–1870*, (Cambridge: Cambridge UP, 2017 Print, New Studies in European History); and Tim Stretton and Krista J. Kesselring, *Married Women and the Law: Coverture in England and the Common Law World*, Montreal & Kingston: McGill-Queen's University Press; Constance B. Backhouse, "Married Women's Property Law in Nineteenth-Century Canada," *Law and History Review*, 6 (2), 1988, pp. 211–257.

¹⁴ See William Blackstone, *"Of husband and wife" Commentaries on the Laws of England* (1765–1769), (Lonang Institute, 1769); Ursula Vogel, "Under Permanent Guardianship: Women's Condition under Modern Civil Law," in *The Political Interests of Gender, Developing Theory and Research with a Feminist Face*, ed. Kathleen B. Jones and Anna G. Jónasdóttir, (SAGE, 1988); Karen Offen, *The Woman Question in France, 1400–1870*, (Cambridge: Cambridge UP, 2017 Print, New Studies in European History); and Tim Stretton and Krista J. Kesselring, *Married Women and the Law: Coverture in England and the*

Constitutional Protections and International Human Rights Law

These travel and mobility restrictions on women contradict some states' own laws and constitutions which guarantee women's equality with men before the law and the freedom to reside and leave one's own country. This discrimination also violates international human rights law including the International Covenant on Civil and Political Rights (ICCPR) to which most states in the Middle East and North Africa are a party to. The ICCPR obligates states to respect and protect the equal right of men and women to enjoy their civil and political rights including under article 12, the right to liberty of movement and freedom to choose one's own residence, enter one's own country, and to leave any country, including their own.¹⁵ The Human Rights Committee has stated that the right to leave any country includes the right to obtain the necessary travel documents, such as a passport by their own state. Any restrictions must be clearly provided by law, necessary in a democratic society, and proportionate to protect national security, public order, public health, morals, or the rights and freedoms of others, and consistent with all other rights in the Covenant (e.g. equality and non-discrimination). For any limitations to be permissible they cannot negate the essence of the right.¹⁶

The Human Rights Committee has said that restrictions based on distinctions of any kind, such as sex, including "measures preventing women from moving freely or leaving the country by requiring them to have the consent or the escort of a male person," are a clear violation of article 12.¹⁷ States are also obligated to protect this right from private interference including by ensuring that in practice a woman's right to move freely and to choose her residence is not made subject "to the decision of another person, including a relative."¹⁸

Common Law World, Montreal & Kingston: McGill-Queen's University Press; Constance B. Backhouse, "Married Women's Property Law in Nineteenth-Century Canada," *Law and History Review*, 6 (2), 1988, pp. 211–257.

¹⁵ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, arts. 2.1, and 12.

¹⁶ General Comments adopted by the Human Rights Committee under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, para.9, <https://bit.ly/3W5HWGh> (accessed July 7, 2023).

¹⁷ *Ibid.*, para.18.

¹⁸ *Ibid.*, para.6.

The travel and mobility restrictions on women also breach the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which almost all states in the Middle East and North Africa are party. It provides for women's equality before the law as well as the same rights as men with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.¹⁹

Discriminatory movement restrictions imposed on women also breach regional human rights treaties including the African Charter on Human and Peoples' Rights, and the Arab Charter on Human Rights, which obligate states to ensure nondiscrimination including on the right of freedom of movement, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the "Maputo" Protocol), which requires states to combat all forms of discrimination against women.²⁰

The discrimination against women's right to freedom of movement also impairs and, in some cases, nullifies women's exercise of a host of other human rights including equality before the law and women's equal right with men to work, study, access health care, and marry without discrimination in breach of the ICCPR, CEDAW, the International Covenant on Economic and Social Rights (ICESCR), the Arab Charter on Human Rights, the African Charter on Human and Peoples' Rights, and the Maputo Protocol.

CEDAW also requires states parties to "take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations" including to ensure women's equal rights with men with regard to guardianship of children.²¹ States are obliged to base all decisions about children on the best interests of the child "as a primary consideration."²²

¹⁹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, art. 15(1) and 15(4).

²⁰ African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986; League of Arab States, Arab Charter for Human Rights, adopted May 22, 2004, entered into force March 15, 2008. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, September 13, 2000, CAB/LEG/66.6, entered into force November 25, 2005.

²¹ CEDAW, art. 16(1).

²² Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, art. 3. UN Committee on the Rights of the Child, "General Comment No. 14 on the right of the child to have his or her best interest taken as a primary consideration,"

Algeria

Women's Mobility within the Country

There are currently no explicit legal restrictions barring women from leaving the house without guardianship permission. In 2005, the authorities amended the Family Code, partly under pressure from women's rights organizations, removing language that had previously required women to obey their husbands (article 39) and that had stipulated that a woman could lose her right to spousal maintenance (*nafaqa*) from her husband if she was proven to be disobedient (article 37).²³ The 2005 Family Code provides for mutual spousal obligations including mutual consultation over family affairs and that couples can set conditions in the marriage contract including the wife's right to work.²⁴ However, other discriminatory provisions remain.²⁵

Moreover, in practice, single unmarried women face discrimination in trying to rent an apartment or house.²⁶ In one report, the Chairperson of SOS Women in Distress organization, noted that "it is rare for landlords or real estate agencies to rent to a single woman."²⁷

May 29, 2013, CRC/C/GC/14, https://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf (accessed July 6, 2023).

²³ Before the 2005 reform, article 37 of the Algerian Family Code, had provided that "The husband is obligated towards his wife: (1) Legal maintenance according to his ability, unless it is proven that she is disobedient (2) Justice in the event of more than one marriage"; and article 39 had previously stated, "The wife shall obey her husband and respect him in his status as head of the family." Ordinance No. 05-02 of February 27, 2005 amending Law No. 84-11 of June 9, 1984 relating to the Family Code, amended art. 37 and repealed art. 39, <https://bit.ly/3zHfwZT> (accessed July 6, 2023). Article 74 of the Family Code requires the husband to provide his wife with spousal maintenance which article 78 clarifies includes food, clothing, housing, medical care, and other necessities according to custom.

²⁴ The Family Code, as amended in 2005, arts. 19 and 36.

²⁵ Human Rights Watch, "*Your Destiny is to Stay with Him*" *State Response to Domestic Violence in Algeria*, April 2017, <https://www.hrw.org/report/2017/04/23/your-destiny-stay-him/state-response-domestic-violence-algeria>.

²⁶ *Middle East Eye*, "Algeria: Feminists rally against domestic violence," October 12, 2015, <https://www.middleeasteye.net/features/algeria-feminists-rally-against-domestic-violence> (accessed July 7, 2023). *Media Part*, "In Algeria, single women use tricks to find accommodation," January 2, 2020, <https://bit.ly/443J4hg> (accessed February 26, 2021).

²⁷ Immigration and Refugee Board of Canada, "Algeria: Situation of single or divorced women living alone, particularly in Algiers; whether they can find work and housing; support services available to them (2012-2015)," 13 August 2015, DZA105233.FE, <https://www.refworld.org/docid/55dedd3d4.html> (accessed July 7, 2023).

Women's Ability to Obtain a Passport

Algeria's law on travel documents does not require women to show guardian permission to obtain passports.²⁸ Interior ministry instructions however, require fathers or legal guardians to provide written permission for their 'minor' children (under 19 years old), male and female, when applying for their passport.²⁹ The Travel Documents Law and passport application form also requires that a married woman must provide her husband's name, a requirement not imposed on married men.³⁰

Women's Travel Abroad

Women over 19 years old, like men, can travel abroad without guardian permission. Individuals, male or female, younger than 19, are not permitted to travel abroad alone or with another adult who is not their parent without a guardian's permission.³¹ For a 'minor' (under 19) to leave Algeria by themselves or with another adult, a guardian must submit an exit permit to the authorities.³² This is known as a notarized parental authorization for travel from their father "(autorisation-paternelle)".³³ Under the Family Code, fathers are the automatic guardians of their 'minor' children, not mothers; guardianship passes to the mother if the father passes away or following divorce, where a court grants the mother primary custody of their child.³⁴ As such, a woman can only authorize her child's exit from the country when the father has passed away, or she is divorced or separated and has legal custody of her child.³⁵

²⁸ Law No. 14-03 of 2014 of February 24, 2014, relating to Travel Documents, <https://bit.ly/3yxKGiX> (accessed July 7, 2023).

²⁹ Law No. 14-03 of 2014, relating to Travel Documents, art. 8 identifies 'minors' as under 19 years old: "The passport validity period is ... five (5) years for minors under the age of nineteen (19) years." Algeria Ministry of Interior website, "Electronic Biometric Passport," <https://bit.ly/3lLx2Ym> (accessed February 18, 2023) and Algerian Consulate General in London, "How to obtain a biometric passport," <https://bit.ly/3EmuLZZ> (accessed February 18, 2023). ³⁰ Law No. 14-03 of 2014, Relating to Travel Documents, art. 7. See also Application for Passport or National Identity Card form, <https://bit.ly/3xyLtS1> (accessed July 5, 2022).

³⁰ Law No. 14-03 of 2014, Relating to Travel Documents, art. 7. See also Application for Passport or National Identity Card form, <https://bit.ly/3xyLtS1> (accessed July 5, 2022).

³¹ Algerian Embassy in the United States of America, Consular Affairs, "Minor Child Travel Requirements," <https://bit.ly/3XGJSUU> (accessed February 18, 2023). See Ordinance No. 75-78 of 26 September 1975, on the Civil Code, as amended by Law No. 05-10 of 20 June 2005, art. 40, <https://web.archive.org/web/20230218162134/http://www.joradp.dz/TRV/FCivil.pdf> (accessed February 18, 2023).

³² Algeria Ministry of Interior website, "Exit of Minor to Abroad," <https://bit.ly/3XWzZ5T> (accessed February 18, 2023).

³³ Algerian Embassy in the United States of America, Consular Affairs, "Minor Child Travel Requirements."

³⁴ The Family Code, as amended in 2005, art. 87.

³⁵ Algerian Embassy in the United States of America, Consular Affairs, "Minor Child Travel Requirements."

Prior to 2005, many police officers and court officials allowed men to forbid their wives from traveling without their permission as standard practice, using article 39 of the 1984 Algerian Family Code which had required women to obey their husbands (since repealed).³⁶

Women's Travel Abroad with Children

Interior Ministry instructions require fathers or legal guardians (which can be mothers where the father has passed away or if she is granted primary custody of their child following divorce) to provide written permission for their 'minor' children (under 19) when applying for their passport.³⁷

Otherwise, legally, women do not face discrimination to travel abroad with their children. Algeria's interior ministry website instructions provide that either parent can travel with their child (under 19 years old) as long as they can prove their relationship.³⁸ Either parent can also ban the other parent from traveling with their child.³⁹

Constitutional Freedoms and International Human Rights Obligations

Algeria's constitution establishes the state's duty to ensure equal rights and duties of citizens by removing obstacles impeding human development, providing for equality before the law for all citizens, guaranteeing the right to equal protection, and prohibiting "discrimination on the basis of birth, race, gender, ...". It also protects citizens' "right to freely choose the place of residence and to move freely within the national territory" and guarantees "the right of entry and exit from the national territory," noting that any restrictions can only be for a specific period and by a reasonable decision from a judicial authority.⁴⁰

³⁶ The Family Code, as amended in 2005. Freedom House, "Women's Rights in the Middle East and North Africa - Algeria," October 14, 2005, <https://www.refworld.org/docid/47387b6ao.html> (accessed July 6, 2023).

³⁷ Algeria Ministry of Interior website, "Electronic Biometric Passport." The Family Code, as amended in 2005, art. 87.

³⁸ "Procedures For Removing Minor Children From Algeria With Or Without Parental Permission," *Eldjalia*, April 1, 2020, <https://eldjalia.com/voyage-des-mineurs-sans-autorisation-parentale/> (accessed July 6, 2023).

³⁹ Algeria Ministry of Interior website, 'Exit of Minor to Abroad.'

⁴⁰ See Constitution of People's Democratic Republic of Algeria, 2020, arts. 35, 37, and 49, <https://bit.ly/3j1ySPF> (accessed July 6, 2023).

While the Algerian authorities have made some reforms relating to women's freedom of movement they have yet to withdraw their reservations to article 15(4) of the Convention on the Elimination of All Forms of Discrimination against Women, which they are a state party to, which relates to nondiscrimination against women in relation to freedom of movement.⁴¹ Algeria is also a state party to the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the Arab Charter on Human Rights, which obligate states to ensure nondiscrimination including on the right of freedom of movement, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) which requires states to combat all forms of discrimination against women.⁴²

⁴¹ In relation to reservations made to article 15, paragraph 4 Algeria provided that it "declares that the provisions of article 15, paragraph 4, concerning the right of women to choose their residence and domicile should not be interpreted in such a manner as to contradict the provisions of chapter 4 (art. 37) of the Algerian Family Code." However, given that the authorities have amended this article in the Family Code, it is unclear why Algeria has not yet removed this reservation to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). United Nations Treaty Collection, CEDAW, note 2, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4#72 (accessed February 18, 2023). Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), , ratified by Algeria on May 22, 1996.

⁴² International Covenant on Civil and Political Rights (ICCPR), , ratified by Algeria on September 12, 1989; African [Banjul] Charter on Human and Peoples' Rights, ratified by Algeria on March 1, 1987; League of Arab States, Arab Charter for Human Rights, , ratified by Algeria on June 11, 2006 and Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified by Algeria on November 20, 2016.

Bahrain

Women's Mobility within the Country

Under the unified 2017 Family Law, women are required to obey their husbands and not leave the marital home without a “legitimate excuse.”⁴³ She can lose her right to spousal maintenance (*nafaqa*) from her husband if she is deemed disobedient or recalcitrant by a court.⁴⁴ This includes if she refuses to move into or leaves the marital home “without a legitimate excuse” and fails to comply by a court order to return to the marital home, goes out to work against her husband’s wishes, or deprives him of his marital rights under law – for instance, if her work means that she cannot care for their children or maintain their home.⁴⁵ The law details situations in which it would be justifiable for her to leave the marital home such as for a legally obligated duty, and for “legitimate” work if her husband was aware of her work at the time of their marriage, if it was an expressed condition in the marriage contract, or if he had permitted it after marriage.⁴⁶

Women also face discrimination in practice. Some universities may require women to have parental consent to live in campus accommodation.⁴⁷ Gulf Daily News reported in 2016 how landlords and hotels in a certain area refused to rent apartments or hotels rooms to single women.⁴⁸

⁴³ Law No. 19 of 2017 promulgating the Family Law (“Family Law”), issued July 20, 2017, art. 40, <https://bit.ly/3xwHwXP> (accessed July 6, 2023).

⁴⁴ Family Law, 2017, arts. 46 and 49 provide that spousal maintenance refers to the husband’s obligation to meet his wife’s needs for food, clothing, housing, as well as medicine, a domestic worker, and what else is required by custom.

⁴⁵ She can also lose her right to spousal maintenance for other reasons such as refusing to have sex with her husband “without a legitimate excuse.” Family Law, 2017, arts. 40, 54, 55 and 56(b).

⁴⁶ Family Law, 2017, arts. 54(b) and 56.

⁴⁷ For instance, Arabian Gulf University requires only female students applying for campus accommodation: “A copy of the parent’s passport or valid ID card (for female students).” Arabian Gulf University, “University Accommodation,” <https://bit.ly/3xA5XtD> (accessed February 19, 2023).

⁴⁸ “Women ‘barred from renting hotel rooms’”, *Gulf Daily News*, January 3, 2016, <https://www.gdnonline.com/Details/54151> (accessed July 6, 2023).

Women's Ability to Obtain a Passport

Women can obtain passports without their husband's consent. In 2005, Parliament amended article 13 of Law No. 11 of 1975 on Passports which previously stated that women could not be granted their own passports without the permission of their husbands.⁴⁹

Women's Travel Abroad

Women are not required to seek guardian permission before traveling abroad.⁵⁰ In 2011, Bahrain reported to the UN Committee on the Elimination of Discrimination against Women that “women are allowed to leave the country without the consent of a spouse or guardian” and that a “husband cannot retain his wife's travel documents to prevent her from moving freely.”⁵¹

Women's Travel Abroad with Children

The father is the default guardian of the child, with male relatives prioritized thereafter.⁵² A woman cannot act as the guardian of her child even if her child's father has passed away or following divorce and where a court orders that her child resides primarily with her (custody).⁵³ Bahrain's interior ministry instructions require the “father or the authorized person” to be present when applying for the passport of their child or infant.⁵⁴ Women have had problems trying to obtain passports for their children particularly when their child's father is abroad.⁵⁵

⁴⁹ Law No. 21 of 2005 amending some provisions of Law No. 11 of 1975 regarding passports, issued July 13, 2005, and Law No. 11 of 1975 regarding Passports, published in Official Gazette on June 5, 1975, art. 13.

⁵⁰ Ahmed, “Bahrain.”

⁵¹ UN Committee on the Elimination of Discrimination against Women, “Third Periodic Report on States Parties, Bahrain,” U.N. Doc. CEDAW/C/BHR/3, December 21, 2011, http://www.bayefsky.com/reports/bahrain_cedaw_c_bhr_3_2011.pdf (accessed July 6, 2023), paras. 117 and 148.

⁵² Family Law, 2017, art. 133.

⁵³ Musawah, “Thematic Report on Muslim Family Law and Muslim Women's Rights in the Kingdom of Bahrain, 84th CEDAW session,” February 2023, <https://bit.ly/3kdcOX6> (accessed July 6, 2023).

⁵⁴ Bahrain Ministry of Interior, Nationality, Passports and Residency Affairs, “Issuance of Passport,” <https://bit.ly/3lKEcFr> (accessed February 19, 2023).

⁵⁵ “Jawazat refuses to issue a passport to an 8-month-old child despite the presence of two public and private powers of attorney, and insists on the presence of the father residing abroad,” *Al Wasat News*, April 3, 2017, <http://www.alwasatnews.com/news/1226855.html> (accessed July 6, 2023).

A child under 18 does not need parental permission to leave the country. The Family Law provides that a father or another person may not travel with a child in custody for permanent residence outside the country, except with the permission of the child's female custodian. Similarly, a female custodian may not reside with their child in another country except with the permission of the child's guardian or another paternal relative.⁵⁶ Either parent can apply to the Bahraini courts to have a travel ban put on their child to prevent them leaving the country.⁵⁷ Courts have lifted travel bans against children imposed by their fathers where the mother has shown she has ties in Bahrain and that her intended travel with their child will not lead to a permanent move outside the country.⁵⁸

Constitutional Freedoms and International Human Rights Obligations

Bahrain's constitution provides that "people are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed." It guarantees personal freedom under the law including that a person cannot "have his freedom of residence or movement restricted, except under the provisions of the law and under judicial supervision."⁵⁹

Bahrain continues to maintain a reservation to article 15(4) of the Convention on the Elimination of All Forms of Discrimination Against Women, which they are a state party to, on women's equal right with men to travel and mobility within the country, which the authorities have said is limited "only to the question of a married woman's residence." Bahrain modified its reservation in June 2016, so it reads that the implementation of

⁵⁶ Family Law, 2017, art. 134.

⁵⁷ UN Human Rights Committee, "Consideration of reports submitted by States parties under article 40 of the Covenant, Initial periodic reports of States parties due in 2007, Bahrain," U.N. Doc. CCPR/C/BHR/1, 2017, April 13, 2017, <https://www.mofa.gov.bh/Portals/o/pdf/HumanRights/CCPR1-E.pdf> (accessed July 6, 2023), para. 149.

⁵⁸ "'Sharia' [court] lifts ban on travel for a child with his mother that was requested by the father," *Al Ayam*, September 25, 2017, <https://www.alayam.com/alayam/Courts/678994/News.html> (accessed July 6, 2023); "'Sharia' [court] issues a ruling suspending the decision to prevent a child from traveling in the custody of his grandmother," *Al Bilad Press*, August 5, 2017, <https://bit.ly/3k7iMIQ> (accessed July 6, 2023).

⁵⁹ Permanent Constitution of the Kingdom of Bahrain, 2002 (rev. 2017), arts. 18 and 19, <https://bit.ly/3YZq9kq> (accessed February 19, 2023).

Article 15(4) will be “without breaching the provisions of the Islamic Shariah.”⁶⁰ Bahrain is also a state party to the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights which obligate states to ensure freedom of movement and nondiscrimination.⁶¹

⁶⁰ United Nations Treaty Collection, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), note 74, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8&chapter=4&clang=_en#74 (accessed July 6, 2023).

⁶¹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Bahrain on June 18, 2002; International Covenant on Civil and Political Rights (ICCPR), ratified by Bahrain on September 20, 2006; ratified by Bahrain on June 18, 2006.

Egypt

Women's Mobility within the Country

Egypt's personal status laws provide that women can be deemed disobedient or recalcitrant by a court and lose the right to spousal maintenance (*nafaqa*) from their husbands if they leave the marital home or work without their husbands' consent, with some exceptions.⁶² A husband may file an obedience notice against his wife to return to the marital home.⁶³ If she fails to file an objection to court specifying the legal grounds for why she did not return to the home within thirty days of receiving the notice, she is considered recalcitrant and is denied spousal maintenance from her husband.⁶⁴ Christian and Jewish persons can have their own personal status laws apply to them, but they have similar provisions that a woman must obey her husband or remain in the marital home in return for spousal maintenance from the husband.⁶⁵

In practice, single unmarried women face discrimination trying to rent apartments and if they do, they can still face intrusion and monitoring by landlords, building personnel, or neighbors.⁶⁶ Women have also reported in recent years that hotel staff prevented them from checking into a hotel room if they were alone or without a male spouse or relative,

⁶² Law No. 100 of 1985 amending Law No. 25 of 1920 concerning maintenance and some personal status issues, article 1 provides that the husband is obligated to provide his wife with spousal maintenance regardless of her wealth or religion, which includes her needs for food, clothing, housing, medical expenses and what else is required by law. It also provides that a wife risks losing her spousal maintenance if she apostatizes, refrains by choice from submitting herself to her husband (have sex) "without a legitimate reason;" or leaves the marital home without her husband's permission unless it is allowed under Islamic law, is customary, or is necessary. She can also go out for "legitimate work" unless it can be proven that she misused this right, or it contravened the family's interests and the husband had requested her to refrain from it. See <https://qadaya.net/?p=5307> (accessed July 6, 2023).

⁶³ Law No. 100 of 1985 amending Law No. 25 of 1929 concerning certain Personal Status provisions, article 11 bis 2.

⁶⁴ Law No. 100 of 1985 amending Law No. 25 of 1929 concerning certain Personal Status provisions, article 11 bis 2, and see also Human Rights Watch, *Divorced from Justice: Women's Unequal Access to Divorce in Egypt*, 2004, <https://www.hrw.org/reports/2004/egypt1204/egypt1204.pdf>.

⁶⁵ Constitution of Egypt, 2014, art. 3; Ossama Abol-Hassan Mojahid, "Family Law Applicable to Egyptian Christians After the 2014 Constitution," *International Journal of Doctrine, Judiciary and Legislation*, Volume 2, Issue 2, 2021, <https://bit.ly/3IPJ2rX> (accessed July 6, 2023). Nathalie Bernard-Maugiron, "Personal Status Laws in Egypt," January 2010, <https://bit.ly/3lywOwC> (accessed July 6, 2023).

⁶⁶ "Women's Day: females' right to live independently in Egypt," *Daily News Egypt*, March 10, 2019, <https://dailynewsegypt.com/2019/03/10/womens-day-females-right-to-live-independently-in-egypt/> (accessed July 6, 2023); "Why single women in Egypt find it hard to rent a flat," *The Economist*, April 9, 2022, <https://www.economist.com/middle-east-and-africa/2022/04/09/why-single-women-in-egypt-find-it-hard-to-rent-a-flat> (accessed July 6, 2023).

with some told it was because they were unmarried and under 40 years old or because they live in the same city.⁶⁷

In 2021, two lawyers filed a lawsuit before the Administrative Court against the Interior Ministry for apparently official instructions hotels cited to deny single women access to accommodation. In January 2022, the court rejected the lawsuit after the interior and tourism ministries confirmed they had given no such orders.⁶⁸ The media reported that the lawyers said that the court ruling means that such discrimination against women should not occur. Some hotels had changed their policy after the court ruling, the lawyers said.⁶⁹

In June 2022, Egypt Today reported that a Tourism Ministry official made a televised statement that hotels under the supervision of the Tourism Ministry cannot prevent any “person or woman from entering them for any reason as long as the rooms are available.”⁷⁰ In February 2023, the authorities issued the executive regulations of the 2022 Hotel and Tourism Establishments Law which now obliges tourist establishments and hotels to allow citizens or foreigners to enter or reside in the establishment “without discrimination between them because of religion, belief, sex, origin, race, color, language, disability, social level, political or geographical affiliation or for any other reason, and in a manner that does not conflict with the customs and traditions of Egyptian society.”⁷¹ While the language prohibiting discrimination is a positive step, the inclusion that it should not conflict with the undefined “customs and traditions” could be used by establishments to deny single women from renting hotel rooms. The 2022 Hotel and Tourism Establishments Law provides that the minister can issue a decision to administratively close a tourist

⁶⁷ “An Unofficial Rule Forbids Egyptian Women from Booking Hotel Rooms,” February 17, 2021, <https://www.vice.com/en/article/n7vdpz/an-unofficial-rule-forbids-egyptian-women-from-booking-hotel-rooms> (accessed July 6, 2023); “Egypt: Women Under 40 Forbidden to Book Rooms,” *Daraj*, June 9, 2021, <https://daraj.media/en/73771/> (accessed July 6, 2023). “There’s no room at this hotel if you’re a woman,” *Mada Masr*, September 20, 2016, <https://www.madamasr.com/en/2016/09/20/feature/society/theres-no-room-at-this-hotel-if-youre-a-woman/> (accessed July 6, 2023).

⁶⁸ “After the government denied before the courts the existence of a decision to prevent women from staying in hotels alone... Litigator: Any girl prevented should submit a report,” *Mada Masr*, January 23, 2022, <https://bit.ly/3lM2UMW> (accessed July 7, 2023).

⁶⁹ Ibid.

⁷⁰ “Tourism Ministry says ‘hotels cannot prevent women from booking for any reason’,” *Egypt Today*, June 13, 2022, <https://www.egypttoday.com/Article/1/116746/Tourism-Ministry-says-%E2%80%99hotels-cannot-prevent-women-from-booking-for> (accessed July 06, 2023).

⁷¹ Cabinet Resolution No. 705 of 2023 on the executive regulations of Law No. 8 of 2022 regarding Hotel and Tourism Establishments Law, issued February 21, 2023, <https://www.vetogate.com/4819544> (accessed July 06, 2023).

establishment or hotel where it is found to be “practicing acts against public order or public morals.”⁷²

Women’s Ability to Obtain a Passport

Legally, women can obtain passports without their husbands’ consent.⁷³ In 2000, Egypt’s Supreme Constitutional Court struck down the 1996 Interior Ministry resolution which had required women to show their husbands’ consent when applying or renewing their passport on the basis that it was unconstitutional.⁷⁴ The 2021 passport application form still requires only female applicants to state their social status including if they are under 16, if they are married and if so, to provide the name of her husband and their nationality.⁷⁵ Female applicants are required to provide proof of their marital status.⁷⁶

⁷² Law No. 8 of 2022 regarding the Hotel and Tourist Establishments Law, issued March 6, 2022, <https://bit.ly/3HidToS> (accessed April 26, 2023), art. 43.

⁷³ Law No. 97 of 1959 regarding passports, issued May 16, 1959, <http://site.eastlaws.com/GeneralSearch/Home/ArticlesDetails?MasterID=41826> (accessed July 06, 2023).

⁷⁴ In Judgment of Case no. 243 of Judicial Year 21, held on November 4, 2000, the Supreme Constitutional Court ruled that articles 8 and 11 of the Law No. 97 of 1959 on Passports, which had allowed the interior minister to determine the conditions for granting passports and the power to refuse to grant a passport, are unconstitutional. As such, the court cancelled article 3 of the Interior Minister resolution 3937 of 1996, as the legal basis for this was articles 8 and 11 of the Passports Law. See official transcript at the University of Minnesota, Office of Human Rights, “Egypt Supreme Constitutional Court, Case no. 243 of Judicial Year 21, Supreme Constitutional Court “constitutionality,” November 4, 2000, <http://hrlibrary.umn.edu/arabic/Egypt-SCC-SC/Egypt-SCC-243-Y21.html> (accessed July 6, 2023). Prior to the 1996 Interior Ministry resolution there was another Interior Ministry decision which also required that the wife may not be granted a passport without the husband’s consent. See Ministry of Interior Decision No. 63 of 1959, issued June 23, 1959, art. 21, https://www.cc.gov.eg/legislation_single?id=405463 (accessed July 6, 2023).

⁷⁵ See copy of passport application form issued under Interior Ministry Decision No. 676 of 2021 amending Resolution No. 63 of 1959 to implement some provisions of Law No. 97 of 1959 regarding Passports; “The Minister of Interior determines the official documents required to obtain or renew a passport,” *El Balad*, May 5, 2021, <https://www.elbalad.news/4803296> (accessed July 6, 2023).

⁷⁶ See Egypt Public Service Map (official online portal to apply for passports), “The service of obtaining a possible passport for the first time,” <https://bit.ly/38x2j7r> (accessed February 7, 2022). Embassy of Egypt, Washington DC, “Issuing Egyptian Passport,” <https://www.egyptembassy.net/consular-services/passports-travel/issuing-egyptian-passport/> (accessed July 6, 2023).

Women's Travel Abroad

Currently, women do not need male guardian permission to travel abroad.⁷⁷ The 2000 Supreme Constitutional Court case struck down previous restrictions.⁷⁸ Namely, article 3 of Minister of the Interior Resolution No. 3937 of 1996 had required married women to get their husbands' permission to issue or renew their passports which was taken as their husbands' consent to travel abroad for the duration of their passport validity. The article also had allowed men the option to withdraw such permission at any time by making a statement at the Passports Authority or any Egyptian consulates, in effect barring women from travel.⁷⁹

Women's Travel Abroad with Children

Children under age 18 need a parent's approval to obtain their passport.⁸⁰ In practice, however, the authorities sometimes require the consent of the father as the natural guardian.⁸¹ Either parent can travel abroad with their child, without requiring permission from the other parent. However, either parent can apply to a court to issue travel bans on their children traveling with the other parent on the basis that it would impact their right to see their children.⁸² If there is a travel ban in place, a parent will be stopped at the airport and prevented from leaving the country with the child.⁸³ Fathers, but not mothers, are also

⁷⁷ See official transcript at the University of Minnesota, Office of Human Rights, "Egypt Supreme Constitutional Court, Case no. 243 of Judicial Year 21, Supreme Constitutional Court "constitutionality," November 4, 2000.

⁷⁸ See "Egypt Supreme Constitutional Court, Case no. 243 of Judicial Year 21, Supreme Constitutional Court "constitutionality," November 4, 2000.

