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.
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.
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. 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.

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


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”.

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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.
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. 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

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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). 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.

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. 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.


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. 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.

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. 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.”

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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

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²¹ CEDAW, art. 16(1).

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). 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. However, other discriminatory provisions remain.

Moreover, in practice, single unmarried women face discrimination in trying to rent an apartment or house. 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.”

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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.


Women’s Ability to Obtain a Passport

Algeria’s law on travel documents does not require women to show guardian permission to obtain passports. 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. 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.

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. For a ‘minor’ (under 19) to leave Algeria by themselves or with another adult, a guardian must submit an exit permit to the authorities. This is known as a notarized parental authorization for travel from their father “(autorisation-paternelle”). 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. 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.

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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).\(^\text{36}\)

**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.\(^\text{37}\)

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.\(^\text{38}\) Either parent can also ban the other parent from traveling with their child.\(^\text{39}\)

**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.\(^\text{40}\)

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\(^{39}\) Algeria Ministry of Interior website, ‘Exit of Minor to Abroad.’

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.\textsuperscript{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 People’s Rights on the Rights of Women in Africa (Maputo Protocol) which requires states to combat all forms of discrimination against women.\textsuperscript{42}

\textsuperscript{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).

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.” She can lose her right to spousal maintenance (nafaqa) from her husband if she is deemed disobedient or recalcitrant by a court. 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. 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.

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

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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.


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

50 Ahmed, “Bahrain.”
52 