⁷⁹ Article 3 of the Minister of the Interior Resolution No. 3937 of 1996. See Konrad Adenauer Stiftung, "Balancing Individual Rights, Religious Law and Equality: Landmark Decisions from Egypt, Kuwait and Tunisia," April 2021, p.11, <https://bit.ly/3xAoFm> (accessed July 7, 2023).

⁸⁰ Human Rights Watch interview with Azza Soliman, Egyptian lawyer and co-founder of the Centre for Egyptian Women's Legal Assistance, June 2020. "Valid for 7 years... Conditions and documents for required to obtain an Egyptian passport," *El Watan News*, October 14, 2019, <https://www.elwatannews.com/news/details/4378281> (accessed July 6, 2023). See also British Embassy in Cairo, "Child Abduction – Egypt," 2021 <https://bit.ly/3EjJoNR> (accessed July 6, 2023).

⁸¹ Information from Nada Nashat, head of women's public participation program at the Centre for Egyptian Women's Legal Assistance, in a written communication to Human Rights Watch, April 29, 2023. See also British Embassy in Cairo, "Child Abduction – Egypt," 2021, which says in practice fathers are required to approve children's applications.

⁸² Law No. 1 of 2000 regulating certain conditions and procedures of litigation in matters of personal status, art. 1(5) provides that the judge in the court of first instance has the power to issue an order in relation to disputes over travel abroad after hearing from relevant persons, see <https://bit.ly/41WXGNE> (accessed April 29, 2023), and Law No. 100 of 1985 amending some provisions of personal status laws, article 3 amending art. 20 of Law No. 20 of 1929 which provides for the right of parents to see their child.

⁸³ Human Rights Watch interview with Azza Soliman, Egyptian lawyer and co-founder of the Centre for Egyptian Women's Legal Assistance, June 2020 and see also British Embassy in Cairo, "Child Abduction – Egypt," 2021.

deemed as guardians of their children under the law.⁸⁴ Many fathers have sought to put travel bans on their children from leaving the country with their mother, claiming it would prevent them from acting as guardians over them.⁸⁵ In many cases fathers use travel bans as bargaining tools for their divorce cases or to harass their ex-wives.⁸⁶

Constitutional Freedoms and International Human Rights Obligations

Egypt's constitution provides that "Citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against on the basis of ... sex..." and that "Freedom of movement, residence and emigration is guaranteed."⁸⁷

Egypt is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, the Arab Charter on Human Rights, which obligate states to ensure freedom of movement and nondiscrimination.⁸⁸

⁸⁴ See Law No. 119 of 1952 on the Provisions of Guardianship over Money, art.1, <https://bit.ly/3VawBV5> (accessed April 29, 2023).

⁸⁵ "The father's lack of commitment to "visitation" is a presumption to remove the youngster's name from the lists of those banned from traveling," *El Balad*, December 2, 2017, <https://www.elbalad.news/3058319> (accessed July 6, 2023).

⁸⁶ "The father's lack of commitment to "visitation" is a presumption to remove the youngster's name from the lists of those banned from traveling," *El Balad*, December 2, 2017.

⁸⁷ Constitution of Egypt, 2014, https://www.egypt.gov.eg/arabic/laws/download/Constitution_2014.pdf (accessed July 6, 2023), arts. 53 and 62.

⁸⁸ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Egypt on September 18, 1981; International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on January 14, 1982; African [Banjul] Charter on Human and Peoples' Rights, ratified by Egypt on March 20, 1984; League of Arab States, Arab Charter for Human Rights, ratified by Egypt on February 24, 2019.

Iran

Women's Mobility within the Country

Iran's Civil Code provides men with the right to determine the place of their wives' residence, and stipulates that she must stay in such a place.⁸⁹ A woman can lose her right to spousal maintenance (*nafaqa*) from her husband if she "refuses to perform her spousal duties without a legitimate excuse."⁹⁰ The law does entitle a woman to spousal maintenance if she leaves the home for fear that her husband can cause bodily or financial harm, or harm to her honor.⁹¹ However, she has to prove there is such a risk of harm otherwise the court can order her to return to the marital home.⁹² A husband can also prohibit his wife from an occupation he deems against family values or harmful to his or her reputation.⁹³ Such discriminatory restrictions impact women's rights to work, facilitate domestic violence against women, and present barriers for women seeking assistance.⁹⁴

Iranian women have been fighting a 1981 ban on female spectators from men's football and other stadiums, by dressing as men to access matches, posting photos on social media in protest, and demonstrating in front of stadiums, with many facing arrest.⁹⁵ In October 2019, after FIFA set a deadline for Iranian authorities to agree that "women have to be allowed into football stadiums," the government permitted a limited number of women

⁸⁹ Civil Code of the Islamic Republic of Iran, May 23, 1928, <https://www.wipo.int/wipolex/ar/legislation/details/7731> (accessed July 6, 2023), arts. 1005 and 1114.

⁹⁰ Civil Code, arts. 1108 and 1109. Article 1106 provides that the husband is responsible for spousal maintenance of his wife. Article 1107 defines spousal maintenance to include housing, clothing, food, furniture, medical and sanitary expenses, and provision of a domestic worker if the wife is accustomed to it or if she needs one because of illness or disability.

⁹¹ Civil Code, art. 1115.

⁹² Ibid.

⁹³ Civil Code, art. 1117.⁹⁴ Human Rights Watch, "*It's a Men's Club*": *Discrimination Against Women in Iran's Job Market*, May 25, 2017, <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market> and "Iran: Adopt Draft Law to Protect Women," Human Rights Watch news release, December 4, 2020, <https://www.hrw.org/news/2020/12/04/iran-adopt-draft-law-protect-women>.

⁹⁴ Human Rights Watch, "*It's a Men's Club*": *Discrimination Against Women in Iran's Job Market*, May 25, 2017, <https://www.hrw.org/report/2017/05/25/its-mens-club/discrimination-against-women-irans-job-market> and "Iran: Adopt Draft Law to Protect Women," Human Rights Watch news release, December 4, 2020, <https://www.hrw.org/news/2020/12/04/iran-adopt-draft-law-protect-women>.

⁹⁵ Minky Worden, "Woman Banned from Stadiums in Iran Attempts Suicide," Human Rights Watch dispatch, September 9, 2019, <https://www.hrw.org/news/2019/09/09/woman-banned-stadiums-iran-attempts-suicide>.

to attend a World Cup qualifier match at Azadi Stadium.⁹⁶ But since then, the Iranian government has used various tactics to restrict the number of women attending a sports match at a stadium and only let women enter to watch sports events at stadiums on a rare, ad hoc basis.⁹⁷

Women have also been fighting against the compulsory dress code for decades, which requires girls to wear the hijab upon reaching puberty for their entire lives impacting their right to take part in all aspects of public life including study, work and even leaving their home.⁹⁸ Women are regularly denied employment particularly in the public sector and from running for public office due to the discriminatory dress code.⁹⁹ Women have faced fines, arrest, detention to be “educated,” beaten, or harassed, by the morality police for being deemed in breach of “improper hijab.”¹⁰⁰ Women deemed to have protested against the mandatory dress codes have been sentenced to prison terms.¹⁰¹ Since September 2022, a new protest movement gripped Iran—including women, girls, and men and boys—with demands for fundamental change following the death in custody of an Iranian Kurdish woman, Mahsa (Jina) Amini, who had been arrested by Iran’s morality police for

⁹⁶ “Iran: Stadium Seating Cap Endangers Women,” Human Rights Watch news release, October 4, 2019, <https://www.hrw.org/news/2019/10/04/iran-stadium-seating-cap-endangers-women>.

⁹⁷ “Iran: Women Blocked From Entering Stadium,” Human Rights Watch news release, March 31, 2022, <https://www.hrw.org/news/2022/03/31/iran-women-blocked-entering-stadium>; Maziar Motamedi, “Iranian women allowed to watch football match after FIFA pressure,” *Al Jazeera*, August 25, 2022, <https://www.aljazeera.com/news/2022/8/25/iranian-women-allowed-to-watch-football-match-after-fifa-pressure> (accessed July 6, 2023).

⁹⁸ Iran has a long history of imposing discriminatory dress code rules on women. In the 1930s, the then-ruler prohibited women from wearing the hijab, and following the Iranian revolution of 1979, authorities imposed a mandatory dress code requiring all women to wear the hijab. Rothna Begum, “Iranian Women Rebel Against Dress Code,” commentary, Human Rights Watch dispatch, August 6, 2019, <https://www.hrw.org/news/2019/08/06/iranian-women-rebel-against-dress-code>.

⁹⁹ Thomas Erdbrink, “She Won a Seat in Iran’s Parliament, but Hard-Liners Had Other Plans,” *New York Times*, May 11, 2016, <https://www.nytimes.com/2016/05/12/world/middleeast/iran-parliament-minoo-khaleghi.html> (accessed July 6, 2023); “Less than 2% of applicants for the education ministry pass through the selection - Reason for reduced recruitment,” *Iranian Students News Agency (ISNA)*, January 6, 2015, <https://bit.ly/2Yng0WR> (accessed July 7, 2023).

¹⁰⁰ Tara Sepehri Far, “Woman Dies in Custody of Iran’s ‘Morality Police’,” commentary, Human Rights Watch dispatch, September 16, 2022, <https://www.hrw.org/news/2022/09/16/woman-dies-custody-irans-morality-police>.

¹⁰¹ Rothna Begum, “Iranian Women Rebel Against Dress Code,” Human Rights Watch dispatch, August 6, 2019.

“improper” hijab.¹⁰² Women are openly defying the dress code as an act of resistance by going out to live their lives without the hijab.¹⁰³

In May 2023, the government approved and sent to Parliament the new Chastity and Hijab bill which seeks to punish uncovering of hijab in public rather than improper hijab, and provides that they can be fined three times, following which they can be referred to the judiciary. The bill also intensifies punishment against well-known public figures who do not wear the hijab in public (noted as having social, political, cultural, artistic or sports fame and influence) including suspending them from their professional activities for 3 months to a year. It also broadens surveillance and enforcement including threatening car drivers that they can have their cars temporarily confiscated, and owners and managers of stores, restaurants, cinemas and sports, entertainment, and artistic places, with closure if women are found not wearing the hijab in such venues.¹⁰⁴

Universities in Iran impose more restrictions on women’s movement in campus accommodation than men’s, including more restrictive curfew hours. On April 2, 2022, the University of Tehran released a new set of regulations for university dormitories that placed greater restrictions on women students including that married women can only leave or return to their dormitories after the university-imposed curfew of one hour after sunset if they are accompanied by their husbands.¹⁰⁵ In addition, women dormitory residents need their parents’ permission to stay two nights a week at their relatives’ homes. These restrictions came on top of the university further limiting exit and entrance hours in 2022, allowing women to leave their dorms only between 6 a.m. and one hour after sunset. Student activists across the country have spoken up against these rules and several women students described how humiliating and demeaning such restrictions are.¹⁰⁶

¹⁰² Rothna Begum (Human Rights Watch), “Iranian Women’s Demands for Freedom Must Be Heard,” commentary, *Just Security*, November 16, 2022, <https://www.hrw.org/news/2022/11/16/iranian-womens-demands-freedom-must-be-heard>; Tara Sepehri Far, “Unveiling Resistance: The Struggle for Women’s Rights in Iran,” commentary, *Clingendael*, June 26, 2023, <https://www.hrw.org/news/2023/06/26/unveiling-resistance-struggle-womens-rights-iran>.

¹⁰³ Tara Sepehri Far, “Interview: Taking Walks Without Wearing Hijab in Iran,” commentary, Human Rights Watch Witness piece, March 7, 2023, <https://www.hrw.org/news/2023/03/07/interview-taking-walks-without-wearing-hijab-iran>.

¹⁰⁴ “New details of the Chastity and Hijab bill from the legal supervision of public places to intensifying the punishment for offending celebrities,” *Fars News Agency*, May 20, 2023, <http://bitly.ws/Ifnu> (accessed July 6, 2023).

¹⁰⁵ “Tehran University Rules and Regulations for women students,” <https://bit.ly/3MWnhlj> (accessed May 24, 2023).

¹⁰⁶ Human Rights Watch blog, “New Restrictions on Women in University of Tehran Dormitories,” April 12, 2022, <https://www.hrw.org/content/381738>.

Authorities in some local provinces such as Esfahan and Khorasan Razavi Province have banned women from riding bicycles in public, even when they are encouraging the public to cycle more.¹⁰⁷ Women are also increasingly riding motorcycles; however, they often do so without licenses, risking harassment and arrest by the police.¹⁰⁸ The traffic police refuse to issue women motorcycle licenses on the basis of a 2011 regulation that provides that the police is responsible for issuing motorcycle driving licenses to men.¹⁰⁹ In 2019, ISNA reported an administrative court of justice's ruling in Esfahan requiring the traffic police to issue motorcycle licenses to women who qualify, stating that there is nothing in the law to prohibit women from driving motorcycles.¹¹⁰

Women's Ability to Obtain a Passport

Iran's Passport Law provides that married women must receive written permission from their husbands to get a passport.¹¹¹ Married Iranian women who live abroad and Iranian women married to foreign men are exempt from this requirement.¹¹² However, Iranian women who live abroad have reported how their husbands, including men they divorced in countries outside Iran, have used the Passport Law to bar them from traveling.¹¹³ In an emergency situation, married women can obtain the permission of their local prosecutor's office to issue the passport without their husband's written permission.¹¹⁴

¹⁰⁷ "They said girls don't ride bikes': Iranian women defy the cycling fatwa," *The Guardian*, June 12, 2017, <https://www.theguardian.com/cities/2017/jun/12/girls-ride-bikes-iranian-women-defy-cycling-fatwa-tehran> (accessed July 6, 2023); "Women Banned From Cycling In Bike-Friendly Iranian City," *RFE/RL*, May 18, 2019, <https://www.rferl.org/a/iran-women-banned-cycling-isfahan/29949683.html> (accessed July 6, 2023); "Women Banned From Riding Bikes In Iran Province Run By Ultra-Conservative Cleric," *Radio Farda*, August 5, 2020, <https://en.radiofarda.com/a/women-banned-from-riding-bikes-in-iran-province-run-by-ultra-conservative-cleric/30767110.html> (accessed July 6, 2023).

¹⁰⁸ "Women Bikers of Iran," *Vice News*, July 12, 2021, <https://www.youtube.com/watch?v=SiGhrjY6Yfl> (accessed July 6, 2023).

¹⁰⁹ Law on Dealing with Driving Violations, 2011, note to article 20, <https://bit.ly/3z6wFLc> (accessed March 24, 2023).

¹¹⁰ "The traffic police were required to issue motorcycle driving licenses," *ISNA*, August 4, 2019, <https://bit.ly/3TIYCCc> (accessed July 6, 2023). See also Regulations for the Issuance of All Types of Driving Licenses, 2012, <https://bit.ly/3TDNN4F> (accessed March 24, 2023).

¹¹¹ Passport Law, 1973, art. 18(3) provides that passports are to be issued to "Married women, even if under 18 years old, with the written agreement of their husbands..." <https://bit.ly/3keyovC> (accessed June 20, 2021).

¹¹² Passports Law, art. 18(3).

¹¹³ Mahrokh Gholamhosseinpour, "Permission to Travel — A Nightmare for Many Iranian Women," *Iran Wire*, November 2, 2019, <https://iranwire.com/en/features/6384> (accessed July 6, 2023).

¹¹⁴ Article 18(3), Passport Law.

Women's Travel Abroad

Unmarried women do not need their male guardians' permission to travel abroad, and proposed changes to require such restrictions were dropped in 2013.¹¹⁵ However, married women are required to have their husbands sign a form along with their passport application providing permission for whether they can travel for one trip, two trips, or multiple trips until their passport expires.¹¹⁶ Under Iran's Passport law, even if a husband initially grants permission for his wife to travel, he can always change his mind and prevent her from traveling abroad by notifying the authorities.¹¹⁷ Men can abuse this power including as bargaining tools to force women into giving up their financial or other rights during their marriage or when finalizing divorce.¹¹⁸ In May 2017, two-time Iranian Paralympic gold medalist Zahra Nemati was banned from traveling abroad by her husband after she filed for divorce.¹¹⁹ A few companies' hiring managers and employers told Human Rights Watch that they prefer not to hire women for jobs that require extensive travel.¹²⁰

Some women explicitly include their right to travel abroad in their marriage contract. However, officials may still require women to get their husbands' permission. Lawyers advise women to get their husbands to grant them power of attorney so they can complete the travel permit on their husbands' behalf.¹²¹ The law allows prosecutors to grant

¹¹⁵ Iran Human Rights Documentation Centre, "Gender Inequality and Discrimination: The Case of Iranian Women," March 5, 2013, section 2.1.4.4, <https://iranhrdc.org/gender-inequality-and-discrimination-the-case-of-iranian-women/> (accessed July 6, 2023).

¹¹⁶ Iran Ministry of Foreign Affairs, "Permit to leave for wife and children," undated, <https://econsulate.mfa.ir/files/econsulate/Pages/ejازه%20hamsar.pdf> (accessed July 6, 2023); Iranian Consulate in UK, "Consent for the departure of the wife and children from Iran," undated, <https://bit.ly/3li1TUo> (accessed April 10, 2021). See also Mahrokh Gholamhosseinpour, "Permission to Travel — A Nightmare for Many Iranian Women," *Iran Wire*; and "Iran - Passports, ID and Civil Status Documents," *The Country of Origin Information Centre (Landinfo)*, January 5, 2021, <https://bit.ly/3KoPEHQ> (accessed July 6, 2023), p. 34.

¹¹⁷ Passport Law, art. 19.

¹¹⁸ "Query Response: Iran: Exit Procedures for Married Women," *Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)*, June 12, 2017, <https://www.refworld.org/docid/5943a4e54.html> (accessed July 6, 2023); Mahrokh Gholamhosseinpour, "Permission to Travel — A Nightmare for Many Iranian Women," *Iran Wire*.

¹¹⁹ See "Zahra Nemati's Travel Ban by Her Husband," *ISNA*, May 8, 2017, <http://www.isna.ir/news/96021811277/> (accessed July 6, 2023), and Centre for Human Rights in Iran, "Married Women in Iran Still Need 'Permission' to Travel Abroad Under Amendment to Passport Law," July 18, 2017, <https://bit.ly/3xD16lk> (accessed July 7, 2023).

¹²⁰ Human Rights Watch, *"It's a Men's Club": Discrimination Against Women in Iran's Job Market*, May 25, 2017.

¹²¹ "How is it possible for the wife to obtain the right to leave the country from her husband permanently?" November 9, 2020, *Edalat Sara*, <https://edalatsara.com/permission-to-leave-the-country/> (accessed July 6, 2023).

permission for women to travel without their husbands' permission in emergencies.¹²² However, this can be difficult to obtain.¹²³ The authorities have intervened to allow a few women mainly women athletes representing Iran to travel abroad against their husbands' wishes following public outrage.¹²⁴

In April 2021, the Islamic Republic News Agency (IRNA) reported that the vice president for women and family affairs submitted a draft bill to the cabinet for consideration to amend articles 18 and 19 of the Passports Law which has allowed men to abuse their position of power over women's travel.¹²⁵ However, proposed amendments to ease restrictions for married women's travel have not moved forward at time of writing and women in the meantime continue to be denied their right to travel. In February 2021, Iranian press reported that Samira Zargari, the coach of the Iranian women's alpine skiing team, was unable to compete as her husband barred her from traveling to Italy for the world skiing championships.¹²⁶

Women's Travel Abroad with Children

Women cannot act as guardians of their own children; only fathers and in their absence, paternal grandfathers can act as guardians.¹²⁷ Children under 18 need their father or another legal guardian, such as the paternal grandfather, to complete a written consent form to obtain their passports.¹²⁸ The father or legal guardian must apply in person on behalf of their child and can grant permission to his wife to take their child out of the

¹²² Article 18(3), Passport Law.

¹²³ See for instance, Mahrokh Gholamhosseinpour, "Permission to Travel — A Nightmare for Many Iranian Women," *Iran Wire*.

¹²⁴ "Controversies of a Female Soccer Player's Travel Ban," *ISNA*, September 15, 2015, <http://www.isna.ir/news/94062415129/> (accessed July 6, 2023). "Niloufar Ardalan's Travel Was Legal," *Mizan News Agency*, November 25, 2015, <https://bit.ly/3lDFqC9> (accessed July 6, 2023).

¹²⁵ "Bill amending the rules regarding the permission of the husband to issue the wife's passport on the government table," *IRNA*, April 10, 2021, <https://bit.ly/3zkRqAQ> (accessed July 6, 2023). "Vice President of Women Seeks to Reform Law on 'Wife's Permission to Leave,'" *ISNA*, September 15, 2015, <http://www.isna.ir/news/94070804820/> (accessed July 6, 2023).

¹²⁶ Angela Giuffrida, "Iranian women's ski coach barred from going to world championships by husband," *The Guardian*, February 18, 2021, <https://bit.ly/3Z6PTvq> (accessed July 6, 2023).

¹²⁷ Civil Code, art. 1180.

¹²⁸ Passport Law, art. 18(1). "Passport Issuance Procedures for Babies What can we do to get our baby's passport?" *Pars Naz*, September 7, 2018, <https://bit.ly/3rrEhU1> (accessed July 6, 2023).

country for one trip, two trips or multiple trips.¹²⁹ For a mother to apply for her child's passport, she needs her husband to issue her power of attorney to do this on his behalf.¹³⁰ The child's passport is stamped to indicate the valid period in which the mother can travel with the child. The father can decide to cancel the validity of the passport stamp at any time.¹³¹ The father can also decide to travel abroad with his child at any time, without requiring the mother's consent.

Constitutional Freedoms and International Human Rights Obligations

Iran's constitution provides for "securing the multifarious rights of all citizens, both women and men, and providing legal protection for all, as well as the equality of all before the law."¹³²

Iran is not a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, but it is a state party to the International Covenant on Civil and Political Rights which obligates states to ensure freedom of movement and nondiscrimination.¹³³

¹²⁹ Iran Ministry of Foreign Affairs, "Permit to leave for wife and children." See also Immigration and Refugee Board of Canada, "Response to Information Requests," November 17, 2005, <https://bit.ly/3KmNZ5p> (web capture on May 5, 2017).

¹³⁰ "Passport Issuance Procedures for Babies What can we do to get our baby's passport?" *Pars Naz*, September 7, 2018.

¹³¹ Passport Law, art. 19. See also Immigration and Refugee Board of Canada, "Response to Information Requests," November 17, 2005.

¹³² Permanent Constitution of the Islamic Republic of Iran, art. 3 (14), <https://en.parliran.ir/eng/en/Constitution> (accessed July 6, 2023).

¹³³ International Covenant on Civil and Political Rights (ICCPR), ratified by Iran on June 24, 1975.

Iraq

Women's Mobility within the Country

Iraq's Personal Status Law provides that women can lose their right to spousal maintenance (*nafaqa*) from their husbands if she “unjustly” refuses his request to move into his home, leaves her husband's home without permission and “without a legitimate reason,” or refuses to travel with her husband “without a legitimate excuse.”¹³⁴ It also provides that women will not be required to obey their husbands or will not be deemed disobedient if the husband is abusive in his request for obedience “with the intent of causing her harm or restriction,” and the husband is not allowed to request her to obey in matters that are against Islamic law.¹³⁵ The Kurdistan Region of Iraq's 2008 law amends Iraq's Personal Status Law for the Kurdistan region to provide that either spouse can be deemed disobedient such as where a husband abandons the marital home or where the wife leaves the marital home without permission and “without a legitimate reason.”¹³⁶

A few organizations told Human Rights Watch that hotels do not allow adult Iraqi women to check into a hotel room alone unless she is either accompanied by a guardian (i.e. her brother, father, or husband) or can provide an official letter from a governmental or nongovernmental organization that relates her stay to business or a conference.¹³⁷ They reported that this is not a law but tourism authority instructions to hotels.¹³⁸ A 2022 report noted that single Iraqi women face difficulties trying to rent an apartment or house to live

¹³⁴ Iraq Personal Status Law No. 188 of 1959, December 30, 1959, as amended under Law No. 57 of 1980, arts. 23 and 25(1), <https://www.refworld.org/docid/5c7664947.html> (accessed July 6, 2023). Article 23 requires the husband to provide spousal maintenance to his wife upon marriage, and article 24 clarifies that spousal maintenance includes the wife's needs for food, clothing, housing and its requirements, medical care, and a domestic worker in accordance her peers.

¹³⁵ Ibid., arts. 25(2) and 33.

¹³⁶ Kurdistan Region of Iraq Law No. 15 of 2008 amending Iraq Personal Status Law No. 188 of 1959, article 10 replacing the text of article 25, Arabic text at <https://bit.ly/3ZaMGLk> (accessed February 22, 2023) English text at <https://bit.ly/3YTA5wg> (accessed February 22, 2023).

¹³⁷ Human Rights Watch email correspondence with Hassan Wahhab of Iraqi Al-Amal Association, October 2020, Hoshiyar Malo, Executive Director of Kurdistan Human Rights Watch (KOHHRW), October 7, 2020, and with Hanaa Edwar, Chair of the Iraqi Women Network, April 12, 2023. A 2022 report noted that in the Kurdistan Region of Iraq in “most hotels, women are not allowed to stay alone.” See European Union Agency for Asylum, “Country Guidance: Iraq Common analysis and guidance note,” June 2022, <https://euaa.europa.eu/publications/country-guidance-iraq-june-2022> (accessed July 7, 2023) p.142.

¹³⁸ Human Rights Watch email correspondence with Hassan Wahhab of Iraqi Al-Amal Association, October 2020; and with Hanaa Edwar, Chair of the Iraqi Women Network, April 12, 2023.

alone or without their families because it is not socially accepted.¹³⁹ There are very few government shelters in Iraq, which exist only in the Kurdistan region, for women victims of violence and they are only allowed to enter and leave with a court order.¹⁴⁰ Women's rights groups have reported how NGO-run shelters for victims of violence in Federal Iraq face raids by police in which the police "may send survivors back to their families, who they are fleeing in the first place," and are subject to attacks by extremist groups.¹⁴¹

Iraqi women's rights groups reported that women fleeing violence without any legal identification documents face great challenges including to freely move around, register for residency permits (required to rent housing or secure employment) and obtain birth certificates for children.¹⁴² Moving around anywhere in Iraq without valid IDs can put the person at risk of arrest.¹⁴³ Individuals seeking new civil ID documents are required to show a civil ID or a nationality certificate of their relatives like their father's or brother's, which can be difficult for women who have fled abusive families.¹⁴⁴ Since 2018, Human Rights Watch documented Iraqi security officers routinely denying relatives, mostly women and children, of suspected Islamic State (also known as ISIS) members the security clearance needed to obtain identity cards, passports, and other documents.¹⁴⁵ In 2022, Iraq's

¹³⁹ European Union Agency for Asylum, "Country Guidance: Iraq Common analysis and guidance note," June 2022, p. 141 and 142.

¹⁴⁰ Organization for Women's Freedom in Iraq (OWFI) et al, "Gender-Based Violence and Discrimination Against Women and Girls in Iraq," January 2019, <https://bit.ly/3KBkLjs> (accessed July 7, 2023). European Union Agency for Asylum, "Country Guidance: Iraq Common analysis and guidance note," June 2022, p. 135.

¹⁴¹ Organization for Women's Freedom in Iraq (OWFI) et al, "Gender-Based Violence and Discrimination Against Women and Girls in Iraq," January 2019.

¹⁴² Organization for Women's Freedom in Iraq (OWFI) et al, "Gender-Based Violence and Discrimination Against Women and Girls in Iraq," January 2019.

¹⁴³ Human Rights Watch, "Iraq: Families of Alleged ISIS Members Denied IDs," February 25, 2018, <https://www.hrw.org/news/2018/02/25/iraq-families-alleged-isis-members-denied-ids>.

¹⁴⁴ Humanitarian Practice Network, "The Crisis in Iraq," November 2015, <https://www.refworld.org/docid/583c32424.html> (accessed July 6, 2023) p.11.

¹⁴⁵ Human Rights Watch, "Iraq: Families of Alleged ISIS Members Denied IDs," February 25, 2018. Jess Wanless, "Born under ISIS, the children struggling in Iraq," International Rescue Committee, January 19, 2018, <https://www.rescue.org/article/born-under-isis-children-struggling-iraq> (accessed July 6, 2023). UNHCR, "Iraq Situation: UNHCR Flash Update - 8 June 2017," June 8, 2017, <https://reliefweb.int/report/iraq/iraq-situation-unhcr-flash-update-8-june-2017> (accessed July 6, 2023) and Global Protection Cluster, "Iraq Protection Cluster: Ninewa Returnees Profile - January 2018," January 2018, https://reliefweb.int/sites/reliefweb.int/files/resources/Returnees%20Profile_Ninewa_Jan2018.pdf (accessed July 6, 2023).

National Security Council in Iraq issued a decision repealing the requirement for security checks of internally displaced persons living inside Iraq.¹⁴⁶

Women's Ability to Obtain a Passport

Iraq's 2015 Passport Law provides that all Iraqis over 18 years old can obtain a passport.¹⁴⁷ Since April 2014, Iraq's passport department's website rules on obtaining a new passport provide that Iraqis, male and female over 18, may obtain a passport "without needing guardian permission."¹⁴⁸ Previously however, a 2004 regulation required that women up to 40 years old needed their guardians' permission and married women needed their husbands' permission to obtain a passport and a special undertaking that she is allowed to travel.¹⁴⁹ Up until March 2014, Iraq's passport department's website listed in its instructions that to obtain an Iraqi passport unmarried, divorced or widowed women, and girls who have not reached puberty, must obtain their guardians' approval, and married women must obtain their husbands' approval. The guardian or husband must be present to make the application.¹⁵⁰

¹⁴⁶ Decree of the National Security Council No. 9 of 2022, September 18, 2022 (on file at Human Rights Watch).

¹⁴⁷ Iraqi Passport Law No. 32 of 2015, issued September 9, 2015, art. 5, <https://bit.ly/41ddl6q> (accessed February 23, 2023).

¹⁴⁸ Passport Affairs directorate, "Passports," snapshot of webpage taken on April 14, 2014, <https://bit.ly/3kkiC13> and for current instructions with the same language see Government of Iraq website, "Instructions to fill out a passport for the first time," <https://bit.ly/3Z29tsY> (accessed February 24, 2023).

¹⁴⁹ "The Passport Law and Controls for Granting a Passport to Iraqi women," *Women's News Agency*, November 7, 2011, <https://bit.ly/41pkxln> (accessed February 24, 2023); Iraq Ministry of Higher Education and Higher Research and The College of Law at Nahrein University, "Freedom of Travel in Iraq (A Comparative Study)," 2012, https://nahrainuniv.edu.iq/sites/default/files/Combined_62.pdf (accessed July 6, 2023), p. 31. Abeer Mohammed, "Passport Misery Highlights Iraqi Women's Plight," *Institute for War & Peace Reporting*, June 2011, <https://iwpr.net/global-voices/passport-misery-highlights-iraqi-womens-plight> (accessed July 6, 2023).

¹⁵⁰ "Degrading the status of women and the conditions for issuing a new passport," *The Civilized Dialog*, June 15, 2010, <https://www.ahewar.org/debat/show.art.asp?aid=219217> (accessed July 6, 2023) and Passport Affairs directorate, "Passports," snapshot of webpage taken on March 14, 2014, https://web.archive.org/web/20140314094331/http://www.iraqinationality.gov.iq/passport_en.htm (accessed February 23, 2022); NGO Coalition of CEDAW Shadow Report: Iraqi Women Network (IWN), Rafida in Women Coalition (RWC), Gathering of 'No to violence Against Women in Kirkuk,' "Iraqi Women in Armed Conflict and post conflict Situation Shadow Report sub-committee to the CEDAW committee at the 57th Session," February 2014, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FNGO%2FIRQ%2F16192&Lang=en (accessed July 6, 2023).

In 2009, the Kurdistan Regional Government (KRG) lifted restrictions requiring women aged 18 and above to show guardian permission to obtain their passport in the region, after women's rights activists campaigned against it.¹⁵¹

Women's Travel Abroad

While by law, married women do not need their husbands' permission to travel alone, in 2018 KRG authorities reported that in practice some officials at airport or border checkpoints might prevent them from traveling.¹⁵²

In 2003, the Iraqi interim government repealed a 1988 presidential decree prohibiting women under 45 years old from leaving the country without a male relative.¹⁵³ Women were also required under the 2004 regulations until 2014 to have their male guardian provide a special undertaking that they permit them to travel as part of their passport application process.¹⁵⁴

Women's Travel Abroad with Children

All individuals younger than 18 require guardianship permission to be issued a passport.¹⁵⁵ Mothers or fathers can sign for and act as a child's guardian on the passport form (or a court decision can provide this permission in their absence).¹⁵⁶ However, for children under

¹⁵¹ See Institute for War and Peace Reporting, "Kurdish Women Resent New Passport System," June 14, 2007, <https://iwpr.net/global-voices/kurdish-women-resent-new-passport-system> (accessed July 6, 2023); National Democratic Institute, "Women in Iraq Kurdistan Campaign for Freedom to Travel," June 17, 2009, <https://www.ndi.org/women-in-iraqi-kurdistan-campaign-for-freedom-to-travel> (accessed July 6, 2023); The Country of Origin Information Centre (Landinfo), "Report Iraq: Travel documents and other identity documents," January 23, 2014, <https://www.refworld.org/pdfid/5385bba1af4.pdf> (accessed July 6, 2023).

¹⁵² Landinfo and Danish Immigration Service, "Kurdistan Region of Iraq (KRI) women and men in honor-related conflicts," November 2018, <https://www.refworld.org/pdfid/5beacadd4.pdf> (accessed July 6, 2023).

¹⁵³ Freedom House, "Women's Rights in the Middle East and North Africa – Iraq," October 14, 2005, <https://www.refworld.org/docid/47387b6b16.html> (accessed July 6, 2023).

¹⁵⁴ "The Passport Law and Controls for Granting a Passport to Iraqi women," Women's News Agency, November 7, 2011. Commentary by Abeer Mohammed, Institute for War & Peace Reporting, "Passport Misery Highlights Iraqi Women's Plight," June 2011.

¹⁵⁵ In the absence of a guardian, a court may consider the child's application for a passport. See Iraqi Passport Law No. 32 of 2015, issued September 9, 2015, art. 5. Iraq Passports Department, "Instructions to fill out a passport application for the first time," <https://bit.ly/3Z29tsY> (accessed February 24, 2023).

¹⁵⁶ Iraq Passports Department, "Instructions to fill out a passport application for the first time."

the age of 10 to be issued a passport, they need their father to certify their Iraqi citizenship.¹⁵⁷

In the Kurdistan region of Iraq, only fathers can sign for a child's passport. The mother can do so only if she has full legal custody of the child and is granted guardianship by a court such as in the case of the death of the father or his long-term absence.¹⁵⁸

In practice, women in Iraq, including in the Kurdistan region of Iraq, cannot travel with children below the age of 18 without the father's permission, regardless of whether they are married or divorced and have court-ordered custody.¹⁵⁹ Border control officers may require women traveling alone with their children to show proof that they have their child's father's permission or an authorized court document.¹⁶⁰ Fathers do not need to seek permission from the mother.¹⁶¹ It is possible for either parent to apply to the Iraqi courts to have a travel ban put on the child leaving the country.¹⁶²

Constitutional Freedoms and International Human Rights Obligations

Iraq's constitution provides that "Iraqis are equal before the law without discrimination based on gender..." and that "Each Iraqi has freedom of movement, travel, and residence inside and outside Iraq."¹⁶³

¹⁵⁷ Iraq Passports Department, "Instructions to fill out a passport application for the first time," and The Country of Origin Information Centre (Landinfo), "Iraq: Travel documents and other identity documents," December 16, 2015, https://www.landinfo.no/asset/3369/1/3369_1.pdf (accessed July 6, 2023).

¹⁵⁸ Landinfo and Danish Immigration Service, "Kurdistan Region of Iraq (KRI) women and men in honour-related conflicts," November 2018.

¹⁵⁹ Human Rights Watch email correspondence with Hassan Wahhab of Iraqi Al-Amal Association, October 2020, and with Hoshyar Malo, Executive Director of Kurdistan Human Rights Watch (KOHWR), October 7, 2020.

¹⁶⁰ Ibid.

¹⁶¹ Landinfo and Danish Immigration Service, "Kurdistan Region of Iraq (KRI) women and men in honour-related conflicts," November 2018.

¹⁶² Landinfo and Danish Immigration Service, "Kurdistan Region of Iraq (KRI) women and men in honour-related conflicts," November 2018.; UK Foreign Commonwealth and Development Office, "Guidance Iraq: child abduction," updated May 27, 2021, <https://www.gov.uk/government/publications/iraq-child-abduction/iraq-child-abduction> (accessed July 6, 2023.)

¹⁶³ Permanent Constitution of the Republic of Iraq, <https://www.wipo.int/edocs/lexdocs/laws/en/iq/iq004en.pdf> (accessed July 6, 2023), arts. 14 and 44.

Iraq is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights, which obligate states to ensure freedom of movement and nondiscrimination.¹⁶⁴

¹⁶⁴ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Iraq on August 13, 1986; International Covenant on Civil and Political Rights (ICCPR), ratified by Iraq on January 25, 1971; League of Arab States, Arab Charter for Human Rights, ratified by Iraq on April 4, 2013.

Israel

Women's Mobility within the Country

Israel provides the religious courts of its recognized religious communities—Jewish, Christian, Islamic, and Druze confessions—the exclusive jurisdiction over the act of marriage and divorce.¹⁶⁵ Both religious and civil family courts can issue rulings on other personal status matters including spousal maintenance.¹⁶⁶ The 1959 Family Law amendment provides that a person is obligated to support his spouse according to the personal status law that applies to him.¹⁶⁷ All such religious personal status laws provide that a woman loses her right to spousal maintenance from her husband when she is found by a court to be legally recalcitrant (disobedient), for instance, if she leaves the marital home and refuses to cohabit with her husband without a reason that the religious courts consider legitimate.¹⁶⁸ For those who are not from one of the recognized religious communities, or where no personal status law applies to them, the 1959 Family Law amendment still requires that they provide spousal maintenance during marriage but does not set out provisions regarding obedience.¹⁶⁹

A 2000 law prohibits discrimination including on the basis of sex in the provision of products, services, and entry into entertainment and public places.¹⁷⁰ However, women continue to fight against discriminatory restrictions including gender segregation and exclusion in certain neighborhoods, particularly in ultra-Orthodox Jewish areas. Such rules

¹⁶⁵ Kayan Feminist Organization, “Submission by Kayan Feminist Organization to the Human Rights Committee, 134 Session Israel’s fifth periodic review under the International Covenant on Civil and Political Rights – ICCPR,” January 25, 2022, <https://www.kayanfeminist.org/publications/submission-kayan-feminist-organization-human-rights-committee-%E2%80%93134-session> (accessed July 6, 2023).

¹⁶⁶ Shira Nuhamovich, “Family Law: The Neglected Backyard of the Israeli Legislature,” Friedrich Ebert Stiftung study, December 2018, <https://library.fes.de/pdf-files/iez/14960.pdf> (accessed July 6, 2023).

¹⁶⁷ The Family Amendment (Maintenance) Law, 1959, section. 2, <https://bit.ly/412TlBl> (accessed April 5, 2023).

¹⁶⁸ Ibid.; Anat Levi, “Spousal Support—Jewish Law,” Decker, Pex, Ofir & Co Law Firm, January 30, 2020, <https://lawoffice.org.il/en/spousal-support/> (accessed July 6, 2023); Pascale Fournier, Pascal McDougall, and Merissa Lichtsztral, “Secular Rights and Religious Wrongs? Family Law, Religion and Women in Israel,” 18 Wm. & Mary J. Women & L. 333 (2012), <https://scholarship.law.wm.edu/wmjowl/vol18/iss2/5> (accessed March 9, 2023) and Abou-Ramadan, Moussa “Islamic Legal Reform: Shari’a Court of Appeals and Maintenance for Muslim Wives in Israel,” 2006, *Hawwa*, 4(1), 29-75, <https://doi.org/10.1163/15692080677504599Abou> (accessed July 6, 2023).

¹⁶⁹ The Family Amendment (Maintenance) Law, 1959, section. 2(b).

¹⁷⁰ Law Prohibiting Discrimination in Products, Services and Entry to Entertainment Places and Public Places, 2000, <https://bit.ly/43mKPOT> (accessed March 9, 2023).

have disproportionately impacted women who in some cases have also faced violence by members of the public if they breach such rules.¹⁷¹ In March 2014, the authorities issued Government Resolution 1526 which calls on ministries to eradicate practices that exclude women in the public domain; while this led to some improvements, some practices continued.¹⁷² Many of these gains however could be at risk as in November 2022 and January 2023, Israeli media outlets reported that orthodox Jewish parties in the governing coalition were pushing for legislation that would permit gender segregation at publicly funded events or public spaces, which in practice can adversely impact women as they may face further restrictions than men, even exclusion.¹⁷³

In December 2017, five women won a case against the city of Beit Shemesh for failing to obey a court order to remove signs that had been posted around town by citizens, calling for women to dress modestly and that they were not to walk on some sidewalks.¹⁷⁴ Similarly worded signs proliferate in ultra-Orthodox Jewish neighborhoods, and there are persistent reports of harassment and violence by some members of the ultra-Orthodox

¹⁷¹ Israel Religious Action Centre, “Excluded for God’s Sake: Gender Segregation and the Exclusion of Women in the Public Sphere in Israel: Fourth Annual Report 2013-2014,” 2015, <https://bit.ly/3MKPfb> (accessed July 7, 2023); “Hundreds of women inspired by ‘Handmaid’s Tale’ protest across Israel,” *Jerusalem Post*, February 23, 2023, <https://www.jpost.com/israel-news/politics-and-diplomacy/article-732812> (accessed July 6, 2023); Judah Ari Gross, “Politicians fume as ultra-Orthodox neighborhood grocery found setting men-only hours,” *Times of Israel*, December 20, 2022, <https://www.timesofisrael.com/politicians-fume-as-shop-in-ultra-orthodox-neighborhood-found-setting-men-only-times/> (accessed July 7, 2023); Dina Kraft, “In Israel, Orthodox women are fighting to be heard ... and seen,” *The Christian Science Monitor*, January 2, 2020, <https://www.csmonitor.com/World/Middle-East/2020/0102/In-Israel-Orthodox-women-are-fighting-to-be-heard-and-seen> (accessed July 6, 2023); Harriet Sherwood, “Israeli women stand up to gender segregation with musical protest,” *The Guardian*, December 9, 2011, <https://www.theguardian.com/world/2011/dec/09/israelis-gender-segregation-musical-protest> (accessed July 6, 2023).

¹⁷² Israel Religious Action Centre, “Excluded for God’s Sake: Gender Segregation and the Exclusion of Women in the Public Sphere in Israel: Fourth Annual Report 2013-2014,” 2015, <https://bit.ly/3MKPfb>, (accessed July 7, 2023)

¹⁷³ Judah Ari Gross, “Orthodox parties demand legalization of gender-segregated public events,” *Times of Israel*, November 20, 2022 <https://www.timesofisrael.com/orthodox-parties-demand-legalization-of-gender-segregated-public-events/> (accessed July 7, 2023); “Outrage over UTJ bill to gender-segregate bathing at national park springs,” *Times of Israel*, January 24, 2023, <https://www.timesofisrael.com/outrage-over-utj-bill-to-gender-segregate-bathing-at-national-park-springs/> (accessed July 7, 2023); Gila Stopler, “The Israeli Government’s War on Women,” *Evolve*, January 3, 2023, <https://evolve.reconstructingjudaism.org/israelwaronwomen/> (accessed July 6, 2023)

¹⁷⁴ Melanie Lidman, “Threatened with death curse, women fighting Beit Shemesh ‘modesty’ signs defiant,” *Times of Israel*, December 17, 2017, <https://www.timesofisrael.com/threatened-with-death-curse-women-fighting-beit-shemesh-modesty-signs-uncowed/> (accessed July 6, 2023). *Abutbul v Phillip*, CrimA 5338/17, November 1, 2018, <https://versa.cardozo.yu.edu/opinions/abutbul-v-phillip> (accessed July 6, 2023).

Jewish community against women walking in these neighborhoods in clothing deemed to violate community norms.¹⁷⁵

In January 2011, the Israeli High Court of Justice ruled that gender segregation on the now-defunct Mehadrin bus lines in Israel, which mostly ran in or between major Haredi Jewish population centers, was unlawful, and that buses are required to post signs that passengers may sit at any place they choose (except for the seats marked for people with disabilities) and that harassing a passenger may constitute a criminal offence.¹⁷⁶ However, women continued to face harassment, and in some cases even violence, at the hands of other passengers, for sitting at the front of the bus on some bus routes.¹⁷⁷ In June 2022, Israel Railways agreed at the Jerusalem District Court to compensate a woman who was asked by an Israel Railways employee to vacate her seat because Orthodox Jewish men were praying in the same carriage.¹⁷⁸ Israel Railways also agreed to give clear instructions to all their employees or service providers that they are forbidden from asking anyone to change seats, even for the sake of prayers.¹⁷⁹

In February 2021, the Construction and Housing Ministry issued a guide advising planners of new neighborhoods for the ultra-Orthodox community to include “modesty considerations” when designing public spaces such as ensuring spaces “where public supervision can be found,” and limiting places such as cafes where people of the opposite

¹⁷⁵ See for instance, “Watch: Young Women Attacked in Mea She’arim,” *matzav.com*, February 7, 2018, <https://matzav.com/watchyoung-women-attacked-in-mea-shearim/> (accessed July 6, 2023).

¹⁷⁶ Dan Izenberg and Jonah Mandel, “Court scraps ‘mehadrin’ buses,” *Jerusalem Post*, January 6, 2011, <https://www.jpost.com/National-News/Court-scraps-mehadrin-buses> (accessed July 6, 2023). *Ragen v. Ministry of Transport*, HCJ 746/07, January 5, 2011, <https://versa.cardozo.yu.edu/opinions/ragen-v-ministry-transport> (accessed July 6, 2023). ¹⁷⁷ Sam Sokol, “Ultra-Orthodox Extremists Assault Woman for Sitting at Front of Jerusalem Bus,” *Haaretz*, August 1, 2022, <https://bit.ly/3GD9Jr3> (accessed July 7, 2023); Shahar Ilan, “An ultra-Orthodox Woman Who Refuses to Sit at the Back of the Bus,” <https://bit.ly/3Uzxqqf> (accessed July 7, 2023); Joanna Paraszczuk, “Haredi man indicted for sexually harassing a soldier,” *Jerusalem Post*, December 29, 2011, <https://www.jpost.com/National-News/Haredi-man-indicted-for-sexually-harassing-soldier> (accessed July 6, 2023).

¹⁷⁷ Sam Sokol, “Ultra-Orthodox Extremists Assault Woman for Sitting at Front of Jerusalem Bus,” *Haaretz*, August 1, 2022, <https://bit.ly/3GD9Jr3> (accessed July 7, 2023); Shahar Ilan, “An ultra-Orthodox Woman Who Refuses to Sit at the Back of the Bus,” <https://bit.ly/3Uzxqqf> (accessed July 7, 2023); Joanna Paraszczuk, “Haredi man indicted for sexually harassing a soldier,” *Jerusalem Post*, December 29, 2011, <https://www.jpost.com/National-News/Haredi-man-indicted-for-sexually-harassing-soldier> (accessed July 6, 2023).

¹⁷⁸ “Israel Railways sued for discrimination against women,” *Times of Israel*, February 12, 2020, <https://www.timesofisrael.com/israel-railways-to-compensate-woman-asked-to-leave-her-seat-so-men-could-pray/> (accessed July 6, 2023).

¹⁷⁹ *Ibid.*

sex could mingle.¹⁸⁰ In practice, this impacts women disproportionately as women's conduct is subject to heightened scrutiny, disapproval of mingling between members of the opposite sex can impact women's rights including to work and study, and women may end up excluded from public spaces.

Women's Ability to Obtain a Passport

Israeli citizens over 18 years old can apply for their own passports. There is no system of male guardianship over women or other gender discrimination in relation to obtaining passports.¹⁸¹

Women's Travel Abroad

While Israel imposes travel restrictions on movement of Palestinians within the West Bank, and travel between it and the Gaza Strip, into East Jerusalem, Israel, and abroad, Human Rights Watch did not identify any additional restrictions due to gender discrimination on Israeli citizens or residents.¹⁸² However, some religious personal status laws may consider a woman traveling or leaving the home without her husband's permission as disobedience causing her to lose her right to spousal maintenance from her husband.

Women's Travel Abroad with Children

Israeli conditions on passports provide that either parent can apply for their under 18-year-old child's passport; however, if they are not married to their child's other parent, then the authorities require that both parents must grant consent to issue a passport or a parent

¹⁸⁰ Or Kashti, "Israel Tells Planners to Maintain Strict Gender Separation in ultra-Orthodox Areas," *Haaretz*, February 4, 2021, <https://www.haaretz.com/israel-news/.premium-israel-says-modesty-is-a-factor-in-planning-ultra-orthodox-areas-1.9509738> (accessed July 6, 2023).

¹⁸¹ Israeli government website, Population and Immigration Authority, "Apply for an Israeli passport," https://www.gov.il/en/service/application_for_biometric_passport2 (accessed July 6, 2023).

¹⁸² The Citizenship and Entry into Israel Law (Temporary Order) passed in 2003 also bars granting Israeli citizenship or long-term legal status to Palestinians from the West Bank and Gaza who marry Israeli citizens or residents impacting families from living together. On restrictions of movements of Palestinians see Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>; Office of the United Nations High Commissioner for Human Rights, "Freedom of Movement: Human rights situation in the Occupied Palestinian Territory, including East Jerusalem," February 2016, <https://bit.ly/3VTirrz> (accessed May 10, 2023).

submits proof that they have sole guardianship.¹⁸³ Israel's Legal Capacity and Guardianship Law provides that both parents are equal "natural guardians" of their children.¹⁸⁴

No documentation is required by law for a parent to exit Israel with their child. However, some airlines will ask for the consent of the other parent, particularly if the child's address does not match the address of the accompanying parent.¹⁸⁵ The court can issue a *ne exeat* order (an order to restrain a person from leaving the country), prohibiting the child from leaving the jurisdiction. Orders preventing travel are usually issued *ex parte*, but the respondent is given the opportunity to ask for an urgent hearing to cancel the order. The requesting parent must demonstrate that there is a likelihood that the child will be removed from the state unlawfully and the order must be served on the opposing parent within 72 hours. If opposition to the order is filed, a hearing will occur within a week.¹⁸⁶

Constitutional Freedoms and International Human Rights Obligations

While Israel does not have a written constitution, it has a number of Basic Laws, including its Basic Law on Human Dignity and Liberty, which provides that "all persons are free to leave Israel."¹⁸⁷

Israel is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women and the International Covenant on Civil and Political Rights, which obligates states to ensure freedom of movement and nondiscrimination.¹⁸⁸

¹⁸³ Israeli government website, Population, and Immigration Authority, "Apply for an Israeli passport," and see also Israel Ministry of Foreign Affairs, "Consular Services FAQ," (I am an Israeli divorcee. How can I renew my son's passport?), undated, <https://www.gov.il/en/Departments/General/consular-services-faq> (accessed March 9, 2023).

¹⁸⁴ Legal Capacity and Guardianship Law of 1962, art. 14, https://www.nevo.co.il/law_html/law01/192_001.htm (accessed July 6, 2023).

¹⁸⁵ Edwin Freedman, "International relocation of children in Israel: overview," Law Offices of Edwin Freedman, August 1, 2018, <https://uk.practicallaw.thomsonreuters.com/8-622-2227?transitionType=Default&contextData=%28sc.Default%29> (accessed July 6, 2023).

¹⁸⁶ Edwin Freedman, "International relocation of children in Israel: overview," August 1, 2018.

¹⁸⁷ Israel Basic Law Human Dignity and Liberty, 5752-1992, <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/39134/97918/F1548030279/ISR39134.pdf> (accessed July 6, 2023) and The Knesset, "The Basic Laws of the State of Israel," <https://main.knesset.gov.il/Activity/Legislation/Pages/BasicLaws.aspx> (accessed July 6, 2023).

¹⁸⁸ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Israel on October 3, 1991; International Covenant on Civil and Political Rights (ICCPR), ratified by Israel on October 3, 1991.

Jordan

Women's mobility within the country

Under Jordan's 2019 Personal Status Law, a woman who disobeys her husband loses her entitlement to spousal maintenance (*nafaqa*) from her husband.¹⁸⁹ Women are required to obey their husbands "in permissible matters" (i.e. matters that are not prohibited such as under religion) and a husband must not prevent his wife from visiting her family on a reasonable basis.¹⁹⁰ She can be deemed disobedient if she leaves the marital home "without a legitimate reason" (such as her husband harming or mistreating her) or prevents her husband from entering the home before she asks to move to another home.¹⁹¹ A woman who works can still receive spousal maintenance but only if her work is deemed legitimate and her husband agreed to her work explicitly or implicitly.¹⁹² The husband may not withdraw his consent to his wife working except for a "legitimate reason" and without causing her harm.¹⁹³ Non-Muslims of recognized religious groups can have their own tribunals apply their religious personal status laws to them.¹⁹⁴ Christian communities under their canon law in Jordan also apply the framework of women's obedience in return for spousal maintenance from their husbands.¹⁹⁵

Authorities have arrested and administratively detained women because their male guardian complained that they sought to move out of, or left the family home without

¹⁸⁹ Personal Status Law No. 15 of 2019, June 2, 2019, <https://www.refworld.org/docid/5ffdc84.html> (accessed July 7, 2023). Art. 59 provides that the husband is obligated to provide spousal maintenance to his wife which includes food, clothing, housing, medical treatment to the extent known, and a domestic worker where other women like her have someone.

¹⁹⁰ Personal Status Law No. 15 of 2019, art. 78.

¹⁹¹ Personal Status Law No. 15 of 2019, art. 62.

¹⁹² Personal Status Law No. 15 of 2019, art. 61.

¹⁹³ Personal Status Law No. 15 of 2019, art. 61(b).

¹⁹⁴ Permanent Constitution of the Hashemite Kingdom of Jordan, arts. 108 and 109 https://www.constituteproject.org/constitution/Jordan_2011.pdf (accessed July 7, 2023).

¹⁹⁵ Information and Research Center – King Hussein Foundation, *Gender Discrimination in Jordan*, 2019, https://jordan.unwomen.org/sites/default/files/Field%20Office%20Jordan/Images/publications/2019/IRCKHF/IRCKHF_Gender%20Discrimination%20JO_Report_EN%20FINAL.pdf (accessed July 7, 2023); "Christian leaders unanimously approve bill granting gender equality in inheritance procedures," *The Jordan Times*, May 9, 2023, <https://jordantimes.com/news/local/christian-leaders-unanimously-approve-bill-granting-gender-equality-inheritance> (accessed July 7, 2023).

permission (often referred to as “absence”).¹⁹⁶ Arrests for “absence,” which is not a criminal charge, are carried out under the Crime Prevention Law which allows the authorities broad powers to detain individuals without charge or trial, often for long periods of time.¹⁹⁷ Authorities typically send women back to their families, but may detain them longer if they refuse to go back, if their families refuse to take them back, if there is a perceived threat from the family, or if authorities demand a male relative provide the guarantee instead of a willing female relative.¹⁹⁸ Human Rights Watch documented cases where women remained confined in detention for more than 10 years.¹⁹⁹ Amnesty International reported how government officials comments suggested arrests and administrative detention were designed to bring women back under their guardians’ control, with women not allowed to live independently from their male relatives.²⁰⁰

Women’s Ability to Obtain a Passport

The Jordanian Civil Status and Passport website instructions allows “for a wife to obtain her passport without her husband’s permission.”²⁰¹ In 2013, the authorities passed Law No. 11 of 2013 enabling women to obtain passports without needing to show guardian or husband consent.²⁰² Article 12 of the previous 1969 law had required married women to obtain their husbands’ consent and for minor children their guardians’ consent.²⁰³ The 2003 Provisional Passports Law allowed a woman to obtain a passport without such consent but in 2012, parliament abolished the 2003 law, following which officials required

¹⁹⁶ See Equal Rights Trust and Mizan for Law, *Shouting through the walls: Discriminatory torture and ill-treatment in Jordan*, 2017, https://www.equalrightstrust.org/ertdocumentbank/Jordan%20report_ENG_o.pdf (accessed July 7, 2023), pp. 93 and 96; and Amnesty International, *Imprisoned Women, Stolen Children: Policing Sex, Marriage, and Pregnancy in Jordan*, 2019, <https://www.amnesty.org/download/Documents/MDE1608312019ENGLISH.PDF> (accessed July 7, 2023); Human Rights Watch, *Guests of the Governor: Administrative Detention Undermines the Rule of Law in Jordan*, May 26, 2009, <https://www.hrw.org/report/2009/05/26/guests-governor/administrative-detention-undermines-rule-law-jordan>.

¹⁹⁷ Crime Prevention Law No.7 of 1954. Human Rights Watch, *Guests of the Governor*, May 26, 2009.

¹⁹⁸ Amnesty International, *Imprisoned Women, Stolen Children: Policing Sex, Marriage, and Pregnancy in Jordan*, 2019.

¹⁹⁹ Human Rights Watch, *Guests of the Governor*, May 26, 2009.

²⁰⁰ Amnesty International, *Imprisoned Women, Stolen Children: Policing Sex, Marriage, and Pregnancy in Jordan*, 2019.

²⁰¹ Jordan Civil Status and Passports Department, “Passport (ordinary) for the first time,” <https://bit.ly/3ZWE7Uo> (accessed April 11, 2023).

²⁰² Law No. 11 of 2013 amending the Passports Law, <http://site.eastlaws.com/GeneralSearch/Home/ArticlesTDetails?MasterID=1743559&related> (accessed July 7, 2023), art. 9.

²⁰³ Passports Law, Law No. 2 of 1969, <https://bit.ly/3mpeXAo> (accessed April 11, 2023), art. 12.

women to show their guardians' or husbands' consent again.²⁰⁴ The requirement was then finally removed by the 2013 law.

Women's Travel Abroad

Jordanian law does not restrict women's travel abroad such as requiring written consent from her guardian.²⁰⁵ However, social restrictions lead to many families prohibiting women from travel abroad.²⁰⁶ Prior to travel, women may risk arrest for leaving their home without their male guardian's permission (see above).

Women's Travel Abroad with Children

The Passports Department website instructions provide that either the mother or father can apply for passports for their children under 18 years old. However, divorced or widowed women need to show that a court has granted them temporary guardianship over their children to make such applications.²⁰⁷ This is because under Jordan's Personal Status Law, only a man can act as a child's legal guardian, the default being the father.²⁰⁸ The Personal Status Law also prohibits a woman from traveling outside the country with her child or from residing outside Jordan with her child without her child's male guardian's approval.²⁰⁹ A woman who wishes to travel for short trips abroad with her child against her child's guardian's wishes has to secure a sponsor to guarantee to the court that she will return to Jordan with her child, and if she fails to do so, her sponsor could face imprisonment.²¹⁰

²⁰⁴ See Rana Husseini, "Jordan," in *Women's Rights in the Middle East and North Africa: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), https://freedomhouse.org/sites/default/files/inline_images/Jordan.pdf (accessed July 7, 2023). "Qateishat: The Passport Law of year 69 is not appropriate for our time," *Zad Jordan News*, June 5, 2012 <https://www.jordanzad.com/index.php?page=article&id=84721> (accessed July 7, 2023); Notice of the temporary invalidity of the Temporary Passports Law No. 5 of 2003 and Amendment No. 42 of 2003, issued February 29, 2012.

²⁰⁵ "Girls dreaming of traveling, legal permissibility undermined by social restrictions," *Al Ghad*, March 1, 2021, <https://bit.ly/3i67znZ> (accessed July 7, 2023).

²⁰⁶ *Ibid.*

²⁰⁷ The Official Site of the Jordanian E-Government, "Issuing Ordinary Passport for the First Time," <https://bit.ly/4oQ7GrT> (accessed April 11, 2023).

²⁰⁸ Personal Status Law No. 15 of 2019, art. 223.

²⁰⁹ Personal Status Law No. 15 of 2019, arts. 176 and 177; "Jordan: End Child Marriage in Status Talks," Human Rights Watch, April 3, 2019, <https://www.hrw.org/news/2019/04/03/jordan-end-child-marriage-status-talks>

²¹⁰ Personal Status Law No. 15 of 2019, art. 177.

Male guardians can apply for a court order to prevent their children from traveling abroad.²¹¹

Constitutional Freedom and International Human Rights Obligations

Jordan's constitution provides for equality before the law without discrimination, guarantees personal freedom, and provides that no Jordanian may be prevented from or compelled to reside in any specified place except in circumstances prescribed by law."²¹²

Jordan is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights which obligate states to ensure freedom of movement and nondiscrimination.²¹³

²¹¹ UK Foreign Commonwealth and Development Office, "Information on child abduction in Jordan," updated on March 23, 2021, <https://www.gov.uk/government/publications/jordan-child-abduction/information-on-child-abduction-in-jordan> (accessed July 7, 2023); Hussein, "Jordan."

²¹² Permanent Constitution of the Hashemite Kingdom of Jordan, arts. 6, 7 and 9.

²¹³ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Jordan on July 1, 1992; International Covenant on Civil and Political Rights (ICCPR), ratified by Jordan on May 28, 1975; League of Arab States, Arab Charter for Human Rights, ratified by Jordan on October 28, 2004.

Kuwait

Women's Mobility within the Country

Kuwait's 1984 Personal Status Law requires a woman to move in with her husband, unless the court finds that it is in the best interests for her not to move and a court can deny her right to spousal maintenance (*nafaqa*) from her husband for the period that she refuses to move into the marital home "without justification" or prevents her husband from cohabitating with her in her home.²¹⁴ A woman is not deemed disobedient if she leaves the house for "legitimate" reasons or for work unless her work is contrary to the family's interests, and she has the right to travel with a *mahram* (close male relative) to perform Hajj (religious pilgrimage), even if her husband does not give permission for her to travel.²¹⁵ She would only be proven to be disobedient if she refuses the court's order for her to be obedient.²¹⁶ The law also states that the court's ruling of obedience must not be implemented by force onto the wife.²¹⁷

In 2009, the Constitutional Court confirmed in its ruling that while the 1962 Passports Law was intended to provide the husband the right to decide whether his wife can travel, that did not mean that the wife should be forced to reside in the country and have her movement restricted. The ruling states that the wife's duty to obey her husband is a religious and moral duty that cannot be forcibly imposed on her against her will whether by public authority or by force of law.²¹⁸

Women and girls can be reported to local police for "absence" if they leave their homes without their family or guardian's permission. In 2017 for instance, a local newspaper reported the arrest of two Kuwaiti women who had arrest warrants issued against them for "absence" between 2012 and 2016, after they had fled their families and were living in

²¹⁴ Law No. 51 of 1984 concerning Personal Status, <https://bit.ly/4oPIbGf> (accessed April 29, 2023), arts. 74, 87, and 90. art. 75 provides that spousal maintenance includes food, clothing, housing, as well as medicine, a domestic worker, and other things according to custom.

²¹⁵ Law No. 51 of 1984 concerning Personal Status, arts. 89 and 91.

²¹⁶ Law No. 51 of 1984 concerning Personal Status, art. 87.

²¹⁷ Law No. 51 of 1984 concerning Personal Status, art. 88.

²¹⁸ Fahad M Al-Enzi, "The extent of the wife's entitlement to obtain a separate passport, a reading of the Constitutional Court Ruling No. 256/2008," Kuwait National Assembly, September 2010, <https://bit.ly/3ndfS6T> (accessed January 23, 2022).

hiding at apartments belonging to their friends.²¹⁹ While there is no official crime of “absence” from the home, male guardians can report women for absence on the basis that they are responsible for them while they are under 21 years old (age of majority), and for those over 21, guardians can still report them for absence on the basis that they may have committed a crime such as extramarital relations which the authorities investigate upon their arrest.²²⁰ Such arrest warrants leaves women unable to secure formal employment, regardless of their age, unless the guardian drops the complaint.²²¹

Women staying at campus accommodation at the state’s Kuwait University need a guardian’s permission if they wish to spend the night elsewhere or to travel abroad.²²² Local media have reported that in practice, some hotels and landlords often deny single Kuwaitis, men or women, from renting a hotel room or apartment to stay alone, and require single Kuwaiti women to have a mahram or male guardian to rent a hotel room or apartment.²²³

Women’s Ability to Obtain a Passport

Women over the age of 21, like men, can obtain passports without guardian permission. Children, and adults under the age of 21, male and female, require guardian permission or a legal representative to apply for a passport.²²⁴ While this is gender-neutral, it impacts

²¹⁹ “Mystery on absconding 2 Kuwaiti women solved,” Arab Times online, October 26, 2017, <https://bit.ly/3nnRUWB> (accessed April 30, 2023).

²²⁰ “Investigation: (Reports of Absenteeism) opens the file in Kuwait *Girls and wives escape from an unbearable reality* The last episode,” Alqabas, February 20, 2005, <https://bit.ly/3ox9plg> (accessed July 7, 2023).

²²¹ Musawah and Abolish Article 153, Joint Report on Article 16, Muslim Family Law and Muslim Women’s Rights in Kuwait, CEDAW 68th Session, November 2017, <https://bit.ly/429Fctr> (accessed July 7, 2023), and Alanoud Alsharekh, “Disciplinary Violence in Kuwait,” London School of Economics blog post, December 19, 2017, <https://blogs.lse.ac.uk/mec/2017/12/19/disciplinary-violence-in-kuwait/> (accessed July 7, 2023).

²²² Kuwait University, “Student Housing,” <https://bit.ly/3AC5WXT> (web capture on June 14, 2017). Human Rights Watch confirmed information remains current with a woman’s rights activist in Kuwait (name withheld), on May 19, 2023.

²²³ “Kuwaiti’s not allowed to stay overnight in a hotel in their own country,” *Arab Times*, February 22, 2022, <https://www.arabtimesonline.com/news/a-kuwaiti-not-allowed-to-stay-overnight-in-a-hotel-in-his-own-country/> (accessed July 7, 2023); “She can do anything she wants” – the siblings fighting for Kuwaiti women’s rights,” *The New Feminist*, July 9, 2022, <https://www.thenewfeminist.co.uk/2022/07/she-can-do-anything-she-wants-the-siblings-fighting-for-kuwaiti-womens-rights/> (accessed July 7, 2023). “The nightmare of finding a flat in Kuwait,” *Kuwait Times*, March 1, 2018, <https://www.kuwaittimes.com/nightmare-finding-flat-kuwait/> (accessed July 7, 2023).

²²⁴ Official Government of Kuwait website, “Requests to renew a passport for minors,” <https://bit.ly/3oON453> (accessed April 30, 2023), and Official Government of Kuwait website, “Requests to renew a passport above the legal age of 21,” <https://bit.ly/3oTUDro> (accessed April 30, 2023).

women disproportionately as, under prevailing social norms, guardians are more likely to deny women than men the permission to obtain passports to travel abroad.²²⁵

Since 2009, married women can obtain passports without the permission of their husbands. Kuwait's 1962 Passports Law had required married women to obtain the consent of their husbands to obtain a passport.²²⁶ The Constitutional Court invalidated this provision on October 20, 2009 on grounds that it violated articles 29, 30, and 31 of the Constitution, which guarantee equality before the law, personal liberty, and freedom of movement.²²⁷ However, the 1962 Passports Law still provides that a non-Kuwaiti woman may only be granted the Kuwaiti passport at her Kuwaiti husband's request after she has been married for five or more years to him.²²⁸

Women's Travel Abroad

Legally, women do not require guardian permission to travel abroad alone. However, a woman may lose her right to spousal maintenance from her husband if her travel abroad is deemed by a court to be disobedient.

Women's Travel Abroad with Children

Children and adults under the age of 21 require permission of a guardian or a legal representative to apply for a passport.²²⁹ Under Kuwait's Personal Status Law, only a man can act as a child's legal guardian, the default being the father.²³⁰ The Personal Status Law prohibits both men and women from traveling outside the country to reside abroad with their children without the other parent's permission.²³¹ It is possible for either parent to

²²⁵ Haya al-Mughni, "Kuwait," in *Women's Rights in the Middle East and North Africa 2010: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), https://freedomhouse.org/sites/default/files/inline_images/Kuwait.pdf (accessed July 7, 2023).

²²⁶ Kuwait Law No. 11 of 1962, for Matters Concerning Passports, art. 15.

²²⁷ Fahad M Al-Enzi, "The extent of the wife's entitlement to obtain a separate passport, a reading of the Constitutional Court Ruling No. 256/2008," Kuwait National Assembly, September 2010.

²²⁸ Kuwait Law No. 11 of 1962, for Matters Concerning Passports, as amended by Law No. 105 of 1994, art. 17.

²²⁹ Official Government of Kuwait website, "Requests to renew a passport for minors."

²³⁰ Law No. 51 of 1984 concerning Personal Status, art. 209.

²³¹ Law No. 51 of 1984 concerning Personal Status, art. 195.

apply to the Kuwaiti courts to impose a travel ban on the child to prevent them from leaving the country, e.g., if they fear the other parent may abduct the child overseas.²³²

Constitutional Freedoms and International Human Rights Obligations

Kuwait's constitution provides that people are equal in human dignity and they are equal before the law in public rights and duties without discrimination on the grounds of gender, origin, language or religion.²³³ It also guarantees personal freedom and that no person shall be "compelled to reside in a specified place, nor shall the residence of any person or his liberty to choose his place of residence or his liberty of movement be restricted, except in accordance with the provisions of the law."²³⁴

Kuwait is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights which obligates states to ensure freedom of movement and nondiscrimination.²³⁵

²³² UK Foreign Commonwealth and Development Office, "Information on child abduction in Kuwait," updated on March 23, 2021, <https://bit.ly/44ej7vs> (accessed April 30, 2023).

²³³ Permanent Constitution of the State of Kuwait, art. 29, <https://bit.ly/3NpZpHm> (accessed April 30, 2023.)

²³⁴ Permanent Constitution of the State of Kuwait, arts. 30 and 31.

²³⁵ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Kuwait on September 2, 1994; International Covenant on Civil and Political Rights (ICCPR), ratified by Kuwait on May 21, 1996; and League of Arab States, Arab Charter for Human Rights, ratified by Kuwait on September 5, 2013.

Lebanon

Women's Mobility within the Country

Lebanon does not have a civil code regulating personal matters and instead has 15 separate personal status laws for the country's different recognized religious communities including Christian, Muslim, Druze, and Jewish confessions. A woman can be found legally recalcitrant (disobedient) under all personal status laws in Lebanon if she leaves the marital home and refuses to cohabit with her husband without a reason that the religious courts consider legitimate.²³⁶

A woman found to be legally recalcitrant is not entitled to spousal maintenance from her husband.²³⁷ A finding of recalcitrance may expose her to domestic abuse if she is forced to go back to her husband, hinder her custody of her children, and restrict access to divorce. For instance, the Sunni family code (2011) provides that the wife loses her right to maintenance if she refuses to move to the marital home or leaves the marital home "without a legitimate excuse," prohibits the husband from entering the marital home she owns, or refuses to move or travel with her husband, unless stipulated otherwise in the marriage contract or it entails harm to her which a judge is to decide.²³⁸

In cases Human Rights Watch reviewed for its 2015 report, judges ordered women to return to their marital home even if their husbands were abusive, had prevented their wives from maintaining custody of their children, were not paying child custody, or had tried to undermine their wives' financial rights.²³⁹

²³⁶ Human Rights Watch, *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*, January 2015, <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>.

²³⁷ Spousal maintenance refers to the husband's obligation to meet his wife's needs for food, clothing, shelter, and other living expenses during marriage.

²³⁸ Code of Family Provisions, art. 8, Decree 46 of October 1, 2011; Human Rights Watch, *Unequal and Unprotected*, January 2015.

²³⁹ Human Rights Watch, *Unequal and Unprotected*, January 2015.

Women's Ability to Obtain a Passport

Women can apply for passports on their own without the permission of a male guardian.²⁴⁰

Women's Travel Abroad

Women have had the right to travel without their husbands' permission since 1974.²⁴¹

However, some religious personal status laws may consider a woman traveling or leaving the home without her husband's permission as disobedience causing her to lose her right to spousal maintenance from her husband or establishing a ground for divorce.²⁴²

Women's Travel Abroad with Children

Legally, women have the same rights as men in relation to travel with their children. Law No. 11 of 1968 regulating Lebanese passports requires Lebanese children under 18 years old, male or female, to obtain the authorization of their guardians to obtain a passport.²⁴³ Until 2013, the child's guardian was usually deemed to be the father, but following campaigning by women's rights organizations for mothers not just fathers to be allowed to provide such authorization, the General Security issued a decision that both parents' consent must be obtained before issuing a passport to a child under 18 (a joint consent letter).²⁴⁴ Such authorization must be signed before a *mukhtar* (local official) or a general security officer. Children who are married, widowed, or divorced do not need authorization to apply for their own passports.²⁴⁵

²⁴⁰ General Directorate of General Security, "Biometric passport" <https://bit.ly/41kdOw> (accessed April 26, 2023). See also Immigration and Refugee Board of Canada, "Lebanon: Requirements and procedure to obtain a passport in Lebanon or from abroad, including the processing time (2013-October 2015)," November 2015, <https://www.refworld.org/docid/5652e7d44.html> (accessed July 7, 2023).

²⁴¹ Mona Chemali Khalaf, "Lebanon," in *Women's Rights in the Middle East and North Africa 2010: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), https://freedomhouse.org/sites/default/files/inline_images/Lebanon.pdf (accessed July 7, 2023).

²⁴² Human Rights Watch, *Unequal and Unprotected*, January 2015.

²⁴³ Law No.11 of 1968 regulating passports (Law 11/68), issued January 8, 1968, <https://bit.ly/3oKMbuV> (accessed April 26, 2023), art. 8.

²⁴⁴ General Directorate of General Security, "Biometric passport" <https://www.general-security.gov.lb/en/posts/11>, (accessed July 7, 2023). See also RDFL Women, "Issuance of passports and travel: the adjustment of equality between the mother and father is positive, but," December 18, 2013, <https://www.rdfwomen.org/archives/510> (accessed July 7, 2023).

²⁴⁵ General Directorate of General Security, "Biometric passport."

Parents, married or divorced, do not generally need the permission of the other parent when traveling with their child where the child has already obtained a passport.²⁴⁶ During a dispute or divorce proceedings, however, the mother or the father can request the court to issue an order for a travel ban preventing the child from traveling with the other parent.²⁴⁷ Following divorce, a parent can request for a general travel ban to prevent the parent who has court-ordered custody from traveling with their child without their permission. In such cases, the parent with the custody has to obtain authorization from the other parent to be able to travel with their child.²⁴⁸

Constitutional Freedoms and International Human Rights Obligations

Lebanon's constitution provides that "all Lebanese are equal before the law. They equally enjoy civil and political rights and assume obligations and public duties without any distinction among them."²⁴⁹

Lebanon is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights, which obligate states to ensure freedom of movement and nondiscrimination.²⁵⁰

²⁴⁶ El Badri and Salim El Mouechi Law Firm received oral confirmation of this from Lebanese General Security. Information from legal team provided by email to Human Rights Watch, June 22, 2020.

²⁴⁷ Information provided by email to Human Rights Watch by El Badri and Salim El Mouechi Law Firm, June 22, 2020.

²⁴⁸ Ibid.

²⁴⁹ Lebanese Constitution, 1926, <https://bit.ly/3NimEmv> (accessed April 26, 2023), art. 7.

²⁵⁰ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Lebanon on April 16, 1997; International Covenant on Civil and Political Rights (ICCPR), ratified by Lebanon on November 3, 1972; League of Arab States, Arab Charter for Human Rights, ratified by Lebanon on May 8, 2011.

Libya

Women's Mobility within the Country

Libya's Family Law does not limit women's mobility, but it requires women, not men, to supervise, organize, and maintain the marital home.²⁵¹

The Tripoli-based religious authority, Dar al-Iftaa, at least until 2021, continued to issue religious edicts, or *fatwas*, about the man's right of guardianship including that women are not allowed to leave the house "without necessity" except with their husbands' permission and they must obey him in "a reasonable manner."²⁵² They argue that the husband is allowed to decide on whether his wife works even if they stipulated her right to work in their marriage contract.²⁵³ While not legally binding, fatwas can result in limiting women's rights due to social pressure.

Libya authorities operate so-called "social rehabilitation" centers for women and girls whose families abandoned them.²⁵⁴ According to the UN Special Rapporteur on violence against women and girls who visited Libya in December 2022, those housed in such centers were "regularly subjected to sexual exploitation and abuse."²⁵⁵

The UN Special Rapporteur also noted in her report following her visit that "The worsening security concerns from the state and the community often result in limiting the freedom of movement for women and girls on the assumption that it is best for their protection."²⁵⁶

²⁵¹ Law No. 10 of 1984 in relation to divorce, and marriage and their effects, and Law No.14 of 2015 amending some provisions of Law No. 10 of 1984, <https://bit.ly/3PWclgs> (accessed July 28, 2022).

²⁵² See for example, Libya Dar Al Iftaa, "Does the husband have the right to prevent his wife from working? Fatwa No. (4291)," September 8, 2021, <https://bit.ly/4oHDsq1> (accessed April 28, 2022).

²⁵³ See Libya Dar Al Iftaa, "Ruling on what the wife required of the husband before the marriage contract," March 4, 2015, <https://bit.ly/3AA36T6> (accessed April 28, 2022).

²⁵⁴ United Nations Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, "Official visit to Libya, 14 - 21 December 2022, Summary Preliminary Findings and Recommendations," December 21, 2022, <https://bit.ly/3VegCIE> (accessed July 7, 2023).

²⁵⁵ United Nations Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, "Official visit to Libya, 14 - 21 December 2022, Summary Preliminary Findings and Recommendations."

²⁵⁶ Ibid.

Women's Ability to Obtain a Passport

Legally, women are not required to obtain the permission of their male guardians or husbands in order to obtain a passport.²⁵⁷

Women's Travel Abroad

Legally, Libyan women are not required to obtain a male guardian's permission to travel abroad. However, in an apparent tightening of restrictions, in May 2023, the Internal Security Agency, a body linked with the Tripoli Prime Ministry, began requiring Libyan women traveling without a male escort, to complete a form declaring reasons for traveling and why they are traveling solo, and giving details of past travels. As of writing, this measure remained in effect despite opposition from civic groups.²⁵⁸ According to the Libyan Women's Platform for Peace (LWPP), several Libyan women including women government officials, could not travel because they did not have a male escort and did not want to reveal their reasons for travel.²⁵⁹

In previous years, some women have reported to Human Rights Watch that they were stopped at times by members of armed groups or airport officials if they are traveling alone and questioned about why they are traveling abroad or asked to see their husband's permission for travel.²⁶⁰

Armed groups, officials, and institutions also made attempts in past years to introduce limits to women's travel abroad under male guardianship.²⁶¹ In 2014, the Tripoli-based

²⁵⁷ Law No. 4 of 1985 on travel documents, <https://bit.ly/3QoN6z9> (accessed July 28, 2022); General People's Committee Decree No. 472 of 1985 on the executive regulation for Law No. 4 of 1985 on travel documents <https://bit.ly/3bfPeEy> (accessed July 28, 2022); Office of the Commissioner General For Refugee and Stateless Persons in Belgium et. al, report "Libya: Nationality, Registration, and Documents," December 2014, <https://www.refworld.org/docid/54afda3d4.html> (accessed April 28, 2023).

²⁵⁸ Libyan Women's Platform for Peace, "Statement: Violating women's right to freedom of movement is an insult to Libyan women and a contravention of the constitution and law," May 13, 2023, <https://lwpp.org/news/details/149/> (accessed May 26, 2023).

²⁵⁹ Human Rights Watch interview with Zahra' Langhi, co-founder and CEO of Libyan Women's Platform for Peace, July 10, 2023.

²⁶⁰ See Hanan Salah (Human Rights Watch), "The Law is Failing the Women of Libya," commentary, *Los Angeles Times*, June 18, 2014, <https://www.hrw.org/news/2014/06/18/law-failing-women-libya>. Human Rights Watch interview with a Libyan woman (name withheld), March 11, 2020.

²⁶¹ In March 2007, local media reported that the authorities had introduced travel restrictions prohibiting women under the age of 40 from leaving the country without being accompanied by their husbands or a close male relative, prompting public

religious authority, Dar al-Iftaa, called for a woman to be accompanied by a male guardian if she wished to travel abroad, but the fatwa never became law.²⁶²

On February 16, 2017, Abdelrazeq al-Nadhour, chief of staff of the armed group Libyan Arab Armed Forces (LAAF), issued an order requiring women aged under 60 who wish to travel abroad to be accompanied by a *mahram* (husband or close male relative she cannot marry) for “reasons of public interest” and “to limit negative aspects that accompanied Libyan women’s international travel.”²⁶³ After public uproar, al-Nadhour on February 23, 2017, repealed this order and replaced it with a new order imposing security clearance on all men and women ages 18 to 45 who wish to travel.²⁶⁴ The order remained in effect until September 17, 2018.²⁶⁵

Women’s Travel Abroad with Children

There do not appear to be any requirements that a woman must obtain her child’s father’s permission to apply for their child’s passport. If a father wants to add the newborn baby to his passport, he needs to have his child’s mother be present at the office to sign the declaration to approve it or otherwise provide the mother’s approval declaration certified by a notary public.²⁶⁶

outcry. However, the government denied this act several days later, stating that the regulation had been an old and temporary remedy to address the problem of young girls traveling abroad. See Pargeter, “Libya,” p. 9.

²⁶² “Libya: Discriminatory Restriction on Women,” Human Rights Watch news release, February 23, 2017, <https://www.hrw.org/news/2017/02/23/libya-discriminatory-restriction-women>.

²⁶³ “Bawaba al-Wasat publishes text of the military ruler’s decision to prevent Libyan women from traveling without a mahram,” *Al-Wasat*, February 19, 2017, <http://alwasat.ly/news/libya/87072> (accessed July 7, 2023). “A debate tonight with Mohamed Zidan entitled “The Military Governor’s Decision Confronting the Libyans,” *Libya’s Channel*, February 19, 2017, <https://bit.ly/3NjI9TU> (accessed July 7, 2023).

²⁶⁴ “Libyan women talk to Libya al-Mostakbal about the decision to prevent them from traveling except with a mahram,” *Libya al-Mostakbal*, August 13, 2021, <https://bit.ly/3cC57p1> (accessed July 28, 2022); “A protest stand in Al-Kish Square in Benghazi against the decision to prevent women from traveling without a mahram,” *al-Wasat*, February 22, 2017, <http://alwasat.ly/ar/news/libya/133762/> (accessed July 7, 2023). “Libya: Discriminatory Restriction on Women,” Human Rights Watch news release, February 23, 2017.

²⁶⁵ “The Libyan interim government cancels the decision to obtain security approval for those wishing to travel abroad,” *Sputnik Arabic*, September 17, 2018, <https://bit.ly/3pXmVG> (accessed July 7, 2023).

²⁶⁶ Embassy of State of Libya in Canada, “Issuing Passports,” November 8, 2021, <https://bit.ly/41RahIR> (accessed April 28, 2023); Embassy of State of Libya in Canada, “Add a baby,” undated, <https://bit.ly/3clyG8x> (accessed July 28, 2022); and General Consulate of Libya in Manchester, “Adding a baby to the passport,” <https://bit.ly/32MrTWu> (accessed July 7, 2023).

Libya's family law provides that the male guardian or the parent granted custody of the child can travel within Libya with the child, and that this travel would not be deemed to affect the custodian's right over their child unless the travel harms the child's interests. It also provides that the parent granted custody of the child is not allowed to travel outside of Libya unless they obtain the child's guardian's permission. If they refuse to seek such permission, then the matter can be referred to a competent court.²⁶⁷ In practice, both parents are required to show they have written permission from the other parent before they are allowed to travel with their child. If they refuse to give permission, the parent can appeal to a court which assesses approval of the travel based on the child's best interests. Either parent can also apply to court for a travel ban to prevent the other parent from traveling with their child without their permission.²⁶⁸

Constitutional Freedoms and International Human Rights Obligations

Libya's 2011 interim Constitution provides that "Libyans shall be equal before the law... without distinction on the grounds of ... gender..." and that "The State shall guarantee freedom of ... movement..."²⁶⁹

Libya is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the Arab Charter on Human Rights which obligate states to ensure freedom of movement and nondiscrimination; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which requires states to combat all forms of discrimination against women.²⁷⁰

²⁶⁷ Law No. 10 of 1984 in relation to divorce, and marriage and their effects, <https://bit.ly/3PWclgs> (accessed July 28, 2022), art. 67.

²⁶⁸ Information from Omima Abdel Hafiz Bawi, senior counsel in the Public Defenders Department, July 15, 2023.

²⁶⁹ Constitution of the State of Libya, 2011, https://constituteproject.org/constitution/Libya_2012?lang=en (accessed April 28, 2022), arts. 6 and 14.

²⁷⁰ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Libya on May 15, 1970; African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), ratified by Libya on August 7, 2006; and Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified by Libya on November 5, 2003.

Mauritania

Women's Mobility within the Country

The 2001 Personal Status Code states that a husband constitutes the head of household while a wife's role is to assist him in managing the family.²⁷¹ It also provides that women can conduct any work outside the home but within the limits of Islamic law.²⁷² The law permits women to stipulate in a marriage contract that the husband cannot prevent her from studying or working.²⁷³

Women's Ability to obtain a Passport

Women do not require guardian permission to obtain a passport.²⁷⁴

Women's Travel Abroad

There are no known laws or regulations restricting women's travel abroad.

Women's Travel Abroad with Children

Children are required to have a legal representative apply for their passports.²⁷⁵ The Personal Status Code provides that the father is to act as the guardian and legal representative of his children. A judge or a close paternal male relative can also act as the child's legal representative.²⁷⁶ Authorities, as part of implementing laws relating to child protection, require parents seeking to travel abroad with their child to show they have

²⁷¹ Law No. 052-2001 on the Personal Status Code, <https://bit.ly/3OJanoh> (accessed July 28, 2022), art. 56.

²⁷² Personal Status Code, art. 57.

²⁷³ Personal Status Code, arts. 28 and 29.

²⁷⁴ Immigration and Refugee Board of Canada, Ottawa, "Mauritania: information on national identity documents, including identification card and passport, as well as birth and marriage certificates; description of these documents and procedure to obtain them (2012-July 2015)," <https://bit.ly/3BkPrAZ> (accessed July 28, 2022). Mauritania, Council of Ministers, Decree No. 2012-032/PM/MIDEC regulating travel documents, art. 14.

²⁷⁵ Mauritania, Council of Ministers, Decree No. 2012-032/PM/MIDEC regulating travel documents, art. 14.

²⁷⁶ Personal Status Code, arts. 176 and 178.

parental authorization from the other parent.²⁷⁷ Either parent can also apply for a travel ban on their child if they believe their child is in danger.

Constitutional Freedoms and International Human Rights Obligations

Mauritania's constitution provides for equality before the law for "all citizens without distinction of origin, of race, of sex..." and guarantees for all citizens freedom of movement and residence within the state and freedom to enter and exit the state.²⁷⁸

Mauritania is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the Arab Charter on Human Rights which obligate states to ensure freedom of movement and nondiscrimination; and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), which requires states to combat all forms of discrimination against women.²⁷⁹

²⁷⁷ Order for the criminal protection of children in 2005 (015-2005), replaced by Law No. 2018-024 of June 21, 2018 on the General Code for the Protection of Children, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=fr&p_isn=112895 (accessed July 7, 2023).

²⁷⁸ Constitution of the Islamic Republic of Mauritania, <https://bit.ly/425WWXb> (accessed April 30, 2023), arts. 1 and 10.

²⁷⁹ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Mauritania on May 10, 2001; International Covenant on Civil and Political Rights (ICCPR), ratified by Mauritania on June 14, 1986; League of Arab States, Arab Charter for Human Rights, ratified by Mauritania on February 18, 2019; and Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified by Mauritania on September 25, 2005.

Morocco

Women's Mobility within the Country

Human Rights Watch did not identify any laws or written regulations restricting women's ability to move freely outside the home. The 2004 Family Code removed the obligation on women to obey their husbands and instead provided that both husband and wife jointly manage household affairs, following campaigning by women's rights activists who called for recognition of Islamic concepts of respect and equality in marriage.²⁸⁰ However, other discriminatory provisions against women remain.²⁸¹

Some hotels prohibit Moroccan women from staying there unless they are accompanied by either their husbands or families, with hotels claiming that they are doing so at the request of the authorities.²⁸² In July 2014 and again in September 2022, the Interior Minister said that the ministry had never issued any instructions to hotels to prevent women staying unaccompanied in a hotel in their own city.²⁸³

Women's Ability to Obtain a Passport

Moroccan women are not legally required to obtain the permission of their guardians or husbands to obtain a passport.²⁸⁴ Prior to 2004, women needed permission from their

²⁸⁰ See for instance Leila Hanafi "Moudawana and Women's Rights In Morocco: Balancing National And International Law," *ILSA Journal of International & Comparative Law*: 18, issue 2, article 10 (2012), <https://bit.ly/3zeUksG> (accessed July 28, 2022). Law No. 70.03 of the Family Code, issued by Royal Decree No. 1.04.22 on February 3, 2004, <https://bit.ly/3LH1b5n> (accessed April 30, 2023), art. 51.

²⁸¹ "Family Code: Here are some avenues for reform," *Medias24*, December 8, 2021, <https://bit.ly/3NqdUdZ> (accessed July 7, 2023). Musawah, "Thematic Report on Muslim Family Law and Muslim Women's Rights in Morocco," June 2022, <https://bit.ly/41Xbo5e> (accessed July 7, 2023).

²⁸² See "Hotel in Marrakech Denies Access To 'Unaccompanied' Moroccan Women," *Morocco World News*, <https://bit.ly/41TwAaK> (accessed July 7, 2023); "In Morocco, single women are still banned from staying in hotels," *Bladi.net*, December 19, 2021, <https://bit.ly/3ngBhMG> (accessed July 7, 2023); "A Moroccan woman cannot stay in a hotel in her own city: an unfair and unjustified practice," *Medias24*, July 16, 2014, <https://bit.ly/44jvgiL> (accessed July 7, 2023).

²⁸³ "Latfit denies the ban on Moroccan women staying in a hotel in their own city," *Le Desk*, September 23, 2022, <https://ledesk.ma/enoff/latfit-dement-linterdiction-aux-femmes-marocaines-de-sejourner-dans-un-hotel-de-leur-ville/> (accessed July 7, 2023); "A Moroccan woman cannot stay in a hotel in her own city: an unfair and unjustified practice," *Medias24*, July 16, 2014.

²⁸⁴ Morocco Ministry of Interior, "Required documents to apply for a passport," <https://bit.ly/3ozOdKH> (accessed July 28, 2022).

male guardians or if married, their husbands, to obtain a passport.²⁸⁵

Women's Travel Abroad

Human Rights Watch did not identify any laws or written regulations restricting women's ability to travel abroad. The 2004 Family Code increased women's freedom of movement including through recognition of the legal capacity of individuals age 18 and above.²⁸⁶

Women's Travel Abroad with Children

Children under 18 need their legal representatives to submit the request for a passport.²⁸⁷ The Family Code provides that the default legal representative is the child's father, even following divorce where a mother has court-ordered custody of their child.²⁸⁸ The child's legal representative can give power of attorney to the child's mother or another relative to accompany the child to complete and sign the passport application form.²⁸⁹ Only if the father is absent, incapacitated or has passed away, can the child's mother act as the legal representative.²⁹⁰

Otherwise, a divorced woman with court-ordered custody need to obtain their child's father's consent to apply for their child's passport.²⁹¹ If the father refuses, the mother can obtain a decision from a judge to apply for the passport.²⁹²

The parent who has legal custody of the child (often the mother) can leave Morocco with their child without prior authorization. However, the Family Code provides that the court may, at the request of the Public Prosecutor's Office or the child's legal representative,

²⁸⁵ Immigration and Refugee Board of Canada, "Morocco: Whether a married or unmarried woman (minor or adult) needs her father's permission to obtain a passport and travel outside her country, and, if so, the proof required (2000 - April 2004)," April 6, 2004, <https://www.refworld.org/docid/41501c317.html> (accessed July 7, 2023).

²⁸⁶ Family Code, 2004, arts. 209 and 210.

²⁸⁷ Decree No. 2-08-310 of October 23, 2008 establishing the biometric passport, <https://bit.ly/3ViMLfo> (accessed April 30, 2023), art. 2. Morocco Ministry of Interior, "Required documents to apply for a passport."

²⁸⁸ Family Code, 2004, art. 231.

²⁸⁹ Morocco Ministry of Interior, "Frequently Asked Questions," <https://bit.ly/3zhDMjN> (accessed July 28, 2022).

²⁹⁰ Family Code, 2004, art. 238.

²⁹¹ Morocco Ministry of Interior, "Frequently Asked Questions: Can a divorced custodial woman obtain passports for her minor children without the consent of the father?" <https://bit.ly/3AltWsQ> (accessed July 28, 2022).

²⁹² Ibid.

include in the custody or any subsequent decision an injunction prohibiting travel of the child outside of Morocco without the prior consent of the child's legal representative, which by default is the father.²⁹³ In urgent cases the parent granted custody can petition the court if the legal representative does not provide consent. The judge can grant permission if they establish that the travel is only temporary and the child will return to the country.²⁹⁴ It is possible for either parent to apply to a court for a travel ban on the child from leaving the country such as if there is evidence to suggest that a parent intends to abduct a child.²⁹⁵

Constitutional Freedoms and International Human Rights Obligations

Morocco's 2011 constitution guarantees freedom of movement to all including "the freedom to move around and to settle on the national territory, to leave and to return to it, in accordance with the law." It also provides that it will "ban and combat all discrimination whenever it encounters it, for reason of sex, or colour, of beliefs..." and that men and women enjoy equal rights including civil, political, economic, social, cultural and environmental, as set out in the Constitution, as well as in conventions and international covenants ratified by Morocco.²⁹⁶

Morocco is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women and the International Covenant on Civil and Political Rights, which obligates states to ensure freedom of movement and nondiscrimination.²⁹⁷

²⁹³ Family Code, 2004, art. 179.

²⁹⁴ Ibid.

²⁹⁵ UK Foreign Commonwealth and Development Office, "Guidance Information on child abduction in Oman," updated July 1, 2021, <https://www.gov.uk/government/publications/morocco-child-abduction/morocco-child-abduction> (accessed July 7, 2023).

²⁹⁶ Morocco Constitution, Decree No. 1-11-91 of July 29, 2011 promulgating the text of the constitution, <https://bit.ly/3AFS26V> (accessed August 30, 2022), preamble, arts. 19 and 24.

²⁹⁷ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Morocco on June 21, 1993; International Covenant on Civil and Political Rights (ICCPR), ratified by Morocco on November 3, 1979.

Oman

Women's Mobility within the Country

Oman's 1997 Personal Status Law guarantees a married woman's right to visit her parents and relatives, but also states that a woman can lose her right to spousal maintenance (*nafaqa*) from her husband if she, "without a legitimate excuse," refuses to move to the marital home, leaves the home, prevents her husband from entering the home, or refuses to travel with her husband.²⁹⁸

In 2018, the authorities amended the 1998 executive regulations of the traffic law to allow women to drive taxis.²⁹⁹ A taxi company has since launched a taxi service with women taxi drivers for women and families.³⁰⁰ Women also previously needed the permission of a male guardian to obtain a driver's license, and a married woman also had to show her marriage certificate or a birth certificate of one of her children per rules enforced by the Royal Oman Police.³⁰¹ The practice has stopped in recent years.

Female students staying at university accommodations at Sultan Qaboos University, Oman's only public university, must obtain an exit permit from their guardians each time they wish to leave the campus. Female students are not allowed to drive their own cars on

²⁹⁸ She can also lose her right to spousal maintenance for other reasons including if she refuses to have sexual relations with him. Sultani Decree No. 32 of 1997 issuing the Personal Status Law, <https://bit.ly/3SmpJSD> (accessed August 2, 2022), arts. 37 and 54. Article 44 provides that spousal maintenance includes food, clothing, housing, medical care, and all that is necessary for a person's life according to custom.

²⁹⁹ Executive Regulations of the Traffic Law, Ministerial Decision No. 23/98, issued March 10, 1998, <https://bit.ly/3BwGcMN> (accessed May 16, 2023), art. 68(8). It provided that "The taxicab driver shall be an Omani and shall wear the Omani dress during the driving whereas it shall be banned for the females to drive taxicab." Royal Oman Police Decision No. 32/2018 amending some provisions of the executive regulations of the Traffic Law, <https://web.archive.org/web/20230527215655/https://qanoon.om/p/2018/rop20180032/> (accessed May 27, 2023), article 10 removed the phrase that females are prohibited from driving a taxi from article 68(8).

³⁰⁰ "A press conference about some amendments to the executive regulations of the Traffic Law," *Oman Daily Observer*, January 29, 2018, <https://bit.ly/41FOyfN> (accessed May 16, 2023); "200 women-driven taxis planned for Oman's roads within a year," *Times of Oman*, February 21, 2022, <https://bit.ly/3Wbc4jI> (accessed July 7, 2023).

³⁰¹ Sultanate of Oman, Royal Oman Police official website, "Conditions for obtaining the service: Vehicle driving license," <https://bit.ly/3HsO9WN> (web capture on January 2, 2019).

campus and are forbidden from meeting any unrelated man. Any breach of guidelines leads to notification of their guardian.³⁰²

Women's Ability to Obtain a Passport

Women can obtain passports without the permission of their husbands or guardians. Royal Decree No. 11 of 2010 amended article 12 of the 1997 Omani Passports Law to remove requirements that married women must show written consent from their husbands to obtain passports.³⁰³

In 2017, the UN Committee on Discrimination against Women expressed concerns about reports that despite the changes to the Passports Law in 2010, the Omani authorities were still requiring women to show male guardian permission, including a husband's consent for married women, and a male guardian's consent for unmarried women, to obtain a passport.³⁰⁴ This practice has since stopped.

Women's Travel Abroad

Omani laws do not require women to show guardian permission in order to travel abroad.³⁰⁵ However, under Oman's Personal Status Law women can lose their right to spousal maintenance if they are deemed disobedient for leaving the home without their husband's permission.³⁰⁶

³⁰² Sultan Qaboos University, Student Affairs, "Residence Rules and Regulations," <https://bit.ly/3ADPx Cf> (accessed April 30, 2023). Sultan Qaboos University, Section for Social Services for Female Students, Social Welfare Department, "Discipline and commitment to university regulations form for female students," <https://bit.ly/3LIQkI8> (accessed April 30, 2023).

³⁰³ Sultani Decree No. 11 of 2010 amending some provisions of the Omani Passports Law, <https://bit.ly/3pFGaMJ> (accessed August 23, 2022). Sultan Decree No. 69 of 1997 issuing Law on Omani Passports, <https://bit.ly/3oWZwjz> (accessed April 30, 2023), art. 12.

³⁰⁴ See UN Committee on the Elimination of Discrimination against Women, "Concluding observations on the combined second and third periodic reports of Oman," U.N. Doc. CEDAW/C/OMN/CO/2-3, November 22, 2017, <https://bit.ly/3LGxYHN> (accessed July 7, 2023), para. 51.

³⁰⁵ Rafi ah al-Talei, "Oman" in *Women's Rights in the Middle East and North Africa 2010: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), <https://bit.ly/3HrB9Rr> (accessed July 7, 2023).

³⁰⁶ Personal Status Law, art. 54.

Women's Travel Abroad with Children

Children under 18 years old are required to have their guardians' written consent to obtain passports.³⁰⁷ The Royal Omani Police guidelines on passport application require the father to be present with his valid ID to apply for the passport of his child under 18 years old.³⁰⁸

The Omani Personal Status Law provides that the father is the default guardian of his children, even following a divorce, or a male paternal relative if he has passed away or is incapacitated, until the children reach 18, the age of majority.³⁰⁹ Article 134 of the Omani Personal Status Law provides that the person granted custody of the child (often the mother) cannot travel abroad with the child without the permission of their child's guardian; if the guardian refuses, the person with custody can petition the court for approval.³¹⁰ In practice, this applies only to foreign nationals that are granted custody of the child. Otherwise, the father's approval is not required for a child to be able to leave Oman.³¹¹ If there is a court order or a court case pending, either parent can ask immigration officials to place a travel ban to prevent the other parent from leaving the country with their child.³¹²

Constitutional Freedoms and International Human Rights Obligations

Oman's constitution provides that all citizens are equal before the law and that "There shall be no discrimination amongst them on the grounds of gender...". It also guarantees personal freedom and provides that it is not permissible to restrict a person's residence or movement, except within the bounds of the law.³¹³ On February 6, 2019, Oman withdrew its reservation to article 15(4) made upon ratification of the Convention on the Elimination of All Forms of Discrimination against Women with regard to equality between men and

³⁰⁷ Decree No. 69 of 1997 issuing Law on Omani Passports, as amended by Sultan Decree No. 11 of 2010, art.12.

³⁰⁸ Sultanate of Oman, Royal Oman Police official website, "Omani passport service," <https://bit.ly/3LkcnDV> (accessed April 30, 2023).

³⁰⁹ Personal Status Law, art. 159 provides that guardianship over an individual is the right of the father and then the agnate (male paternal relative).

³¹⁰ Personal Status Law, art. 134.

³¹¹ UK Foreign Commonwealth and Development Office, "Guidance Information on child abduction in Oman," updated March 16, 2021, <https://bit.ly/3PQ8qH8> (accessed August 24, 2022).

³¹² Ibid.

³¹³ Sultani Decree No. 96/101, Omani Constitution, <https://bit.ly/3LlPXSt> (accessed April 30, 2023), arts. 17 and 18,

women in relation to the movement of persons and the freedom to choose their residence and domicile.³¹⁴

³¹⁴ United Nations Treaty Collection, Convention on the Elimination of All Forms of Discrimination against Women, note 83, <https://bit.ly/3naolF7> (accessed July 7, 2023); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Oman on February 7, 2006.

Palestine

Women's Mobility within the Country

The two personal status laws that apply to Muslims in Palestine are the Jordanian Personal Status Law No. 61 of 1976 enforced in the West Bank, and the Egyptian Family Rights Law No. 303 of 1954 enforced in Gaza. In the West Bank, the 1976 Personal Status Law provides that a woman is required to obey her husband “in permissible matters” (i.e. matters that are not prohibited such as under religion), to reside in the marital home, and to travel and move with her husband to any place he chooses even if outside the country, unless there was a condition in the marriage contract that states otherwise.³¹⁵ She can be deemed disobedient and lose her right to spousal maintenance (*nafaqa*) from her husband if she leaves the marital home “without a legitimate reason” such as if he beat or ill-treated her, or prevents him from entering the home before asking to move to another one.³¹⁶ She is entitled to spousal maintenance if she works outside the home but only where her work is deemed legitimate, and her husband had explicitly or implicitly consented to her working.³¹⁷

In Gaza, the 1954 Family Rights Law obligates a wife to obey her husband “in permissible matters,” to reside in her husband’s home and to travel with him wherever he goes, unless there was a reason to prevent her travel.³¹⁸ A woman can lose her right to spousal maintenance from her husband if she disobeys him and leaves her husband’s home or prevents him from entering the home that she owns before asking to move to another one.³¹⁹

Christians in Palestine have their own personal status laws. However, they too adopt the framework that women are required to obey their husbands and remain in the marital home in return for spousal maintenance, with the exception of the amended 2015 Lutheran

³¹⁵ Jordanian Personal Status Law No. 61 of 1976, arts. 37, and 39, <https://bit.ly/3y28Lym> (accessed March 12, 2023). Art. 66 provides that spousal maintenance for the wife includes food, clothing, housing, medical treatment to the extent known, and a domestic worker where other women like her have one.

³¹⁶ Jordanian Personal Status Law No. 61 of 1976, art. 69.

³¹⁷ Jordanian Personal Status Law No. 61 of 1976, art. 68, following amendment under Law No. 82 of 2001.

³¹⁸ Egyptian Family Rights Law No. 303 of 1954, issued January 26, 1954, <https://bit.ly/3eYR2jN> (accessed April, 17 2023), art. 40.

³¹⁹ Family Rights Law 1954, art. 66.

Family Law which requires the wealthier spouse to provide maintenance to their spouse during the marriage.³²⁰

In annexed East Jerusalem, which Israel considers part of its sovereign territory but remains occupied territory under international law, Israeli authorities apply Israeli civil law.³²¹ Israel provides that both religious and civil family courts can issue rulings on spousal maintenance according to the personal status law that applies to them. However, all such religious personal status laws provide that a woman loses her right to spousal maintenance from her husband when she is found by a court to be legally recalcitrant (disobedient), for instance, if she leaves the marital home and refuses to cohabit with her husband without a reason that the religious courts consider legitimate (see more in chapter on Israel).

In Gaza, a UN Women 2021 report described how “Culturally, legally and physically, women are assumed to be under the protection and guardianship of men.”³²² Unmarried women face discrimination in practice when renting apartments in Gaza without a male guardian or family relative; sometimes landlords also refuse to rent to unmarried men as they prefer to rent to families. Women fleeing domestic violence can be forcibly returned to their families. For instance, police arrested two adult sisters in January 2023, and forcibly handed them to a relative who drove them back to the father they had fled from and had reported his abuse.³²³ Hamas, the de facto authority in Gaza, have also increased restrictions on women, including in 2009 prohibiting women from riding on motorcycles and scooters and in 2013, a UN agency canceled its annual marathon in Gaza after Hamas

³²⁰ Many Christian personal status laws have not been reformed for decades. Raheb, T. “Christian Agency and Lutheran Personal Status Laws in Palestine,” 2020. *Exchange*, 49(3-4), 278-296.
<https://doi.org/10.1163/1572543X-12341570> (accessed February 6, 2023).

³²¹ Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution*, April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

³²² Nader Said-Foqahaa and Samer Said, “Gender and Wars in Gaza Untangled: What Past Wars Have Taught Us?,” UN Women, June 2021, <https://palestine.unwomen.org/en/digital-library/publications/2021/06/gender-and-wars-in-gaza-untangled> (accessed July 7, 2023).

³²³ “Gaza: Sisters at Risk After Return to Father,” Human Rights Watch news release, February 7, 2023, <https://www.hrw.org/news/2023/02/07/gaza-sisters-risk-after-return-father>.

banned women and girls from participating in it.³²⁴ Women have defied such rules, and it appears that some of these restrictions are no longer enforced.³²⁵

UN agencies have documented increased levels of violence against women including restrictions on women's mobility following escalations of conflict and displacement particularly in Gaza, Area C, and East Jerusalem.³²⁶

Israeli authorities sharply restrict the movement of Palestinians, including women, in the Occupied Palestinian Territory. For more than 16 years, Israeli authorities blocked most of Gaza's population from traveling through the Erez Crossing, the only passenger crossing from Gaza into Israel through which Palestinians can travel to the West Bank and travel abroad via Jordan.³²⁷ In the West Bank, the Israeli authorities require Palestinians to have difficult-to-obtain permits to enter large parts of the territory, and have erected hundreds of checkpoints and other closure obstacles and a separation barrier largely built on Palestinian land that fragments communities.³²⁸ These barriers acutely affect women, including access to healthcare such as for women who have breast cancer.³²⁹ Moreover, fewer women than men are able to obtain permits to leave Gaza that Israel reserves for

³²⁴ " Hamas bans women from smoking water pipes," *The Guardian*, July 18, 2010, <https://www.theguardian.com/world/2010/jul/18/hamas-women-smoking-pipes> (accessed July 7, 2023); " Hamas bans women on motorcycles in Gaza Strip," Reuters October 8, 2009, <https://www.reuters.com/article/us-palestinians-hamas-motorcycles-sb-idUSTRE5971TX20091008> (accessed July 7, 2023); " With Hamas Watching, Singer Creates a (Modest) Sensation," *New York Times*, March 13, 2016, <https://www.nytimes.com/2016/03/14/world/middleeast/gaza-hamas-rawan-okasha.html> (accessed July 7, 2023); " Gaza marathon cancelled by UN after Hamas bans women from participating," *The Guardian*, March 5, 2013, <https://www.theguardian.com/world/2013/mar/05/gaza-marathon-cancelled-hamas-bans-women> (accessed July 7, 2023).

³²⁵ Lena Odgaard, " Gaza teenager runs for Palestine," *Al Jazeera*, May 6, 2016, <https://www.aljazeera.com/gallery/2016/5/6/gaza-teenager-runs-for-palestine> (accessed July 7, 2023); Doaa Shaheen, " Shisha, Tea & Chit-Chat - Girls Can Be Girls on Gaza's Beaches," *Raseef 22*, August 27, 2019, <https://raseef22.net/article/1074907-shisha-tea--chitchat--girls-can-be-girls-on-gazas-beaches> (accessed July 7, 2023).

³²⁶ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), " Specific risks facing women and girls in Palestine," March 8, 2022, <https://www.ochaopt.org/content/specific-risks-facing-women-and-girls-palestine> (accessed July 7, 2023).

³²⁷ " Gaza: Israel's 'Open-Air Prison' at 15," Human Rights Watch news release, June 14, 2022, <https://www.hrw.org/news/2022/06/14/gaza-israels-open-air-prison-15>.

³²⁸ Human Rights Watch, *A Threshold Crossed*, April 27, 2021.

³²⁹ Medical Aid for Palestinians, " How restrictions on Gaza are a matter of life and death for breast cancer patients," October 20, 2021, <https://www.map.org.uk/news/archive/post/1302-how-restrictions-on-gaza-are-a-matter-of-life-and-death-for-breast-cancer-patients> (accessed July 7, 2023). Azzouni, " Palestine (Palestinian Authority and Israeli Occupied Territories)," 2010.

people engaged in trade, as many women work in smaller businesses or in the public or non-profit sectors.³³⁰

Since 2000, Israeli authorities have largely refused to process family reunification applications or requests for address changes by Palestinians in the West Bank and Gaza which effectively bars Palestinians from acquiring legal status for spouses or relatives not already registered.³³¹ The Citizenship and Entry into Israel Law also bars, with few exceptions, granting Israeli citizenship or long-term legal status to Palestinians from the West Bank and Gaza who marry Israeli citizens or residents, including Palestinians in occupied East Jerusalem.³³² Some spouses are able to receive temporary residency, but temporary residents are dependent on their spouse for renewal of their legal status. The Women's Center for Legal Aid and Counselling in a 2022 report found that this can force Palestinian women to either remain trapped in abusive marriages fearing they can lose their residency and custody of their children if they seek divorce or report abuse, or face sanction when they do.³³³

Women's Ability to Obtain a Passport

Women can obtain passports without the consent of their husbands or guardians. In 2017, the Palestinian Authority, which manages affairs in parts of the West Bank, reported to a United Nations treaty body that "A wife or daughter has the right to obtain a passport without the approval of the husband or father."³³⁴

³³⁰ Human Rights Watch, "Submission to the CEDAW Committee of Israel's Periodic Report 68th Session," October 10, 2017, <https://www.hrw.org/news/2017/10/10/human-rights-watch-submission-cedaw-committee-israels-periodic-report-68th-session>; Gisha, "Discrimination by Default – The Gaza closure policy impacts women disproportionately," December 9, 2020, <https://gisha.org/en/discrimination-by-default-the-gaza-closure-policy-impacts-women-disproportionately/> (accessed July 7, 2023).

³³¹ Human Rights Watch, *A Threshold Crossed*, April 27, 2021.

³³² Knesset, Citizenship and Entry into Israel Law (temporary provision) 5763 – 2003, (unofficial translation), reviewed every year until it expired in July 2021 but was reauthorized on March 10, 2022. Human Rights Watch, *A Threshold Crossed*, April 27, 2021.

³³³ Women's Centre for Legal Aid and Counselling, *Israeli Policies and Their Impact on the Family Rights of Women in Jerusalem*, 2022, https://www.wclac.org/Library/231/WCLAC_Published_Report (accessed July 7, 2023).

³³⁴ UN Committee on the Elimination of Discrimination against Women, "Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure, State of Palestine," U.N. Doc. CEDAW/C/PSE/1, May 24, 2017, <https://bit.ly/3ZEE5RN> (accessed July 7, 2023).

After several women's marches in Palestinian cities, the Interior Ministry in 1996 issued a directive removing requirements for adult women to have a husband or guardian's consent to apply for a passport.³³⁵

Women's Travel Abroad

As noted above, the Israeli authorities, for more than 16 years, have blocked most of Gaza's population traveling through the Erez Crossing, the only passenger crossing from Gaza into Israel through which Palestinians can travel to the West Bank and abroad.³³⁶

Women in the West Bank or Gaza are not legally required to obtain male guardian's permission to travel abroad. In 2017, the Palestinian Authority stated that, for women over 18 years old, "there is no legal basis for a man to prevent his wife or daughter from traveling, even if she is traveling without his permission and without a close relative accompanying her."³³⁷

However, in Gaza, Hamas border officials in practice sometimes ask women whether they have male guardian permission to travel abroad.³³⁸ This has become a more common practice in recent years.³³⁹

On February 14, 2021, the Supreme Judicial Council, a body run by Hamas authorities, issued new restrictions with a notice allowing male guardians to restrict unmarried

³³⁵ PA Ministry of Interior, Passports and Nationality Department, General Directive of 12 March 1996; see reference in Lynn Welchman, "Chapter 9: Conclusion: Towards a Palestinian Law of Personal Status?" in *Beyond the Code: Muslim Family Law and the Shari'a Judiciary in the Palestinian West Bank*, (2000). See also Suheir Azzouni, "Palestine (Palestinian Authority and Israeli Occupied Territories)," in *Women's Rights in the Middle East and North Africa 2010: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), <https://bit.ly/3l8FdOo> (accessed July 7, 2023).

³³⁶ "Gaza: Israel's 'Open-Air Prison' at 15," Human Rights Watch news release, June 14, 2022.

³³⁷ UN Committee on the Elimination of Discrimination against Women, "Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure, State of Palestine," U.N. Doc. CEDAW/C/PSE/1, May 24, 2017, para. 316.

³³⁸ Human Rights Watch interview with "Mouna," woman from Gaza, February 10, 2023.

³³⁹ Human Rights Watch email correspondence with a woman's rights activist in Gaza (name withheld), on May 31, 2023.

women's travel.³⁴⁰ The council's notice, issued a week after Egypt had opened its border with Gaza in February 2021, threatened to block some women permitted to leave Gaza.³⁴¹

The notice, which the authorities amended on February 16 following criticism and protests by women, allows a male guardian to apply to prevent an unmarried woman from traveling if they assess the travel will cause "absolute harm."³⁴² She could also be prevented from traveling if her guardian has a pending lawsuit against her, for instance if the guardian has applied for a court-ordered ban. In addition, both parents and the paternal grandfather can also apply for court-ordered travel bans on their adult children and grandchildren, regardless of their gender, if they can show the travel could result in "absolute harm."³⁴³ While this is gender-neutral, it is likely to impact women disproportionately as their movements are more scrutinized by family members.

In September 2021, Palestinian border officials at the Rafah Crossing between Gaza and Egypt blocked Afaf al-Najar, a 19-year-old woman, from leaving Gaza to travel to Turkey where she had a scholarship to pursue a degree in media and communications because her father had applied for a judicial travel ban. Al-Najar said her father, whom she does not live with, claimed in his application that she did not get his permission to travel, but did not show how her leaving could cause "absolute harm." At the initial court hearing on October 3, 2021 for her father's travel ban request, al-Najar said the judge told her she could study for her degree in Gaza, suggesting that he expects her to remain there.³⁴⁴ At

³⁴⁰ State of Palestine, Judicial Authority, Supreme Judicial Council, Office of the Head of Council, Gaza, Notice on Law No. 1 (2021), <https://bit.ly/4o5ol4B> (accessed March 12, 2023). See also Rothna Begum, "Gaza Authorities Issue Travel Restrictions for Unmarried Women," commentary, Human Rights Watch dispatch, February 17, 2021, <https://www.hrw.org/news/2021/02/17/gaza-authorities-issue-travel-restrictions-unmarried-women>.

³⁴¹ "Egypt opens Rafah crossing with Gaza until further notice – sources," Reuters, February 9, 2021, <https://www.reuters.com/article/palestinians-politics-egypt-int-idUSKBN2A91J7> (accessed July 7, 2023).

³⁴² State of Palestine, Judicial Authority, Supreme Judicial Council, Office of the Head of Council, Gaza, Notice on Law No. 1 (2021), art. 4. "Gaza ... Al-Jojo announces the reformulation of the circular regarding the travel ban for some groups," *Shehab News*, February 16, 2021, <https://bit.ly/3fgsZob> (accessed July 7, 2023).

³⁴³ State of Palestine, Judicial Authority, Supreme Judicial Council, Office of the Head of Council, Gaza, Notice on Law No. 1 (2021), art. 3.

³⁴⁴ Human Rights Watch interview with Afaf al-Najar, Gaza, October 11 and October 13, 2021. See also Rothna Begum, "Woman in Gaza Fights Travel Ban Imposed by Her Father," commentary, Human Rights Watch dispatch, November 2, 2021, <https://www.hrw.org/news/2021/11/02/woman-gaza-fights-travel-ban-imposed-her-father>. " Hamas 'guardian' law keeps Gaza woman from studying abroad," Associated Press, November 5, 2021, <https://apnews.com/article/lifestyle-africa-middle-east-travel-europe-caac402591e4c13b496608947d2021f1> (accessed July 7, 2023).

time of writing, Afaf had still not traveled; according to her lawyer, her father withdrew the case on the condition that she does not travel.³⁴⁵

Women's travel abroad with children

Either parent can now apply for their child's passport.³⁴⁶ In March 2018, the Palestinian Authority's Council of Ministers granted women who have official custody of their children, the authority to apply for their children's passports.³⁴⁷ Previously, only fathers or other male guardians could apply for their child's passport, or widowed women granted guardianship by a court.³⁴⁸ However, Hamas authorities in Gaza continue to require male guardians to apply for their child's passport even in cases where a woman has legal custody of her child following divorce.³⁴⁹

In the West Bank, under the 1976 Jordanian Personal Status Law, a woman needs the permission of her child's male guardian, usually the father, to travel abroad with her child under 18 years old.³⁵⁰ In practice, mothers with Palestinian passports and residents of the West Bank do not need written permission from their child's father or another male guardian to travel with their child abroad.³⁵¹ However, a court could remove legal custody of the child from the mother if she travels with their child against the wishes of her child's

³⁴⁵ Human Rights Watch phone interview with lawyer in Gaza (name withheld), April 3, 2023; and Human Rights Watch messaging with Afaf al-Najar, April 2, 2023.

³⁴⁶ Human Rights Watch phone interview with David Aqleh, whose agency helps people organize required documents for IDs and passports for the interior ministry office in Bethlehem, April 4, 2023; Human Rights Watch phone interview with Mawada Sahwel, a lawyer in the West Bank, April 2, 2023.

³⁴⁷ "Video: Hamdallah announces a package of measures for women," Maan News Agency, March 5, 2018, <http://www.maannews.net/Content.aspx?id=941467> (accessed July 7, 2023).

³⁴⁸ "Guardianship: The mother is a danger to her son!" *Ultra Palestine*, December 8, 2016, <https://bit.ly/42ayXGr> (accessed July 7, 2023). UN Committee on the Elimination of Discrimination against Women, "Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure, State of Palestine," U.N. Doc. CEDAW/C/PSE/1, May 24, 2017, para. 316.

³⁴⁹ Human Rights Watch email correspondence with women's rights activist (name withheld) in Gaza, on May 31, 2023.

³⁵⁰ Jordanian Personal Status Law No. 61 of 1976, art. 166. See also Human Rights Watch, Women's Centre for Legal Aid and Counselling, and Equality Now, "Joint Submission to the CEDAW Committee on the State of Palestine, 70th session," June 2018, <https://www.hrw.org/news/2018/06/11/human-rights-watch-womens-centre-legal-aid-and-counselling-and-equality-now-joint>.

³⁵¹ Human Rights Watch phone interview with David Aqleh, whose agency helps people organize required documents for IDs and passports for the interior ministry office in Bethlehem, April 4, 2023; Human Rights Watch email correspondence with Randa Siniora, General Director of the Women's Center for Legal Aid and Counselling (WCLAC), on July 3, 2023.

father, even a verbal disapproval.³⁵² Moreover, Palestinian mothers who hold a permanent Jordanian passport with a national number and yellow card (border crossing card that allows the holder to visit the West Bank to visit family but not to reside there), cannot travel with their child without their child's father's written consent.³⁵³ Fathers can freely travel with their child without showing written consent from their child's mother. Both mothers and fathers can request a travel ban on their children when there is an ongoing dispute in the courts regarding legal custody of their children.³⁵⁴

In Gaza, in practice, government and customs officials previously asked women, but not men, traveling with their children to show that they have permission from their child's father or another male guardian.³⁵⁵ A lawyer noted that since 2021, officials are asking both parents to show they have permission from the other parent before they are allowed to travel with their child.³⁵⁶ However, Gaza's Supreme Judicial Council February 2021 notice, provided that the father has the right to travel with his child without the child's mother's permission where she no longer has "custody" of their child because she remarried, as long as he has obtained permission from the court.³⁵⁷ A woman, on the other hand, is prohibited in all cases from traveling with her child without her child's father's permission.³⁵⁸

Constitutional Freedoms and International Human Rights Obligations

Palestine's Basic Law guarantees citizens the "freedom to choose their residence and travel within Palestine," that no person may be denied the right to travel from Palestine

³⁵² Human Rights Watch email correspondence with Randa Siniora, General Director of the Women's Center for Legal Aid and Counselling (WCLAC), on July 3, 2023.

³⁵³ Ibid.

³⁵⁴ Human Rights Watch email correspondence with Randa Siniora, General Director of the Women's Center for Legal Aid and Counselling (WCLAC), on July 3, 2023.

³⁵⁵ Human Rights Watch phone interview with lawyer in Gaza (name withheld), June 16, 2020.

³⁵⁶ Human Rights Watch phone interview with lawyer in Gaza (name withheld), April 3, 2023.

³⁵⁷ State of Palestine, Judicial Authority, Supreme Judicial Council, Office of the Head of Council, Gaza, Notice on Law No. 1 (2021).

³⁵⁸ Palestinian Centre for Human Rights, "The Supreme Judicial Council Circular regarding the Travel Ban is a Grave Mistake that Must be Reversed," February 16, 2021, <https://bit.ly/3xd9rSP> (accessed July 7, 2023).

except by a judicial order issued in accordance with the law, and that “Palestinians are equal before the law ...without distinction or discrimination based upon ... sex...”³⁵⁹

Palestine is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, International Covenant on Civil and Political Rights and the Arab Charter on Human Rights which obligate states to ensure freedom of movement and nondiscrimination.³⁶⁰

³⁵⁹ Permanent Constitution of the State of Palestine, <https://www.palestinianbasiclaw.org/basic-law/2003-permanent-constitution-draft> (accessed July 7, 2023), arts. 19 and 31.

³⁶⁰ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified by Palestine on April 2, 2014; International Covenant on Civil and Political Rights (ICCPR), ratified by Palestine on April 2, 2014; League of Arab States, Arab Charter for Human Rights, adopted May 22, 2004, ratified by Palestine on November 28, 2007.

Qatar

Women's Mobility within the Country

Qatar's Family Law requires a wife to be obedient to her husband, and she can be deemed disobedient and lose her right to spousal maintenance (*nafaqa*) from her husband if she, "without a legitimate reason," refuses to move to the marital home, leaves her marital home, prevents her husband from entering into the marital home, or refuses to travel with her husband when moving to another dwelling.³⁶¹ She can also be deemed disobedient if she travels or works outside the home without her husband's permission, unless her husband is being abusive in preventing her from working.³⁶²

In 2021 and 2022, women told Human Rights Watch that they or their female relatives were forced to return home or forcibly admitted to a psychiatric hospital after the authorities refused to support their wishes to live independently from their abusive families.³⁶³ Families can and do report women to the police for "absence" if they leave the home to reside elsewhere.³⁶⁴ While there is no official charge for "absence," authorities use the 2002 Community Protection Law, which allows for provisional detention without charge or trial for up to six months, if there are "reasons to believe" that they may have committed a crime including "violating public morality."³⁶⁵

On January 1, 2020, the General Department on Traffic issued a decision ending the requirement that women must have guardian permission to obtain driving licenses.³⁶⁶ Until then, women needed guardian permission in order to obtain a provisional driving license, enroll in a driving school, or convert a Gulf Cooperation Council (GCC) or other

³⁶¹ Law No. 22 of 2006 promulgating the Family Law, June 29, 2006, <https://bit.ly/3AJBiws> (accessed August 24, 2022), arts. 58 and 69. Women can also lose their right to spousal maintenance if they refuse without a legitimate reason to have sex with their husbands.

³⁶² Family Law, art. 69.

³⁶³ Human Rights Watch interviews with "Alanoud," on September 18, 2021 and December 27, 2021, "Hanan," on October 14, 2021, "Nadine," on October 18, 2021, and "Asma," April 13, 2022.

³⁶⁴ Human Rights Watch interviews with "Alanoud," on September 18, 2021 and "Asma," April 13, 2022.

³⁶⁵ Law No. 17 of 2002 concerning Community Protection, issued February 7, 2002, as amended by Law No. 2 of 2018, <https://bit.ly/3wskVBN> (accessed August 24, 2022), art. 1.

³⁶⁶ "Cancellation of Condition of Male Guardian Permission to Grant Driving Licenses," *al-Raya*, January 2, 2020, <https://bit.ly/35EYfRV> (accessed August 24, 2022)

international licenses to a Qatari license.³⁶⁷ However, male guardian permission is still required for children under 18 to obtain a provisional license, meaning women do not have the same ability to support their children to get a license as men.³⁶⁸ Moreover, male guardians can still block a woman from obtaining her provisional license after age 18.³⁶⁹

Women reported restrictions at the state's sex-segregated Qatar University including that they needed guardian permission to enter or leave with a taxi or a car not registered by their family with the university, to reside in student accommodation, and to take field trips as part of their studies.³⁷⁰ The government however, stated in writing to Human Rights Watch in 2021 that guardian approval is not required for educational field trips that are part of academic programs.³⁷¹

While no law requires women to have guardian permission to work, it also does not prohibit discrimination against women in the recruitment process. Qatari women said they needed male guardian permission to work in government schools, most government ministries and some governmental or quasi-governmental institutions.³⁷²

Some hotels also prohibit unmarried Qatari women under 30 years old to rent a hotel room without a male guardian, and Qatari women are prohibited from attending some events and entering spaces including events, concerts, or bars, that serve alcohol. These appear to be Interior Ministry rules, but the legal basis of such rules is unclear. Single Qatari women can also face discrimination in practice when attempting to rent an apartment. Unlike Qatari men, Qatari women also need to prove they are divorced or widowed to register for their entitlement as citizens to free water and electricity with Qatar's state company on water and electricity.³⁷³

³⁶⁷ Human Rights Watch, “*Everything I Have to Do is Tied to a Man*”: Women and Qatar’s Male Guardianship Rules, March 2021, <https://www.hrw.org/report/2021/03/29/everything-i-have-do-tied-man/women-and-qatars-male-guardianship-rules>.

³⁶⁸ See for instance “Primary Guidelines,” Gulf Driving School, undated, <https://bit.ly/3dTvPKD> (accessed August 24, 2022).

³⁶⁹ Human Rights Watch, “*Everything I Have to Do is Tied to a Man*”, March 2021.

³⁷⁰ Ibid.

³⁷¹ Compiled written response provided by the Qatari government to Human Rights Watch on March 1, 2021.

³⁷² Human Rights Watch, “*Everything I Have to Do is Tied to a Man*”, March 2021.

³⁷³ Ibid.

Women's Ability to Obtain a Passport

Women are not legally required to obtain guardian permission in order to obtain a passport. In 2007, Qatar amended article 15 in its 1993 Passports Law removing language that had required married women to have their husbands' permission to obtain a passport.³⁷⁴ However, Human Rights Watch in its 2021 report found that while many women had no problems renewing their passports, a few said officials initially still asked them to show guardian permission.³⁷⁵

Women's Travel Abroad

Interior Ministry rules require unmarried Qatari women under 25 years old to obtain an exit permit from their male guardian to travel abroad.³⁷⁶ Men, on the other hand, can travel freely once they reach 18 regardless of marital status. In 2020, after two women under 25 fled Qatar in late 2019 and went public about their escape, some women, including women over 25, told Human Rights Watch that airport passport control officials required them to call their male guardians to confirm they had approval to travel. Airport officials gave inconsistent statements to the women as to current requirements.³⁷⁷

Since 2017, male guardians can approve or cancel an exit permit for their children and unmarried women under 25 using an online portal (Hukoomi) or a mobile app (Metrash2). Permits are valid for up to one year and then subject to renewal. While the introduction of the apps may have been designed to make providing such permission easier, it also means guardians can just as easily cancel such permission. Moreover, women themselves cannot check if they have an approved or expired exit permit.³⁷⁸

Although married women do not need to obtain permission to go abroad, their husbands can block their travel, regardless of age, by applying for court-ordered travel bans.³⁷⁹ Under

³⁷⁴ Decree-Law No. 14 of 1993 regarding Passports, as amended by Law No. 5 of 2007, art. 15 <https://bit.ly/3PMcmsx> (accessed August 24, 2022).

³⁷⁵ Human Rights Watch, *"Everything I Have to Do is Tied to a Man"*, March 2021.

³⁷⁶ Ministry of Interior website, Airport Security Department, "Exit Permit to the Qataris," undated, <https://bit.ly/428XIYi> (accessed May 1, 2023).

³⁷⁷ Human Rights Watch, *"Everything I Have to Do is Tied to a Man"*, March 2021.

³⁷⁸ Ibid.

³⁷⁹ Ministry of Interior website, Airport Security Department, "Exit Permit to the Qataris."

Qatar's Family Law, a wife can also be deemed disobedient, and thus lose her right to spousal maintenance, if she travels without her husband's permission.³⁸⁰ Women at any age, including non-Qatari women, can also face travel bans through court orders obtained by other male guardians like their fathers. Authorities do not inform women when they have travel bans imposed on them or their children.³⁸¹

Women indirectly need male guardian permission to obtain a government scholarship to study abroad or in Qatar as per Qatar's Scholarships Law.³⁸² Many women reported that their male guardians had prohibited them from studying abroad or at mixed-gender universities in Qatar, limiting what they could study and their future careers.³⁸³

Women's Travel Abroad with Children

The passports law requires children under 18 years old to obtain a guardian's consent to get a passport.³⁸⁴ The government has stated that children under age 18 can be granted individual passports with the approval of a guardian "which can be either a man or a woman" and that "a woman may apply for the personal identification of her children without any additional approval required."³⁸⁵ However, women reported to Human Rights Watch that they struggled to obtain passports for their children, as only their child's male guardian, which is the father or if he has died then the paternal grandfather, is authorized to do so.³⁸⁶ Women are not allowed to act as guardians of their children, regardless of whether they are married to their child's father, divorced, or widowed.

Qatar's Family Law provides that a male guardian (e.g. the father) can keep a child's

³⁸⁰ Family Law, art. 69.

³⁸¹ Human Rights Watch, *"Everything I Have to Do is Tied to a Man"*, March 2021.

³⁸² Law No. 19 of 1976 Organizing Scholarships (hereafter Scholarships Law), November 22, 1976, <https://almeezan.qa/LawView.aspx?opt&LawID=2662&language=en> (accessed July 6, 2023), as amended by Law No. 10 of 1985, art. 14(1) provides that "The Ministry shall secure the commitment of the guardians or sponsors of scholarship grantees to refund all expenses and salaries paid to such grantees as set forth in Articles 17 and 20 of this Law in case of a breach of the terms and conditions prescribed in Articles 9, 11, 19 and 21 of this Law."

³⁸³ Human Rights Watch, *"Everything I Have to Do is Tied to a Man"*, March 2021.

³⁸⁴ Decree-Law No. 14 of 1993 regarding Passports, as amended by Law No. 5 of 2007, art. 15.

³⁸⁵ Compiled written response provided by the Qatari government to Human Rights Watch on March 1, 2021.

³⁸⁶ Human Rights Watch, *"Everything I Have to Do is Tied to a Man"*, March 2021.

passport.³⁸⁷ A mother can travel with her child and can appeal to a judge if the guardian prevents her from traveling with her child.³⁸⁸ But in practice, women are not allowed to travel abroad with their own children without the permission of the children's father, a requirement not imposed on men. This is regardless of whether they are married or divorced and have court-ordered custody over their child. The child's male guardian must either accompany them or grant an exit permit for the child.³⁸⁹

Qatar's Family Law provides that fathers can apply to the courts to intervene and stop the travel of foreign national women who have custody of their child if they suspect they will not return.³⁹⁰ In practice, Qatari women have also reported that their ex-husbands have requested travel bans on their children as a form of harassment. Qatari women described how they have to obtain several separate court orders to travel with their children: a court order for an exit permit for their child; a court order to require their ex-husband to give them their child's passport for when they travel; and a court order to lift the travel ban imposed on their child.³⁹¹

Constitutional Freedoms and International Human Rights Obligations

Qatar's 2004 constitution provides for equality before the law for all persons and that "there shall be no discrimination whatsoever on grounds of sex..." as well as "Personal freedom shall be guaranteed and ... neither may his freedom of residence and mobility be restricted save under the provisions of the law."³⁹²

Qatar is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights which obligate states to ensure freedom of movement and nondiscrimination.³⁹³

³⁸⁷ Family Law, art. 176.

³⁸⁸ Family Law, art. 185.

³⁸⁹ Human Rights Watch, *"Everything I Have to Do is Tied to a Man"*, March 2021.

³⁹⁰ Family Law, art. 185.

³⁹¹ Human Rights Watch, *"Everything I Have to Do is Tied to a Man"*, March 2021.

³⁹² See Permanent Constitution of the State of Qatar, <https://bit.ly/3R3fCRi> (accessed July 23, 2022), arts. 35 and 36.

³⁹³ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified by Qatar in 2009; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A.; League of Arab States, Arab Charter for Human Rights, ratified by Qatar on January 11, 2009.

Saudi Arabia

Women's Mobility within the Country

Women in Saudi Arabia face severe barriers to their mobility, often related to male guardianship requirements.³⁹⁴ In recent years, following years of campaigning by women's rights activists, the authorities have made some changes relating to women's freedom of movement. However, they also arrested the very activists who demanded such reforms.³⁹⁵

In August 2019, the government amended article 30 in the Civil Status Law to remove language that had required women to live with their husbands.³⁹⁶ However, in practice, a husband can file a complaint in court against his wife for disobedience for leaving the home, and as a result, a woman may be denied spousal maintenance (*nafaqa*) until she returns to the marital home.³⁹⁷ This practice is now codified under the new Personal Status Law, issued in March 2022, which requires women to obey their husbands in a "reasonable manner."³⁹⁸ Women can lose their right to spousal maintenance from their husband if they refuse, "without a legitimate excuse," to move to the marital home he provides or stay overnight there, or to travel with him.³⁹⁹ Legal custody of a child can also

³⁹⁴ See Human Rights Watch, *Boxed In: Women and Saudi Arabia's Male Guardianship System*, July 2016, <https://www.hrw.org/report/2016/07/16/boxed/women-and-saudi-arabias-male-guardianship-system>.

³⁹⁵ Women's rights defenders including Loujain al-Hathloul, Nassimah al-Sadah, and Samar Badawi remain banned from travel and under suspended prison sentences, allowing the authorities to return them to prison for any perceived criminal activity. "Saudi Arabia: Repression Rages on Despite Releases," Human Rights Watch news release, May 23, 2021, <https://www.hrw.org/news/2021/05/23/saudi-arabia-repression-rages-despite-releases>; Rothna Begum (Human Rights Watch), "For Saudi Women, Freedom to Drive Masks New Crackdown," commentary, *USA Today*, June 22, 2018, <https://www.hrw.org/news/2018/06/22/saudi-women-freedom-drive-masks-new-crackdown>.

³⁹⁶ Royal Decree M/7 on the Civil Status Law dated 20/4/1407 AH (December 21, 1986), as amended by Royal Decree M/134 dated 11/27/1440 AH (July 30, 2019), <https://perma.cc/9PHW-EG7D> (accessed August 6, 2019) and <https://bit.ly/3CrBYb2> (accessed August 24, 2022), art. 30.

³⁹⁷ See Musawah, "Thematic Report on Muslim Family Law and Muslim Women's Rights in Saudi Arabia," February 2018, <https://bit.ly/4oKhkLH> (accessed July 7, 2023); and Human Rights Watch, *Boxed In*, July 2016.

³⁹⁸ Personal Status Law, issued following Council of Ministers Resolution No. (429) dated 5/8/1443 AH (March 8, 2022), Royal Decree (M/73) dated 6/8/1443 AH (March 9, 2022), <https://bit.ly/3AHaVam> (accessed August 24, 2022), art. 42. See also Human Rights Watch, "Saudi Arabia: Law Enshrines Male Guardianship," March 8, 2023, <https://www.hrw.org/news/2023/03/08/saudi-arabia-law-enshrines-male-guardianship>.

³⁹⁹ Women can also lose their right to spousal maintenance if they refuse "without a legitimate excuse" to have sex with their husbands, see Personal Status Law, art. 55. Art. 45 provides that maintenance includes food, clothing, housing, and other basic needs according to custom and relevant statutory provisions.

be removed from a woman who leaves the marital home, if it is deemed that the child's "best interest" necessitates it.⁴⁰⁰

Women can be reported for "absence" from the home and can face legal claims of disobedience by their parents, guardians or their husband which have previously resulted in arrest and forcible return to their homes, or imprisonment.⁴⁰¹ Women attempting to flee abuse at home, or to report such abuse have faced months of detention under disobedience charges.⁴⁰² The 2013 civil procedures law, required the immediate enforcement of court decisions to send a woman to her *mahram* (husband or a male relative she cannot marry).⁴⁰³ In June 2021, the Saudi authorities amended the law to remove this language which suggests that police are no longer required to arrest and return women to a male relative as part of court judgement on disobedience cases.⁴⁰⁴ However, courts can still rule that women can lose their right to spousal maintenance if they refuse to return to their marital home.⁴⁰⁵ As of writing, Human Rights Watch is not aware of any accompanying guidance issued to the police and other law enforcement agencies, suggesting women may still face arrests and forcible return home to their families.

Detained or imprisoned women, including women who fled abusive families or deemed disobedient, are forced to remain in prison or in shelters, even after completing prison sentences, until they reconcile with their families or obtain a new guardian, occasionally only after arranged marriages.⁴⁰⁶

⁴⁰⁰ Personal Status Law, art. 133.

⁴⁰¹ See Human Rights Watch, *Boxed In*, July 2016; "[Cases of] Runaway and Independent Women Settled Legally," *Okaz*, February 19, 2021, <https://bit.ly/427UjDO> (accessed April 28, 2023).

⁴⁰² See Adam Coogle, "How was Saudi Arabia Voted onto a UN Women's Panel?," commentary, Human Rights Watch dispatch, April 28, 2017, <https://www.hrw.org/news/2017/04/28/how-was-saudi-arabia-voted-un-womens-panel>; and "Saudi Arabia: Where Fathers Rule and Courts Oblige," Human Rights Watch news release, October 18, 2010, <https://www.hrw.org/news/2010/10/18/saudi-arabia-where-fathers-rule-and-courts-oblige>.

⁴⁰³ Law on Legal (Civil) Procedures, Royal Decree No. (M/1), dated 22/1/1435 AH (November 25, 2013), <https://bit.ly/3dUJxg3> (accessed August 24, 2022), art. 169(b).

⁴⁰⁴ Royal Decree No. (M/92) dated 10/22/1442 AH (June 3, 2021) article 1 amending article 169(b) of the Law on Legal (Civil) Procedures, <https://bit.ly/2Wiow6k> (accessed August 24, 2022).

⁴⁰⁵ Personal Status Law, art. 55.

⁴⁰⁶ Human Rights Watch, *Boxed In*, July 2016; "Where the abused are abused: Welcome to Saudi Arabia's shelters for women and girls," *Middle East Eye*, May 3, 2022, <https://www.middleeasteye.net/big-story/saudi-arabia-women-girls-shelters->

In October 2022, Saudi Arabian authorities announced that women coming to Saudi Arabia who wish to perform the Hajj or Umrah (Muslim religious pilgrimages), are no longer required to be accompanied by a mahram, or male guardian.⁴⁰⁷ Since 2008, Saudi authorities have allowed women to book and stay in hotels alone without a male guardian provided they show an ID.⁴⁰⁸

Women also face restrictions at some universities and while trying to rent apartments. Non-Saudi women students on a scholarship are required to have a mahram accompany them for their studies in Saudi Arabia.⁴⁰⁹ Female students living in university dormitories may be prohibited by school authorities from leaving campus even in cases of illness, except with a legal guardian.⁴¹⁰ In 2018, Taif University reported that it will no longer require female students to obtain parental consent when exiting campus, following a 2017 royal decree which ordered government agencies not to require women to obtain the consent of a guardian when providing services to them “unless there is a legal basis for this request.”⁴¹¹ In 2016, Saudi women also told Human Rights Watch that landlords generally prefer contracting with men and it is difficult for women to buy or rent property without a male relative.⁴¹² There is no anti-discrimination law to combat such discrimination in practice.

where-abused (accessed July 7, 2023); ALQST, “Shrouded in Secrecy: Prisons and Detention Centres in Saudi Arabia,” July 2021, <https://www.alqst.org/uploads/Shrouded-in-Secrecy-En.pdf> (accessed July 7, 2023).

⁴⁰⁷ “Male guardians are no longer required to accompany female pilgrims during Hajj, Umrah,” *Arab News*, October 11, 2022, <https://www.arabnews.com/node/2179356/saudi-arabia> (accessed July 7, 2023).

⁴⁰⁸ “Saudi Arabia eases rules for women in hotels,” Reuters, January 21, 2008, <https://www.reuters.com/article/us-saudi-women-hotels-idUSL2150788620080121> (accessed July 7, 2023). This was confirmed again in 2019 along with new rules allowing foreign national couples to stay at hotels without needing to show they are married, see “Saudi Arabia: Unmarried foreign couples can now rent hotel rooms,” BBC, October 5, 2019, <https://www.bbc.co.uk/news/world-middle-east-49947515> (accessed July 7, 2023).

⁴⁰⁹ Ministry of Education, “Scholarships in Public Universities,” <https://bit.ly/3nTAvFA> (accessed May 12, 2023).

⁴¹⁰ See Human Rights Watch, *Boxed In*, July 2016. See also Fatima Al-Dubais and Ziyad Al-Fifi, “Harsh regulations irk female students in university dorms,” *Okaz/Saudi Gazette*, February 6, 2018, <https://bit.ly/3ccCKOE> (accessed August 24, 2022).

⁴¹¹ See “Female students at Saudi university ‘do not need parental consent when exiting campus,’” *Arab News*, February 3, 2018, <https://www.arabnews.com/node/1238471/saudi-arabia> (accessed July 7, 2023); “Saudi Arabia: ‘Unofficial’ Guardianship Rules Banned,” Human Rights Watch news release, May 9, 2017, <https://www.hrw.org/news/2017/05/09/saudi-arabia-unofficial-guardianship-rules-banned>.

⁴¹² See Human Rights Watch, *Boxed In*, July 2016.

Since June 2018, women have been allowed to drive.⁴¹³ Only individuals under 18 need to show their guardians' written permission when applying for temporary driving licenses.⁴¹⁴ In recent years, Saudi authorities have eased up on strict gender exclusion and segregation rules including allowing women to attend sports stadiums to watch events and ending gender segregation in council offices which had hindered female councilors ability to work.⁴¹⁵

Women's Ability to Obtain a Passport

Since 2019, Saudi women aged 21 years and older, like men, can obtain passports without male guardian permission. Previously, Interior Ministry regulations required all Saudi women to have male guardian permission to obtain their passports. The government's electronic portal required a male guardian to make the application for or renewal of a woman's passport.⁴¹⁶

In July 2019, the Saudi authorities amended the Travel Documents Law to permit "anyone holding Saudi nationality" to obtain a Saudi passport and eliminated article 3 that had allowed men to include their wives and unmarried daughters on their passports.⁴¹⁷ By making the references to obtaining a passport gender-neutral, it effectively removed discriminatory restrictions on women. Moreover, in August 2019, the interior minister issued amendments to the implementing regulations of the Travel Documents Law that previously required male guardian permission for women and girls of any age and for men

⁴¹³ Rothna Begum (Human Rights Watch), "For Saudi Women, Freedom to Drive Masks New Crackdown," commentary, *USA Today*, June 22, 2018; and Rothna Begum (Human Rights Watch), "The Brave Female Activists Who Fought to Lift Saudi Arabia's Driving Ban," commentary, *News Deeply*, September 29, 2017, <https://www.hrw.org/news/2017/09/29/brave-female-activists-who-fought-lift-saudi-arabias-driving-ban>.

⁴¹⁴ Ministry of Interior, "Temporary Driving Permission," <https://bit.ly/3dUTryf> (accessed August 24, 2022) and see also Saudi Driving School, "Driver's License Types," <https://bit.ly/3ApfIBm> (accessed August 25, 2022).

⁴¹⁵ "Saudi Arabia stadiums welcome female football fans for first time," *Arab News*, January 12, 2018, <https://www.arabnews.com/node/1224436/saudi-arabia> (accessed July 7, 2023); "No gender segregation at Saudi municipal council meetings," *Arab News*, October 22, 2019, <https://www.arabnews.com/node/1572911/saudi-arabia> (accessed July 7, 2023); "Tearing down the wall: Saudi restaurants adjust to the abolition of gender segregation," *Arab News*, January 28, 2020, <https://www.arabnews.com/node/1619161/saudi-arabia> (accessed July 7, 2023).

⁴¹⁶ See Human Rights Watch, *Boxed In*, July 2016.

⁴¹⁷ Law on Travel Documents, Royal Decree M/24 dated 28/5/1421 AH (August 28, 2000), as amended by Royal Decree M/134 dated 11/27/1440 AH (July 30, 2019), <https://perma.cc/9PHW-EG7D> (accessed August 25, 2022) and <https://perma.cc/9XWW-HEA7> (accessed August 25, 2022), arts. 2 and 3.

and boys under age 21 to obtain a passport.⁴¹⁸ Now, only those under 21, both male and female, are required to have permission from one of their parents for a passport.⁴¹⁹ In practice, women under 21, in comparison to men under 21, may be more likely to face situations in which their parents deny permission for a passport.

Women's Travel Abroad

Previously women of all ages needed permission from their male guardian to travel abroad.⁴²⁰ The Saudi authorities have also been involved in forcibly returning, or attempting to forcibly return, women who had managed to flee the country without permission from their male guardians.⁴²¹

In August 2019, Saudi authorities began allowing women over age 21 to travel abroad freely without permission from their male guardian.⁴²² They deleted article 28 in the implementing regulations of the Travel Documents Law, which had stated that Saudi women's travel abroad must be in accordance with "applicable instructions."⁴²³ This article formed the legal basis for requiring a male guardian's permission for a woman to travel abroad, including those over 21. However, the new regulations do not positively affirm the right to travel abroad without discrimination on the grounds of sex or gender.

⁴¹⁸ "Details of the amendments to the executive regulations of the travel documents law in Saudi Arabia," *Mubasher*, October 20, 2019, <https://bit.ly/3me3ujU> (accessed July 7, 2023). Executive Regulations of the Travel Documents Law, issued by Ministerial Resolution No. 7/G dated 9/23/1422 AH (December 8, 2001), amended by Ministerial Resolution No. (9336) dated 7/12/1440 AH (August 8, 2019) and Resolution No. (862) dated 25/1/1441 AH September 24, 2019, <https://bit.ly/3NZumSY> (accessed May 12, 2023), arts. 6 and 10 deleted.

⁴¹⁹ Executive Regulations of the Travel Documents Law, art. 5. "Saudi Arabia: Important Advances for Saudi Women," Human Rights Watch news release, August 2, 2021, <https://www.hrw.org/news/2019/08/02/saudi-arabia-important-advances-saudi-women>; "Saudi Arabia: Travel Restrictions on Women Lifted – Other Discriminatory Guardianship Rules Remain," Human Rights Watch news release, August 22, 2019, <https://www.hrw.org/news/2019/08/22/saudi-arabia-travel-restrictions-saudi-women-lifted>.

⁴²⁰ Human Rights Watch, *Boxed In*, 2016.

⁴²¹ "Fleeing Woman Returned to Saudi Arabia Against Her Will," Human Rights Watch news release, April 14, 2017, <https://www.hrw.org/news/2017/04/14/fleeing-woman-returned-saudi-arabia-against-her-will>; "Turkey: Saudi Sisters at Risk of Forced Return," Human Rights Watch news release, December 15, 2017, <https://www.hrw.org/news/2017/12/15/turkey-saudi-sisters-risk-forced-return>; Sunai Phasuk, "Saudi Woman Had Courage, Perseverance and Global Support," commentary, Human Rights Watch dispatch, January 12, 2019, <https://www.hrw.org/news/2019/01/12/saudi-woman-had-courage-perseverance-and-global-support>.

⁴²² "Saudi Arabia: Travel Restrictions on Women Lifted – Other Discriminatory Guardianship Rules Remain," Human Rights Watch news release, August 22, 2019.

⁴²³ "Details of the amendments to the executive regulations of the travel documents law in Saudi Arabia," *Mubasher*, October 20, 2019.

The amendments to the Travel Documents Law regulations also require adults aged 18-21 years old to obtain consent from one of their parents for travel abroad with exceptions for those who are married, have a government scholarship to study abroad, or are employees participating in official trips abroad.⁴²⁴ However, in practice, women under 21 may be more likely to be denied travel permission by their guardians than men under 21. Guardians can provide or cancel permission for their dependents' travel until the expiry of the dependents' passport using an online or mobile portal "Absher," and can view a travel log of all the trips that their dependents make, showing destination countries and dates of travel.⁴²⁵

The Ministry of Education requires that a woman's male guardian sign a form consenting to allow her to study outside the country. The ministry also requires that a mahram accompany a woman for the duration of her studies.⁴²⁶ In practice, many Saudi cultural attaché missions abroad do not enforce the mahram requirement, but some do.⁴²⁷

Women's Travel Abroad with Children

Until 2019, only fathers or male guardians could provide permission for their children to obtain passports or travel abroad or accompany their children for travel abroad.⁴²⁸ The 2019 changes to the travel documents law and regulations allows either parent to give permission for their children aged 18-21 years old to obtain a passport, and for children under 18, either parent can apply for their child's passport except if the other parent has stipulated that they need their permission to do so.⁴²⁹ Either parent can also provide permission for their child under 18 to travel except if the other parent has stipulated that they need their permission to do so.⁴³⁰ It also provided men and women who have primary custody of their children the right to apply for passports and to travel with or provide travel

⁴²⁴ Executive Regulations of the Travel Documents Law, as amended in 2019, art. 29.

⁴²⁵ See Absher KSA, "Service Guide, 2021," March 2021, <https://bit.ly/3n8c9HY> (accessed April 28, 2023), p. 20. "Saudi Arabia: Mobile App Keeps Women at Home," Human Rights Watch news release, May 6, 2019, <https://www.hrw.org/news/2019/05/06/saudi-arabia-mobile-app-keeps-women-home>.

⁴²⁶ See Human Rights Watch, *Boxed In*, July 2016.

⁴²⁷ Human Rights Watch email correspondence with Hala Al-Dosari, Saudi women's rights activist, writer and scholar, June 28, 2023.

⁴²⁸ Human Rights Watch, *Boxed In*, July 2016.

⁴²⁹ Executive Regulations of the Travel Documents Law, as amended in 2019, art.5.

⁴³⁰ Executive Regulations of the Travel Documents Law, as amended in 2019, art.8.

permission for their children.⁴³¹ Authorities can also impose a travel ban, if there is an ongoing legal case in court, on the spouse or child, to prevent them from leaving the country.⁴³²

Constitutional Freedoms and International Human Rights Obligations

Saudi Arabia's Basic Law provides that the "Governance in the Kingdom of Saudi Arabia is based on justice, *shura* (consultation) and equality according to Islamic Sharia."⁴³³ There is no constitutional guarantee of freedom of mobility or to enter and leave the country or clear prohibition on discrimination on the grounds of sex or gender.

Saudi Arabia is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women and the Arab Charter on Human Rights, which obligates states to ensure freedom of movement and nondiscrimination.⁴³⁴

⁴³¹ Executive Regulations of the Travel Documents Law, as amended in 2019, art.7. See also "Saudi Arabia: Important Advances for Saudi Women," Human Rights Watch news release, August 2, 2021; "Saudi Arabia: Travel Restrictions on Women Lifted – Other Discriminatory Guardianship Rules Remain," Human Rights Watch news release, August 22, 2019.

⁴³² UK Foreign Commonwealth and Development Office, "Guidance Information on child abduction in Saudi Arabia," updated April 28, 2021, <https://bit.ly/3pH3QAK> (accessed August 24, 2022).

⁴³³ Basic Law of Saudi Arabia, <https://bit.ly/3Amjoyr> (accessed August 24, 2022), art. 8.

⁴³⁴ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Saudi Arabia on September 7, 2000; League of Arab States, Arab Charter for Human Rights, ratified by Saudi Arabia on April 15, 2009.

Syria

Women's Mobility within the Country

In 2019, the authorities twice amended the 1953 Personal Status Law removing the language around a woman's "disobedience," but the law still punishes women for some acts of disobedience relating to their mobility.⁴³⁵ A woman can lose her right to spousal maintenance (*nafaqa*) from her husband if she refuses to live with her husband in the marital home "without a legitimate excuse" or if she works outside the marital home without her husband's permission.⁴³⁶ Women can add conditions into the marriage contract including to protect her right to work or travel.⁴³⁷

The law also provides that a judge can allow a mother who has custody to move with her child to another city, where she resides or to work, within the country if it is in her child's interests.⁴³⁸

⁴³⁵ Law No. 4 of 2019 amending some articles of the Personal Status Law, Law No. 59 of 1953, and its amendments, <https://bit.ly/44uDHbp> (accessed May 1, 2023). Law No. 4 of 2019 amended articles 74 and 75 of the 1953 Personal Status Law to now state that a woman in her waiting period following dissolution of the marriage can live in the marital home during this time but can only receive spousal maintenance if she is pregnant. The articles previously referred to "the woman who disobeys is not entitled to financial maintenance for the duration of her defiance" and the disobedient woman is the one who leaves the marital home without a legitimate justification or prevents her husband from entering her home before she requests a transfer to another house. See Law No. 59 of 1953 on Personal Status, <https://bit.ly/3HoVHK8> (accessed April 6, 2021).

⁴³⁶ Personal Status Law, amended by Law No. 4 in 2019, article 71 provides that spousal maintenance includes food, clothing, housing, medical treatment to the extent known and a domestic worker for the wife like others. Article 73 had provided that a woman loses her right to spousal maintenance from her husband if she, without any legal justification, refuses to have sexual relations with him, move into the marital home or "abandons" it, prevents her husband from entering the marital home, refuses to travel with her husband, or if she works outside the home without her husband's permission unless she has stipulated it in the marriage contract. Law No. 20 of 2019 amended article 73 again this time providing that a woman loses her right to spousal maintenance in one of two cases: "1- If she refuses to live with her husband in the marital home without a legitimate excuse. 2- If she works outside the marital home without her husband's permission." See Law No. 20 of 2019 amending some articles of the Personal Status Law, Law No. 59 of 1953, issued June 27, 2019, <https://bit.ly/3wuhnzf> (accessed August 25, 2022).

⁴³⁷ Personal Status Law, amended by Law No. 4 in 2019, art. 14.

⁴³⁸ Personal Status Law, amended by Law No. 4 of 2019, art. 150(3).

Christian, Jewish, and Druze communities have their own religious personal status laws. However, they too discriminate against married women relating to their freedom of movement.⁴³⁹

Since the armed conflict began in 2011, in parts of Syria under control by some armed groups women have faced severe restrictions on their freedom of movement.⁴⁴⁰ In some parts of Idlib for instance, Hay'at Tahrir al-Sham (HTS) has required women and girls to be accompanied by a male guardian when outside the home and issued edicts requiring all widows in their territory to move in with a *mahram* (a male relative they cannot marry) to serve as a guardian.⁴⁴¹ Some women have defied such rules in these areas by driving unaccompanied and responded to HTS guards at checkpoints that they have no mahram.⁴⁴²

World Vision in its 2022 report found that camp managers heavily restricted the movement of women in the vast majority of so-called 'widow' camps—home to internally-displaced single Syrian women who are divorced, widowed, or whose husbands are missing, along with their children—in north-west Syria, in contrast to other displaced women in general internally displaced camps. They found the movement restrictions severely affected women's ability to find employment, maintain social networks outside the camps, or access the services they need.⁴⁴³

Several organizations have reported that in all Syrian governorates, women's freedom of movement has also been restricted by relatives, the wider community, or self-imposed because of the perceived risk of sexual violence and because of the social taboo on

⁴³⁹ Syrians for Truth and Justice, "Christian Women's Status in Syrian Law," March 21, 2023, <https://stj-sy.org/en/christian-womens-status-in-syrian-law/> (accessed July 6, 2023); Daad Mousa, "Syrian Personal Status Laws," Friedrich-Ebert-Stiftung, December 2018, <https://library.fes.de/pdf-files/bueros/beirut/14969.pdf> (accessed July 6, 2023). Human Rights Watch confirmed this information with Fadia Al-Qabaq, a Syrian lawyer, May 9, 2023.

⁴⁴⁰ See, "Syria: Extremists Restricting Women's Rights," Human Rights Watch news release, January 13, 2014, <https://www.hrw.org/news/2014/01/13/syria-extremists-restricting-womens-rights>.

⁴⁴¹ European Asylum Support Office, "Syria – Situation of Women," February 2020, <https://bit.ly/3NraPug> (accessed July 6, 2023), p. 46; and Madeline Edwards and Mohammad Abdulssattar Ibrahim, "Widows in Syria's Idlib told to move in with male guardian," Middle East Eye, December 15, 2017, <https://www.middleeasteye.net/news/widows-syrias-idlib-told-move-male-guardian> (accessed July 6, 2023).

⁴⁴² Hadia Mansour, "Women drivers in Idlib defy society-based 'mahram' law," *Enab Baladi*, November 28, 2021, <https://english.enabbaladi.net/archives/2021/11/women-drivers-in-idlib-defy-society-based-mahram-law/> (accessed July 6, 2023).

⁴⁴³ World Vision, "The Women and Children of Syria's Widow Camps," April 2022, <https://bit.ly/3HquRRX> (accessed July 6, 2023).

women traveling alone.⁴⁴⁴ However, at the same time the number of female-headed households and women required to provide for their families have also increased, and many women are leading critical and innovative civil initiatives.⁴⁴⁵

Women's Ability to Obtain a Passport

Legally, women can obtain passports without permission from their husbands or other male guardian.⁴⁴⁶

Women's Travel Abroad

Legally, women do not need permission from a male guardian before they travel abroad. However, individuals can request a travel ban from a court if they have an ongoing case against another person, as such a man may take legal action to prevent his wife from leaving the country, regardless of her nationality.⁴⁴⁷

Under the Personal Status Law, however, a married woman must travel with her husband unless she stipulates in her marriage contract that she does not wish to travel with him.⁴⁴⁸ The penalty is unclear, as in June 2019 the authorities removed language that a woman can lose her right to spousal maintenance if she refuses to travel with her husband.⁴⁴⁹

⁴⁴⁴ European Asylum Support Office, Syria – Situation of Women, February 2020, p.35. UN Population Fund (UNFPA), “Voices from Syria 2018,” November 2017, <https://bit.ly/42h11Yd> (accessed July 6, 2023).

⁴⁴⁵ World Bank, “The Mobility of Displaced Syrians,” 2020, <https://bit.ly/2W35Fv4> (accessed July 6, 2023). Simon Tisdall, “Amid Syria’s horror, a new force emerges: the women of Idlib,” *The Guardian*, May 26, 2018, <https://www.theguardian.com/world/2018/may/26/syria-idlib-women-children-society> (accessed July 6, 2023).

⁴⁴⁶ Law No. 18 of 2014, Passport law, November 2, 2014, <https://bit.ly/3AHGnEJ> (accessed May 1, 2023). Syria Ministry of Interior, “Immigration and Passports Transactions,” undated, <https://bit.ly/3wwMABH> (accessed August 25, 2022).

⁴⁴⁷ Human Rights Watch interview with Fadia Al-Qabaq, a Syrian lawyer, May 9, 2023. US State Department notes that “Although under Syrian law a woman does not need her husband’s explicit consent every time she wishes to leave Syria, a Syrian husband may take legal action to prevent his wife from leaving the country, regardless of her nationality.” US Department of State, “Syria International Travel Information,” <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/SyrianArabRepublic.html> (accessed July 7, 2023).

⁴⁴⁸ Personal Status Law, amended by Law No. 4 of 2019, art. 70.

⁴⁴⁹ Personal Status Law, amended by Law No. 20 of 2019, art. 73.

Women's Travel Abroad with Children

Children under 18 require written permission from a guardian to obtain a passport.⁴⁵⁰ The Foreign Affairs Ministry's website clarifies that the guardian to provide this consent is the child's father, and in the absence of a father the guardian is the paternal grandfather, the elder brother, or uncle. The mother is only the guardian if a court has issued a legal guardianship deed for the child to the mother.⁴⁵¹

In 2019, the authorities amended article 150 of the Personal Status Law to stipulate that neither parent can take their child outside of Syria during the marriage, or following divorce, without the permission of the other parent, unless it is determined, in a reasoned decision by a judge, to be in the best interest of the child.⁴⁵²

Prior to this amendment, fathers were able to travel with their children without the mother's permission, but mothers could not travel with their children without the father's permission.⁴⁵³ In practice however, officials continue to insist on the father's permission for when women travel with their children but do not insist on fathers to show they have their child's mother's consent.⁴⁵⁴ Syrian authorities issue a document that is signed by the father permitting the mother to travel with their children without the fathers.⁴⁵⁵ If the child's father is deceased, then the child's paternal grandfather or paternal uncle has to provide a declaration of consent; where no male relatives exist, the authorization of a judge is required.⁴⁵⁶

⁴⁵⁰ Syria Ministry of Interior, "Immigration and Passports Transactions," undated.

⁴⁵¹ Syria Ministry of Foreign Affairs and Expatriates, "Required papers for granting and renewing passports and travel documents," <https://bit.ly/3Aqaj7A> (accessed August 25, 2022).

⁴⁵² Personal Status Law, amended by Law No. 4 in 2019, article 150.

⁴⁵³ Danish Refugee Council and Danish Immigration Service, "Syria: Kurds, Honour-killings and Illegal Departure, Report from a fact finding mission to Damascus, 15-22 January 2007," April 2007. Norwegian Refugee Council (NRC), UN Refugee Agency (UNHCR), "Analysis of Revisions to the Syrian Personal Status Law through Law 4 and Law 20 of 2019," 2019.

⁴⁵⁴ US State Department notes that "A child under the age of eighteen whose father is Syrian or of Syrian descent must have his/her father's permission to leave Syria, even if the parents are separated or divorced and the mother has been granted full custody by a Syrian court." See US Department of State, "Syria International Travel Information."

⁴⁵⁵ Human Rights Watch interview with "Ghada," Syrian woman, June 14, 2021; and confirmed with two Syrian women, "Nabila" and "Roula," May 2, 2023.

⁴⁵⁶ Danish Refugee Council and Danish Immigration Service, "Syria: Kurds, Honour-killings and Illegal Departure, Report from a fact finding mission to Damascus, 15-22 January 2007," April 2007, pp. 19-20.

Constitutional Freedoms and International Human Rights Obligations

Article 38 of Syria's constitution provides that "citizens shall be equal in rights and duties without discrimination among them on grounds of sex, origin, language, religion or creed," and that "every citizen has the right to move around within the country or leave it unless prevented from doing so by a judicial decision."⁴⁵⁷

Syria is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights which obligate states to ensure freedom of movement and nondiscrimination.⁴⁵⁸

⁴⁵⁷ Syrian Constitution, 2012, <https://bit.ly/3LIV8SG> (accessed March 20, 2023), arts. 33 and 38.

⁴⁵⁸ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Syria on March 28, 2003; and International Covenant on Civil and Political Rights (ICCPR), ratified by Syria on April 21, 1969; League of Arab States, Arab Charter for Human Rights, ratified by Syria on February 6, 2007.

Tunisia

Women's Mobility within the Country

Following amendments in 1993 to the 1956 Personal Status Law, women are no longer required to obey their husbands. The law instead requires spouses to treat each other kindly, maintain good relations, avoid causing injury to one another, and cooperate in the management of family affairs.⁴⁵⁹ However, it provides that both spouses must fulfill their marital duties in accordance with tradition and custom and still refers to the husband as the head of the family, allowing for discrimination to continue in practice.⁴⁶⁰ In addition, the Tunisian courts consider that non-cohabitation could constitute a violation of spousal obligations. In some cases, courts have concluded that a woman loses her right to spousal maintenance (*nafaqa*) from her husband when she is no longer living with him “without justification.”⁴⁶¹ Either spouse can ask for a divorce on the basis that they experienced harm because their spouse has stopped living with them.

In 2000, the authorities repealed article 831 in the Code of Obligations and Contracts that had required women to have their husbands' authorization to enter a work contract.⁴⁶²

⁴⁵⁹ Personal Status Law 1956, as amended by Law No. 74 of 1993, issued July 12, 1993, <https://bit.ly/3W3qWk5> (accessed May 15, 2023), art. 23.

⁴⁶⁰ Ibid. Article 23 states that spouses are required to “fulfill their marital duties according to customs and traditions.” Articles 23 and 38 provide that “the husband, as the head of the family, must support his wife and children to the extent of his means,” including providing spousal maintenance (*nafaqa*) to his wife. Art.23 specifies that “a wife must contribute to family expenses if she has possessions” but, does not accord her the status of sole or joint head of household. See more on Human Rights Watch, “*So What If He Hit You?*” *Addressing Domestic Violence in Tunisia*, December 2022, <https://www.hrw.org/report/2022/12/08/so-what-if-he-hit-you/addressing-domestic-violence-tunisia>.

⁴⁶¹ Personal Status Law 1956, as amended in 1993, art. 50 clarifies that maintenance includes food, clothing, housing, education and what is considered necessities in accordance with custom and norms. See for instance, Court of Cassation Decision, case no. 1950, issued July 11, 2000, <https://bit.ly/3pD7s9P> (accessed May 15, 2023); Organisation for Economic Co-operation and Development, “Women's Economic Empowerment in Selected MENA Countries,” October 7, 2017, <https://bit.ly/3BuZKRI> (accessed July 7, 2023).

⁴⁶² Law No. 2000-17 of February 7, 2000, repealed art. 831 of Code of Obligations and Contracts, issued December 15, 1906, <https://bit.ly/42ZYrWW> (accessed May 15, 2023). See also UN Committee on the Elimination of Discrimination against Women, “Combined third and fourth periodic reports of States parties: Tunisia,” U.N. Doc. CEDAW/C/TUN/3-4, August 2, 2000, <https://bit.ly/42ZLPPg> (accessed May 15, 2023).

Women's Ability to Obtain a Passport

Legally, women do not require the authorization of a male guardian to obtain a passport.⁴⁶³ Tunisia's passport application requires all applicants to state their relationship status and provide their husband or wife's full name and nationality.⁴⁶⁴

Women's Travel Abroad

On May 23, 2017, the Tunisian parliament amended a 1975 law on passports and travel documents to prevent arbitrary restrictions on travel by providing that only courts can provide for travel restrictions.⁴⁶⁵ It requires that all judicial decisions to deny travel or grant travel documents should provide reasons for such bans, and that the person concerned should be notified within three days and are entitled to appeal such decisions.⁴⁶⁶ The law also stipulates that the travel ban should not exceed a period of 14 months.⁴⁶⁷

The amendments followed an outcry by women's rights groups to a series of arbitrary travel bans imposed by authorities. Human Rights Watch found that since March 2015, the authorities began to arbitrarily ban both men and women under age 35 from traveling abroad without their father's authorization. Based on official statements, the measure was part of efforts to prevent people from joining extremist armed groups abroad. However, such bans were outside of any legal procedure. Those interviewed by Human Rights Watch said that airport police did not give any reason for preventing them from leaving the country, or provide a written judicial order from a court or prosecutor, and allowed them no means to challenge their decisions.⁴⁶⁸ Previously, in 2013, several women, including prominent activists and leaders, reported that airport police had prevented them from

⁴⁶³ Law No. 1975-40 of May 14, 1975, relating to passports and travel documents, as amended by Law No. 1998-77 of November 2, 1998, Law No. 2004-6 of February 3, 2004, Law No. 2008-13, February 18, 2008, Organic Law No. 2015-46 of November 23 2015, and Organic Law No. 2017-45 of June 7, 2017, <https://bit.ly/42F64Cj> (accessed May 15, 2023); and see also Tunisia Ministry of Interior, "Your Procedure – Passports," <https://bit.ly/3ckRHoV> (accessed August 25, 2022).

⁴⁶⁴ Tunisia 2019- 2020 passport application form document, <https://bit.ly/453fSaz> (accessed July 7, 2023).

⁴⁶⁵ Law No. 2017-45 of June 7, 2017, amending Law No. 1975-40 of May 14, 1975, relating to passports and travel documents, <https://legislation-securite.tn/fr/node/56243> (accessed July 7, 2023).

⁴⁶⁶ Ibid., arts.15 bis and 15 ter.

⁴⁶⁷ Ibid., art. 15 ter. See also "Tunisia: Changes to passport law will ease arbitrary restrictions on travel," Amnesty International news release, May 26, 2017, <https://www.amnesty.org/en/latest/press-release/2017/05/tunisia-changes-to-passport-law-will-ease-arbitrary-restrictions-on-travel/> (accessed July 7, 2023).

⁴⁶⁸ "Tunisia: Arbitrary Travel Restrictions," Human Rights Watch news release, July 10, 2015, <https://www.hrw.org/news/2015/07/10/tunisia-arbitrary-travel-restrictions>.

traveling abroad and notified them that they needed legally authorization showing approval from their father or husband.⁴⁶⁹

Despite the 2017 changes to the law, the authorities continue to use internal executive orders commonly referred to as S17 orders to arbitrarily ban travel of some individuals.⁴⁷⁰

Women's Travel Abroad with Children

In November 2015, parliament adopted a law allowing either parent to authorize a child's travel.⁴⁷¹ Previously, Tunisian authorities had a long-established practice of preventing women from leaving Tunisian territory with their children without the father's authorization. Fathers were not subject to these restrictions.

Since 2015, children under 18 who wish to obtain a passport require the approval of one of their parents, or their legal guardian or person granted custody.⁴⁷² A child's passport is expected to remain with the person granted guardianship over the child and can be taken from them by the authorities following a court order if either parent or the child's guardian revokes the initial permission for their child's passport, after a court deprives the mother of custody of their child, or if it is determined to be in the child's best interests for the passport to be given to the other parent.⁴⁷³

Either parent can travel abroad with their child under 18 without the other parent's permission. However, a divorced parent may have to obtain permission from their child's

⁴⁶⁹ Ibid.

⁴⁷⁰ See Amnesty International, *Tunisia: 'They never tell me why': Arbitrary restrictions on movement in Tunisia*, October 24, 2018, <https://www.amnesty.org/en/documents/mde30/8848/2018/en/> (accessed July 7, 2023); "Tunisia: Urgently reverse alarming backsliding on human rights," Amnesty International news release, July 21, 2022, <https://www.amnesty.org/en/latest/news/2022/07/tunisia-urgently-reverse-alarming-backsliding-on-human-rights/> (accessed July 7, 2023); Amine Snoussi, "In Tunisia, travel bans are weaponised to silence opposition," *The New Arab*, January 16, 2023, <https://www.newarab.com/analysis/tunisia-travel-bans-are-weaponised-silence-opposition> (accessed July 7, 2023).

⁴⁷¹ Law No. 2015-46 of November 23, 2015, amending Law No. 1975-40 of 1975 on Passports and Travel Documents, amending arts. 1, 13 and 15, <https://legislation-securite.tn/law/45452> (accessed August 25, 2022). "Tunisia: A Step Forward for Women's Rights: Free to Travel With Their Children," Human Rights Watch news release, November 12, 2015, <https://www.hrw.org/news/2015/11/12/tunisia-step-forward-womens-rights>.

⁴⁷² Law No. 1975-40 of 1975 on Passports and Travel Documents, amended by Law No. 2015-46 of November 2015, art. 13. Tunisia 2019-2020 passport application parental consent form (on file with Human Rights Watch).

⁴⁷³ Law No. 1975-40 of 1975 on Passports and Travel Documents, art.15.

other parent to travel with their child. Under the Personal Status Law, in cases of divorce, the father is not allowed to travel out of the country with their child unless they have permission from the child's mother when she has official custody, unless he can show it is in the best interests of the child.⁴⁷⁴ A woman can make some decisions as a guardian of her child, where she is granted custody, such as in relation to her child's travel. However, the father can go to court to have her stripped of custody if she changes their residence at such a long distance to make it difficult for him to be able to exercise his duty as guardian towards their child.⁴⁷⁵

Constitutional Freedoms and International Human Rights Obligations

Tunisia's constitution provides that male and female citizens are "equal in rights and duties, and are equal before the law without any discrimination (...)" and every citizen has "the freedom to choose their place of residence, to move within the country, and the right to leave it (the country)."⁴⁷⁶

On April 17, 2014, Tunisia withdrew its declaration with regard to article 15(4) of the Convention on the Elimination of All Forms of Discrimination against Women which relates to nondiscrimination against women in relation to freedom of movement.⁴⁷⁷

Tunisia is also a state party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, which obligates states to ensure freedom of movement and nondiscrimination; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), which requires states to combat all forms of discrimination against women.⁴⁷⁸

⁴⁷⁴ Personal Status Law 1956, as amended in 1993, art. 62.

⁴⁷⁵ Personal Status Law 1956, as amended in 1993, arts. 61 and 67.

⁴⁷⁶ Constitution of Tunisia, 2022, arts. 23 and 30, <https://legislation-securite.tn/ar/law/105310> (accessed July 7, 2023).

⁴⁷⁷ United Nations Treaty Collection, Convention on the Elimination of All Forms of Discrimination against Women, note 85, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4#85 (accessed July 7, 2023).

⁴⁷⁸ International Covenant on Civil and Political Rights (ICCPR), ratified by Tunisia on March 18, 1969; African [Banjul] Charter on Human and Peoples' Rights, ratified by Tunisia on March 16, 1983; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, ratified by Tunisia on August 23, 2018.

United Arab Emirates

Women's mobility within the country

A woman can leave the marital home without the permission of her husband, but she can still face sanction if she abandons the marital home altogether or a judge deems her leaving the home to be against the law or custom, unnecessary, or against the family's interests. The UAE foreign affairs ministry wrote to Human Rights Watch that there are no penal provisions in UAE laws for a woman or girl to leave the house without their husband's or guardian's permission. The ministry also stated that there are no legal restrictions on women working without male guardian permission nor restrictions on women's mobility within the country.⁴⁷⁹

The authorities introduced minor amendments to the Federal Personal Status Law in 2019 and 2020: a woman is no longer obliged to “obey” her husband under article 56, and no longer loses her right to spousal maintenance (*nafaqa*) from her husband if she leaves the marital home or refuses to travel abroad with her husband “without a lawful excuse.”⁴⁸⁰ However, article 56 still obliges a woman to maintain the home and article 71 still provides that a woman can lose her right to spousal maintenance from her husband if she abandons the marital home, prevents her husband from entering the marital home, or does not abide by her marital obligations stated in law.⁴⁸¹ The husband is not allowed to prevent his wife from completing her education or oppose her from visiting her family.⁴⁸² A judge can also, under article 72, deem a man or woman in breach of their spousal obligations if they leave the house or go to work for a job deemed outside “the law, sharia

⁴⁷⁹ Saeed Al Hebsi, Director of the Human Rights Department in the UAE Ministry of Foreign Affairs, written response to Human Rights Watch letter on June 29, 2023.

⁴⁸⁰ See Federal Law No. 28 of 2005 on Personal Status, as amended by Decree on Federal Law No. 5 of 2020, arts. 56 and 71, <https://bit.ly/428ZBik> (accessed April 29, 2023). Article 63 provides that spousal maintenance includes food, clothing, housing, medical care, a domestic worker for the wife if she is the one serving the family, and what is required out of kindness for the marital relationship.

⁴⁸¹ Federal Law No. 28 of 2005 on Personal Status, as amended by Decree on Federal Law No. 5 of 2020, arts. 56 and 71. Article 56 still also obligates women to breastfeed their children unless there is an impediment, and article 71 also provides that a woman can lose her right to spousal maintenance if she refuses to have sexual relations with her husband without a “lawful excuse.”

⁴⁸² Federal Law No. 28 of 2005 on Personal Status, art. 55.

(Islamic law), custom, or necessity,” or against the “family’s interests.”⁴⁸³ While this 2020 amendment reformed the text from applying only to the wife to now applying to both spouses, it still allows judges to discriminate against women. For instance, a judge could deem that a woman leaving the home to work interferes with her legal duty as a wife to maintain the home or breastfeed their children.

A woman is not allowed to move residence with her children without their father’s permission. A divorced mother is allowed to relocate with her children to another town or city in the UAE, as long as the move does not hamper their education or cause the father to suffer undue hardship.⁴⁸⁴ She may lose the court-ordered custody of her child if she moves to a city that makes it difficult for the father to act as a guardian to his child.⁴⁸⁵

The Federal Personal Status Law applies to all UAE nationals and foreign nationals except for non-Muslims who can have their own religious laws apply to them. In 2020, the UAE amended its law to provide that foreign nationals who marry in another country will have that country’s law apply to marriage and divorce.⁴⁸⁶ If one of the spouses is a UAE national however, UAE law will apply to them.⁴⁸⁷ In November 2021, the Abu Dhabi authorities issued a new law on Civil Marriage and Its Effects in Abu Dhabi providing for a civil marriage with improved protections for women and mostly equal rights between spouses relating to marriage, divorce, and decisions relating to children.⁴⁸⁸ However, it only applies to non-Muslim foreign national couples residing in Abu Dhabi, and as such it created a different set of rights, discriminating against women based on their religion, nationality and where they reside.

⁴⁸³ Federal Law No. 28 of 2005 on Personal Status, as amended by Decree on Federal Law No. 5 of 2020, art. 72. Article 72 was amended to change the reference from “the wife” to “either spouse.” It now states that it would not be a violation of spousal obligations for “either spouse to leave the house or to work in accordance with the law, custom, or due to necessity, and it is for the judge to uphold the interest of the family in these matters.”

⁴⁸⁴ Federal Law No. 28 of 2005 on Personal Status, art. 150.

⁴⁸⁵ Federal Law No. 28 of 2005 on Personal Status, art. 152(2).

⁴⁸⁶ Federal Law No. 5 issued on December 15, 1985 on the Civil Transactions Law of the United Arab Emirates, amended by Federal Law No. 1/1987 dated February 14, 1987, and by Federal Decree-Law No. 30 dated September 27, 2020, <https://bit.ly/3cobz3m> (accessed August 25, 2022), arts. 12-13.

⁴⁸⁷ Ibid, art. 14.

⁴⁸⁸ The United Arab Emirates’ Government portal, “Civil marriage for non-Muslims in Abu Dhabi,” <https://bit.ly/3dY8dVa> (accessed August 24, 2022). See Law No. 14 of 2021 Civil Marriage and Its Effects in Abu Dhabi (formerly titled Concerning Personal Status for non-Muslim Foreigners in the Emirate of Abu Dhabi), issued November 7, 2021.

Women students attending some state universities face restrictions including needing parental or male guardian permission for off-campus activities such as joining field trips or conducting work experience, or leaving campus accommodation.⁴⁸⁹ The UAE authorities did not respond to Human Rights Watch's questions about restrictions on women's movements at state universities nor about whether women need guardian permission to leave prison (see appendix IV and V).⁴⁹⁰

However, the UAE authorities did state that women have the right under law to choose where they live, and that there are “absolutely no restrictions” against women staying in a hotel without their guardians' permission.⁴⁹¹

Women's Ability to Obtain a Passport

Women do not need their husbands' or guardians' consent to obtain their passports. In 2017, the UAE repealed article 37 of 1972 Federal Nationality and Passports Law to remove language that had said a woman cannot obtain a passport without her husband's consent.⁴⁹² The UAE authorities, in a written response to Human Rights Watch, confirmed that the legal regulations on passports do not differentiate between men and women.⁴⁹³

Women's Travel Abroad

The UAE authorities, in its written response to Human Rights Watch, stated that women are free to travel outside the country.⁴⁹⁴

⁴⁸⁹ See for instance United Arab Emirates University, “Faculty Handbook 2019-2020,” <https://bit.ly/3HnxsVQ> (accessed April 29, 2023). In the handbook, the section on UAE class field trips provides “Female students' parents or guardians must give authorization for the student to participate in off-campus activities.” Zayed University, “Guardian Work Experience Agreement Form,” <https://bit.ly/3c0cxgo> (accessed August 24, 2022). Khalifa University, “Parent/Guardian Consent Form 2018-2019” (Female Students for Campus Hostel), <https://bit.ly/3AkLYQR> (accessed August 25, 2022).

⁴⁹⁰ Saeed Al Hebsi, Director of the Human Rights Department in the UAE Ministry of Foreign Affairs, written response to Human Rights Watch letter on June 29, 2023.

⁴⁹¹ Ibid.

⁴⁹² Federal Decree-Law No. 16 of 2017, issued on September 18, 2017, amended Federal Law No. 17 of 1972 on Nationality and Passports, repealing article 37 which had provided that “The wife may not be granted an independent passport except with the consent of the husband, and the incompetent are not granted independent passports except with the approval of their legal representatives.” See Federal Law No. 17 of 1972 on Nationality and Passports, art. 37.

⁴⁹³ Saeed Al Hebsi, Director of the Human Rights Department in the UAE Ministry of Foreign Affairs, written response to Human Rights Watch letter on June 29, 2023.

⁴⁹⁴ Ibid.

Since the amendments to the Federal Personal Status Law in 2019 and 2020, the law no longer provides that a woman can lose her right to spousal maintenance if she left the marital home or refused to travel abroad with her husband “without a lawful excuse.”⁴⁹⁵ However, she could still lose her right to spousal maintenance if her travel abroad is deemed to be abandoning the marital home, or if a judge considers her travel abroad to be in breach of her spousal obligations because it is outside “the law, sharia, custom, or necessity,” or against the “family’s interests.”⁴⁹⁶

In the past, the courts have ordered women to return to the marital home and forbid them from traveling abroad without their husbands’ permission, even in cases where the women had initiated divorce proceedings on the grounds of abuse.⁴⁹⁷ Freedom House reported in 2010 of the practice of men preventing their wives and adult unmarried daughters from traveling abroad by confiscating their passport and government institutions would not challenge the husband’s right to do so.⁴⁹⁸ In 2018, Human Rights Watch documented the escape and forcible return by UAE authorities of Sheikha Latifa, the Dubai ruler’s daughter, who was then detained and prohibited from leaving the country until 2021.⁴⁹⁹

Women’s Travel Abroad with Children

In 2017, the UAE amended the Federal Passports Law to remove language that had previously also required those lacking legal capacity (that could also mean children) to have their guardians’ consent to obtain a passport.⁵⁰⁰ However, according to the Federal Personal Status Law, the father is the default guardian of their child with authority to

⁴⁹⁵ Federal Law No. 28 of 2005 on Personal Status, amended by Decree on Federal Law No. 5 of 2020, art. 71.

⁴⁹⁶ Federal Law No. 28 of 2005 on Personal Status, as amended in 2019 and 2020, arts. 71 and 72.

⁴⁹⁷ Adel Arafah, “Wife’s Petition to Leave Hubby Is Rejected,” *Khaleej Times*, December 11, 2006, <https://www.khaleejtimes.com/nation/general/wife-s-petition-to-leave-hubby-is-rejected> (accessed July 7, 2023).

⁴⁹⁸ Serra Kirdar, “United Arab Emirates,” in *Women’s Rights in the Middle East and North Africa 2010: Progress Amid Resistance*, eds. Sanja Kelly and Julia Breslin (New York, NY: Freedom House; Lanham, MD: Rowman & Littlefield, 2010), <https://bit.ly/3HooMp5> (accessed April 29, 2023).

⁴⁹⁹ “UAE: Free Dubai Ruler’s Captive Daughters,” Human Rights Watch news release, March 6, 2020, <https://www.hrw.org/news/2020/03/06/uae-free-dubai-rulers-captive-daughters>. Rothna Begum (Human Rights Watch), “The UAE Must Release Latifa And Shamsa – And Stop Denying Women Basic Rights,” commentary, *The Guardian*, February 18, 2021, <https://www.hrw.org/news/2021/02/18/uae-must-release-latifa-and-shamsa-and-stop-denying-women-basic-rights>. Since May 2021, Sheikha Latifa has been pictured with friends in shopping malls in the UAE as well as on trips abroad in Europe. It is not known under what conditions she has been granted such mobility and for how long. It is also not known what the conditions are for her sister Shamsa who was also forcibly returned from the UK in 2000.

⁵⁰⁰ See Federal Law No. 17 of 1972 on Nationality and Passports, as amended by Federal Decree-Law no. 16 of 2017, art. 37.

decide their child's supervision, education and direction in life.⁵⁰¹ UAE authorities provide that the Emirati father can apply for their child's documents within three months of their child's birth, including their birth certificate, passport, and identity card.⁵⁰² The Fujairah Emirate requires for the father to be present to sign the application of their child's first passport.⁵⁰³ The UAE authorities, in its written response to Human Rights Watch, confirmed that it is the obligation of the father or whoever has legal guardianship over the child according to the child's nationality, to apply for their birth certificate and passport, "as passports are an issue related to the nationality of the country they belong to."⁵⁰⁴ The UAE's nationality law provides that children of Emirati men are automatically entitled to UAE citizenship; however, children born to Emirati mothers and foreign fathers are not.⁵⁰⁵

The UAE authorities, in its written response to Human Rights Watch, stated that a woman can travel abroad with her children.⁵⁰⁶ Under the Federal Personal Status Law however, a woman may not travel abroad with her minor child without the written approval of the father, regardless of whether she is married or divorced and granted custody of their child. If he refuses, she can appeal to a judge.⁵⁰⁷ The father, in contrast, may travel with his child if he is married to the child's mother. In practice, border control officials often do not ask Emirati women to show their child's father's written permission when traveling with their child but foreign women are likely to be asked.⁵⁰⁸

Following divorce, if the mother has custody of their child, the father may not travel with the child without the mother's permission.⁵⁰⁹ However, the law provides that the guardian (the father or other male relative) may keep the child's passport following divorce, although he should hand it over to the mother (or other female relative granted custody) if

⁵⁰¹ Federal Law No. 28 of 2005 on Personal Status, arts. 178 and 181.

⁵⁰² The United Arab Emirates government portal, "Mabrouk Ma Yak," <https://bit.ly/3Ah6oLO> (accessed August 25, 2022).

⁵⁰³ UAE Government of Fujairah, "Citizenship Administration," The Emirati Passport.

⁵⁰⁴ Saeed Al Hebsi, Director of the Human Rights Department in the UAE Ministry of Foreign Affairs, written response to Human Rights Watch letter on June 29, 2023.

⁵⁰⁵ Arwa Youssef (pseudonym), "UAE's Double-Standard on Citizenship Rights," commentary, Human Rights Watch dispatch, February 5, 2021, <https://www.hrw.org/news/2021/02/05/uaes-double-standard-citizenship-rights>.

⁵⁰⁶ Saeed Al Hebsi, Director of the Human Rights Department in the UAE Ministry of Foreign Affairs, written response to Human Rights Watch letter on June 29, 2023.

⁵⁰⁷ Federal Law No. 28 of 2005 on Personal Status, arts. 149 and 150.

⁵⁰⁸ Human Rights Watch interview with an Emirati woman, May 28, 2023.

⁵⁰⁹ Federal Law No. 28 of 2005 on Personal Status, arts. 150 and 151.

needed for travel. If he fails to do so in case of necessity, the judge may order that the mother shall retain the child's passport.⁵¹⁰ A father may place a travel ban on his former spouse traveling with their child, following which the mother will be stopped from foreign travel by airport officials.⁵¹¹ In 2020, a court lifted a travel ban imposed by the father on the basis that the father was not living in the UAE and thus he was unable to act as guardian to his child.⁵¹² In 2021, the authorities in Dubai issued a decision providing guidance to Dubai courts on personal status matters, including the way in which travel bans on children and permissions for travel with parents are to be handled.⁵¹³ It now allows a guardian, who by default is the father, to apply to a court to approve his travel with his child against the wishes of the person who has primary custody, usually the mother.⁵¹⁴

Constitutional Freedoms and International Human Rights Obligations

The UAE's constitution guarantees "freedom of movement and residence shall be guaranteed to citizens within the limits of the law," and that "all persons are equal in law... no distinction among citizens of the UAE on the basis of race, nationality, faith or social status."⁵¹⁵

The UAE is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, and the Arab Charter on Human Rights, which obligate states to ensure freedom of movement and nondiscrimination.⁵¹⁶

⁵¹⁰ Federal Law No. 28 of 2005 on Personal Status, art. 157.

⁵¹¹ Emirates Women, "Know Your Rights: UAE Law," September 15, 2016, <https://web.archive.org/web/20210922120357/https://emirateswoman.com/know-your-rights-uae-law/> (accessed August 25, 2022).

⁵¹² Al Tamimi & Co, "Big Battles over Little Ones: A Recent Court of Appeal Judgment on Travel Bans," June 2020, <https://bit.ly/3AE7W1D> (accessed July 7, 2023).

⁵¹³ Decision No. 3 of 2021 Guide to Regulatory Procedures in Personal Status Matters in Dubai Courts, <https://bit.ly/3KpVTsP> (accessed July 7, 2023).

⁵¹⁴ Decision No. 3 of 2021 Guide to Regulatory Procedures in Personal Status Matters in Dubai Courts, art. 14(c).

⁵¹⁵ See Constitution of the United Arab Emirates, 1996, <https://u.ae/en/about-the-uae/the-constitution-of-the-uae> (accessed July 7, 2023, arts. 25 and 29).

⁵¹⁶ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by the United Arab Emirates on October 6, 2004; League of Arab States, Arab Charter for Human Rights, ratified by the United Arab Emirates on January 15, 2008.

Yemen

Women's Mobility within the Country

Yemen's Personal Status Law provides that a husband has the right to have his wife obey him, and she may lose her right to spousal maintenance (*nafaqa*) from her husband if she, "without a legitimate excuse," refuses to move into the marital home, leaves the marital home without his permission, or refuses to travel with him.⁵¹⁷ She may also lose her right to spousal maintenance if she works outside the home without her husband's consent.⁵¹⁸ However, a woman will not be deemed disobedient for leaving the home without permission if she has a "legitimate excuse" such as to take care of her frail parents if she is the only one available to care of them, where it is commonly regarded as not against honor or her duties towards him, and where, she has to leave in order to deal with her finances, or perform a mutually agreed-upon job that does not conflict with Islamic law.⁵¹⁹ A man does not have the right to have his wife live with him in a place where she is facing harm, unless she agrees to stay.⁵²⁰

In 2019, local media reported that the Houthi authorities issued directives to local bus transportation companies in areas they control requiring that women be escorted by a *mahram* (husband or close male relative she cannot marry) when traveling between cities in Yemen.⁵²¹ Women reported to local media that bus drivers refused to take them because they did not have a mahram, or had to pay more money to travel since they must pay for their mahram's ticket.⁵²² Women also reported being asked whether they have the

⁵¹⁷ She is also required to obey him and refrain from disobedience, allow him to have legitimate sexual relations with her when she is fit to do so and perform household work like other women do. See Law No. 20. of 1992 regarding Personal Status (hereafter Personal Status Law), as amended by Law No. 27 of 1998, Law No. 24 of 1999 and Law No. 34 of 2003, <https://bit.ly/3ValQRj> (accessed April 26, 2023), arts. 40 and 152. Art. 150 provides that spousal maintenance for the wife includes food, clothing, housing, bed, (medical) treatment, and services.

⁵¹⁸ Personal Status Law, art. 152.

⁵¹⁹ Personal Status Law, art. 40.

⁵²⁰ Personal Status Law, art. 42(2).

⁵²¹ "A Ban on Travel without a Mahram, New Restrictions for Yemeni Women," *Al Jazeera Arabic*, March 29, 2019, <https://bit.ly/3BuNYEV> (accessed April 26, 2023). "A Houthi Circular Prohibiting Women from Moving Inside Yemen Except with This Condition," *al-Mashhad al-Yemeni*, March 19, 2019, <https://bit.ly/3pIW07Z> (accessed February 6, 2023).

⁵²² *Ibid.*

permission of their male guardian when attempting to cross checkpoints.⁵²³ UN human rights experts reported that in August 2022, the Houthi's Land Transport Regulatory Authority expanded restrictions requiring that women no longer be permitted to travel anywhere within Houthi-controlled areas, to areas controlled by the Yemeni government, or outside the country without a mahram.⁵²⁴ Women reported to Amnesty International that car rental agencies were refusing to rent vehicles for them to drive without a mahram.⁵²⁵ In February 2023, the Houthi authorities responded to the UN stating there was no new directive from the Land Transport Regulatory Authority, arguing that "all the rules in force today have existed for many years" and otherwise claiming that "the requirement of a mahram is not a discriminatory measure."⁵²⁶

The UN also reported how since December 2020, Houthi authorities have increasingly enforced a requirement that humanitarian actors, including local and international non-governmental organizations and UN agencies, must include a mahram's name when submitting travel requests for any female Yemeni staff traveling for work. Many female staff do not have a mahram who can accompany them on their crucial work travel, and this requirement has reportedly led many to leave their jobs losing much-needed income for their families. The UN also said these restrictions are "effectively cutting off" Yemeni women and girls from receiving humanitarian aid.⁵²⁷ Mwatana for Human Rights reported how Houthi authorities have also barred women from many public places, including cafes and restaurants, as well as expelled women from some workplaces.⁵²⁸

⁵²³ "Laws that perpetuate discrimination, a woman's passport is subject to the consent of a man," *al-Mushahid*, February 27, 2021, <https://bit.ly/3COGFvZ> (accessed February 6, 2023).

⁵²⁴A Joint Appeal Letter from UN Special Procedures to Hisham Sharaf, Minister of Foreign Affairs, Yemen, Ref.: AL OTH 124/2022, December 2, 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26767> (accessed July 7, 2023).

⁵²⁵ Amnesty International, "Yemen: Huthis 'suffocating' women with requirement for male guardians," September 1, 2022 <https://www.amnesty.org/en/latest/news/2022/09/yemen-huthis-suffocating-women-with-requirement-for-male-guardians/>.

⁵²⁶ Letter from the Ministry of Foreign Affairs, Yemen to UN Office of the High Commissioner of Human Rights Office in Sana'a, February 20, 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=37376> (accessed July 7, 2023).

⁵²⁷ UN Office for the Coordination of Humanitarian Affairs, "Yemen: Access Snapshot – April to June 2022 (As of 30 June 2022)," August 10, 2022, <https://reliefweb.int/report/yemen/yemen-access-snapshot-april-june-2022-30-june-2022> (accessed April 26, 2023); Niku Jafarnia, "Houthis Violating Women's and Girls' Rights in Yemen," commentary, Human Rights Watch dispatch, February 6, 2023, <https://www.hrw.org/news/2023/02/06/houthis-violating-womens-and-girls-rights-yemen>.

⁵²⁸ Mwatana for Human Rights, "Moments of Hell!" Ansar Allah (Houthi) Group Practices Gravely Undermine Women's Rights" March 8, 2022, <https://mwatana.org/en/undermine-women/> (accessed July 7, 2023).

In practice, hotels, particularly in cities like Aden and Taiz, reportedly prevent Yemeni women from staying unless they have a mahram.⁵²⁹ Amnesty International also reported that prison authorities across Yemen, as a customary practice, do not allow women to leave prison upon completion of their sentences unless they have a male guardian to accompany them on release. If their families refuse to receive them, they release them only to women's shelters.⁵³⁰

Women's Ability to Obtain a Passport

Legally, women in Yemen do not require the permission of their male guardian to obtain a passport, but in practice they do. Yemen's 1990 Passports Law gives all Yemeni individuals over the age of 16 the right to obtain an ordinary passport.⁵³¹ Neither the law nor its 1994 regulations require women to get their male guardian's permission for individual passports.⁵³² In practice, however, authorities operate a policy requiring both the permission and presence of a male guardian—a father, brother, husband, or son—for a woman to obtain or renew personal identity cards or passports.⁵³³ The passport application form requires the male guardian's signature in case of children and married women.⁵³⁴

Women's Travel Abroad

There is no law requiring women to have the permission of a male guardian in order to travel abroad. However, under the Personal Status Law a woman could lose her right to spousal maintenance if she is deemed disobedient for leaving the marital home to travel without her

⁵²⁹ "Shadow Report of the Yemeni NGOs CEDAW Coalition on The Implementation of CEDAW in Yemen," coordinated by the Sisters' Arab Forum for Human Rights (SAF), October 2020, <https://bit.ly/43Xv1K6> (accessed July 7, 2023).

⁵³⁰ Amnesty International, "Yemen: End the male guardianship restriction for releasing women from prisons," January 25, 2023, <https://www.amnesty.org/en/latest/news/2023/01/yemen-end-the-male-guardianship-restriction-for-releasing-women-from-prisons/>.

⁵³¹ Law No. 7 of 1990 Concerning Passports, August 16, 1990, <https://www.refworld.org/pd/fid/400174ca4.pdf> (accessed July 7, 2023), art. 6.

⁵³² The 1994 regulations implementing the Passports Law states that a woman shall be added to her husband's passport only at her request and with the approval of her husband. See Republican Decree No. 2 of 1994, Concerning the Executive Regulation of Law No. 7 of 1990 Concerning Passports, January 29, 1994, <https://www.refworld.org/docid/400175d04.html> (accessed July 7, 2023), art. 8.

⁵³³ "Shadow Report of the Yemeni NGOs CEDAW Coalition on The Implementation of CEDAW in Yemen," coordinated by the Sisters' Arab Forum for Human Rights (SAF), October 2020; and Sheila Carapico and Anna Wuerth, "Passports and Passages: Tests of Yemeni Women's Citizenship Rights," in *Gender and Citizenship in the Middle East*, ed. Suad Joseph (Syracuse, NY: Syracuse University Press, 2000), pp. 261-71, <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=1037&context=polisci-faculty-publications> (accessed April 26, 2023). "Laws that perpetuate discrimination, a woman's passport is subject to the consent of a man," al-Mushahid, February 27, 2021, <https://bit.ly/3COGFvZ> (accessed July 7, 2023).

⁵³⁴ Ministry of Foreign Affairs, "Passport application form," <https://bit.ly/3R83P4c> (accessed August 25, 2022).

husband's permission.⁵³⁵ In practice, male guardians can report a woman to the police for traveling against their wishes, and in such cases, the Interior Ministry and security offices can arrest her if they find her crossing checkpoints.⁵³⁶ Women traveling alone can also be prevented from traveling abroad at a passport officer's discretion.⁵³⁷

In addition, the UN reported that in August 2022, the Houthi's Land Transport Regulatory Authority issued restrictions in areas they control requiring that women no longer be permitted to travel outside the country without a mahram.⁵³⁸ Yemeni women usually go to Aden airport, which is not under Houthi control, to travel abroad without a mahram.⁵³⁹ However, Mwatana for Human Rights told Human Rights Watch that they documented four cases of women who could not travel abroad from Aden airport because Houthi authorities prevented them from traveling to Aden from Houthi-controlled territory as they did not have a mahram to accompany them.⁵⁴⁰

These practices conflict with the Passports Law which provides that all adult citizens have the right to leave the country, that travel bans can only be imposed by order of the prosecution or the judiciary, and that any person banned from travel has the right to object.⁵⁴¹

Women's Travel Abroad with Children

Children require their male guardian's permission to obtain a passport.⁵⁴² The Personal Status Law provides that the father acts as the legal guardian of his children regardless of whether the couple is married or divorced and even if a court has granted the mother primary custody of their children.⁵⁴³ The Personal Status Law provides that the person granted custody of the child may transfer their child to their country unless it causes economic, emotional, or moral harm to

⁵³⁵ Personal Status Law, arts. 40 and 152.

⁵³⁶ Human Rights Watch interviews with two Yemeni women's rights activists (names withheld), April 2020.

⁵³⁷ "Laws that perpetuate discrimination, a woman's passport is subject to the consent of a man," *al-Mushahid*, February 27, 2021.

⁵³⁸ Niku Jafarnia, "Houthis Violating Women's and Girls' Rights in Yemen," commentary, Human Rights Watch dispatch, February 6, 2023.

⁵³⁹ Human Rights Watch correspondence with Yemeni woman (name withheld), July 7, 2023.

⁵⁴⁰ Human Rights Watch correspondence with Mwatana for Human Rights, July 7, 2023 and July 11, 2023.

⁵⁴¹ Law No. 7 of 1990 Concerning Passports, August 16, 1990, arts. 11-13.

⁵⁴² Ministry of Foreign Affairs, "Passport application form."

⁵⁴³ Personal Status Law, arts. 16, 138, and 144.

the child.⁵⁴⁴ However, it also states that if a child is with one of their parents, the other parent has the right to see the child in the manner the parents agree upon or as the judge deems fit.⁵⁴⁵ Two women’s rights activists told Human Rights Watch that in practice, in cases of divorce, the mother is required to obtain the permission of the father to travel abroad with their children. A man can also report a woman traveling with their child to the authorities to prevent their travel if they leave without his permission.⁵⁴⁶

Constitutional Freedoms and International Human Rights Obligations

Yemen's constitution provides that “all citizens are equal in rights and duties” and that “freedom of movement from one place to another within the country is guaranteed for all citizens and may not be restricted except by law and for reasons necessitated by the security and safety of the people. The law shall regulate entry and exit from Yemen.”⁵⁴⁷

Yemen is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights which obligates states to ensure freedom of movement and nondiscrimination.⁵⁴⁸

⁵⁴⁴ Personal Status Law, art. 145.

⁵⁴⁵ Personal Status Law, art. 145.

⁵⁴⁶ Human Rights Watch interviews with two Yemeni women’s rights activists (names withheld), April 2020.

⁵⁴⁷ See Constitution of the Republic of Yemen, 1991, https://www.constituteproject.org/constitution/Yemen_2015.pdf?lang=en (accessed July 7, 2023), arts. 41 and 57.

⁵⁴⁸ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Yemen on May 30, 1984; International Covenant on Civil and Political Rights (ICCPR), ratified by Yemen on February 9, 1987; League of Arab States, Arab Charter for Human Rights, adopted May 22, 2004, ratified by Yemen on November 12, 2008.

Acknowledgements

Rothna Begum, a senior researcher in the Women's Rights Division, conducted the research for and wrote this report. Arwa Youssef (pseudonym), a staff member in the Middle East and North Africa division, and Amina Gaddah, former intern under the David Mepham Internship Program conducted background and legal research and provided assistance with factchecking. Nisha Varia, former advocacy director in the Women's Rights Division edited the report.

Adam Coogle, deputy director, in the Middle East and North Africa division, Bill Van Esveld, associate director in the Children's Rights division; and Macarena Sáez, executive director in the Women's Rights Division; provided specialist review. Tom Porteous, deputy director in the Program office, provided program review. Clive Baldwin, senior legal advisor in the Legal and Policy Office, provided legal review.

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This report was prepared for publication by Erika Nguyen, former senior coordinator, and Shivani Mishra, associate, in the Women's Rights Division, along with Arwa Youssef (pseudonym), a staff member in the Middle East and North Africa division, and Travis Carr, publications officer.

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We are also thankful to the journalists and organizations whose reports we have cited including Freedom House and Musawah.

Human Rights Watch expresses thanks to the government officials who responded to our requests for information.

Human Rights Watch gratefully acknowledges the financial support of the Slight Family Foundation.

This report is dedicated to all women fighting to end male guardianship and other discriminatory travel and mobility restrictions.

Appendix I: Human Rights Watch Letter to Authorities in the Middle East and North Africa

The following is a letter to the Kuwaiti Interior Minister. The request for information and questions posed are the same for all governments and authorities in the Middle East and North Africa that Human Rights Watch wrote to.

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Neil Rimer, Co-Chair

Kuwait Minister of Interior

Minister Talal Khaled al-Ahmad al-Sabah

Kuwait City, Kuwait

Via email [REDACTED]



HRW.org

Your Excellency

I am writing to you on behalf of Human Rights Watch regarding a report we are preparing about restrictions on women's mobility and travel across the Middle East and North Africa region, including those stemming from male guardianship.

Human Rights Watch is an independent nongovernmental organization that reports on human rights in more than 100 countries worldwide. We appreciate your government's engagement with Human Rights Watch on human rights.

We would like to clarify several aspects of laws, policies, and practices relating to restrictions on women, as well as to reflect relevant perspectives of the government in our reporting. In particular, we are seeking information on the following.

1. Can a woman:

- leave the home without her guardian's permission? For instance, do laws or policies sanction her for being disobedient to her husband or father, or for 'absence' from the home?
- study higher education without her guardian's permission?
 - Can she also leave university campus, campus accommodation, or go on field trips without her guardian's permission?
- work without her guardian's permission?
- stay at hotels without a male relative (mahram) accompanying her or her guardian's permission?
- rent an apartment without a mahram accompanying her or her guardian's permission?
- leave prison following detention without her guardian's permission?
- obtain a passport without her guardian's permission?

AMSTERDAM BEIRUT BERLIN BRUSSELS CHICAGO GENEVA GOMA JOHANNESBURG KIEV KINSHASA LONDON LOS ANGELES MIAMI MOSCOW
NAIROBI NEW YORK PARIS SAN FRANCISCO SÃO PAULO SEOUL SILICON VALLEY STOCKHOLM SYDNEY TOKYO TORONTO WASHINGTON ZÜRICH

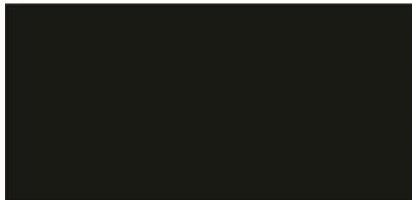
- travel abroad without a mahram accompanying her or her guardian's permission?
- 2. Are there any other restrictions on women's mobility within the country?
- 3. Can a husband or guardian get authorities, whether by a court or otherwise, to impose a travel ban on their wife or a woman relative upon request?
- 4. Can women obtain passports for their children on an equal basis with men?
- 5. Can women travel abroad with their children on an equal basis with men?

We have attached to this letter information we have gathered about laws, policies and practices relating to restrictions over women's mobility within Kuwait, women's ability to obtain a passport, travel abroad, and travel abroad with their children. We are writing similar letters to all governments in the region.

We would be deeply grateful for a written response to our questions, and any corrections or clarifying information to the attached document in as complete a manner as possible by June 27, 2023. This will allow us to reflect your responses when launching our upcoming report in July 2023. You can contact me at [REDACTED] for further information, and to provide a response to our questions as well as any corrections or clarifications to our attached document.

Thank you for your attention to this request and your cooperation.

Yours sincerely,



Rothna Begum
Senior Researcher
Women's Rights Division

Appendix II: Israeli Foreign Ministry's Response to Human Rights Watch's Request for Information (Original Hebrew)

From: [REDACTED]
Sent: Wednesday, June 21, 2023 10:06 AM
To: [REDACTED]
Subject: 2023 ביוני 15- החוץ משרד - מענה לפנייתכם למשרד החוץ מה-15 ביוני 2023

שלום גב' בגם,

ישראל היא דמוקרטיה מודרנית ולפיכך השאלות המדוברות כלל אינן רלוונטיות לגבי וולגרי אוכלוסייה.

הפניה מעידה על כך שארגון HRW, אשר ידוע בהטייתו נגד ישראל לאורך שנים, מפגין בפרסומיו באופן עקבי חוסר ידע לגבי מדינת ישראל.

בברכה,

[REDACTED]

[REDACTED]

Head, Public Inquiries

אגף דיפלומטיה ציבורית, משרד החוץ

Public Diplomacy Division

ירושלים



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מחלקת דיפלומטיה ציבורית

Appendix III: Unofficial English Translation of Israeli Foreign Ministry's Response to Human Rights Watch's Request for Information

Dear Ms. Begum,

Israel is a modern democracy, and, therefore, the questions are entirely irrelevant to the country and to its population.

Your inquiry indicates that HRW, which has been known for its anti-Israel bias over the years, consistently demonstrates a lack of knowledge about the State of Israel in its publications.

Sincerely,

Appendix IV: UAE Foreign Ministry's Response to Human Rights Watch's Request for Information (Original Arabic)

1- هل تستطيع المرأة:

•مغادرة المنزل بدون إذن ولي أمرها؟ مثلا، هل تعاقبها القوانين أو السياسات على عدم طاعتها لزوجها أو والدها، "للغياب" عن المنزل؟

بالنسبة لخروج المرأة أو الفتاة من المنزل دون إذن الزوج. او ولي الأمر. لا توجد أية نصوص عقابية في القوانين على هذا الفعل.

•العمل بدون إذن ولي أمرها؟

أعطى القانون المرأة الحق في الحصول على عمل، ولا توجد قيود قانونية على عمل المرأة بدون إذن ولي أمرها.

•الإقامة في الفنادق بدون قريب ذكر (محرم) أو إذن ولي أمرها؟

لا توجد قيود أبداً على إقامة المرأة في فندق بدون إذن ولي أمرها.

•استئجار شقة بدون محرم أو ولي أمرها؟

أعطى القانون المرأة الحق في اختيار مكان عيشها.

•الحصول على جواز سفر بدون إذن ولي أمرها؟

لم تفرق التشريعات القانونية بين الرجل والمرأة في هذا الصدد، وذلك وفقاً للاشتراطات القانونية المنظمة.

•السفر إلى الخارج بدون محرم أو إذن ولي أمرها؟

للمرأة الحرية في السفر خارج الدولة.

2-هل توجد أي قيود أخرى على تنقل المرأة داخل الدولة؟

لا توجد أي قيود على تنقل المرأة داخل الدولة.

3-هل يمكن للزوج أو الولي الحصول على سلطة، سواء من قبل محكمة أو غير ذلك، لفرض حظر سفر على زوجته أو قريبته عند الطلب؟

للمرأة الحرية في السفر خارج الدولة.

4-هل يمكن للمرأة السفر إلى الخارج مع أطفالها أسوة بالرجل؟

نعم بإمكان المرأة السفر الى الخارج مع أطفالها.

1. هل يمكن للمرأة الحصول على جوازات سفر لأطفالها أسوة بالرجل؟
اصدار شهادات الميلاد وجوازات السفر للأطفال هو حق لهم مقرر بقوانين الامارات ويلزم به الأب أو من له الولاية القانونيه عليهم وفق جنسيته حيث ان جوازات السفر هي شان يتعلق بجنسية الدولة التي يتبعونها . كما نظم قانون مجهولي النسب استخراج الوثائق الرسمية للأطفال مجهولي النسب وفق اجراءات واضحة محدده

Appendix V: Unofficial English Translation of UAE Foreign Ministry's Response to Human Rights Watch's Request for Information

1. Can a woman:

- o leave the home without her guardian's permission? For instance, do laws or policies sanction her for being disobedient to her husband or father, or for 'absence' from the home?

There are no penal provisions regarding a woman or girl leaving home without the husband's or guardian's approval.

- o work without her guardian's permission?

The law has given women the right to access employment and there are no legal restrictions against women working without their guardians' permission.

- o stay at hotels without a male relative (*mahram*) accompanying her or her guardian's permission?

There are absolutely no restrictions against women staying in a hotel without a guardian's permission.

- o rent an apartment without a mahram accompanying her or her guardian's permission?

The law has given women the right to choose their place of dwelling.

- o obtain a passport without her guardian's permission?

The legislation does not differentiate between men women in this regard, within the confines of relevant regulations.

- o travel abroad without a mahram accompanying her or her guardian's permission?

Women have the freedom to travel outside of the United Arab Emirates.

2. Are there any other restrictions on women's mobility within the country?

There are no restrictions on women's movement within the United Arab Emirates.

3. Can a husband or guardian get authorities, whether by a court or otherwise, to impose a travel ban on their wife or a woman relative upon request?

Women have the freedom to travel outside of the United Arab Emirates.

4. Can women obtain passports for their children on an equal basis with men?

Yes, women can travel abroad with their children.

5. Can women travel abroad with their children on an equal basis with men?

Children have a right recognized by the UAE's laws to obtain birth certificates and passports, which is the obligation of fathers or whoever has legal guardianship over children, pursuant to the father's or guardian's nationality, since passports are an issue dictated by their nationalities. The law on unknown kinship also regulates issuing official documents for children of unknown kinship.

Trapped

How Male Guardianship Policies Restrict Women's Travel and Mobility in the Middle East and North Africa

Women across the Middle East and North Africa region face varying restrictions preventing them from moving freely in their own country and from traveling abroad without the permission of their male guardians—typically their fathers or brothers, and when married, their husbands. Women's rights activists have succeeded in winning women their freedoms in some countries, but continue to fight against old and new restrictions.

The report *Trapped: How Male Guardianship Policies Restrict Women's Travel and Mobility in the Middle East and North Africa* is based on a comparative analysis of dozens of laws, regulations and policies, as well as information from lawyers, activists, and women. It examines 20 countries in the Middle East and North African region on whether women need to obtain their male guardian's permission for their mobility within their country, to obtain a passport, and to travel abroad. It also examines whether women can travel abroad with their children as guardians on an equal basis with men.

Such discriminatory restrictions on women's freedom of movement limit women's ability to live their lives fully and enables men to control and abuse women. From leaving the home to leaving the country, these rules can also restrict women's rights to work, study, marry, provide care to their children in their child's best interests on an equal basis with men, and to escape domestic violence.

The report provides governments, policy makers, and civil society including women's rights activists and organizations a resource outlining the current status of women's freedom of movement including male guardianship requirements in each state.

Human Rights Watch calls on all states in the Middle East and North Africa to eliminate discriminatory restrictions on women's freedom of movement including all male guardianship rules.



Women hold signs during a protest against the decision by the Supreme Judicial Council, a body run by Hamas authorities, to allow male guardians—usually referring to fathers or another older male relative—to ban unmarried women from traveling out of the Gaza Strip, in front of the council, in Gaza City, Palestine on February 16, 2021. Such restrictions trap women in Gaza even further coming on top of Israeli and Egyptian movement restrictions that have turned the Gaza Strip into an “open-air prison.”

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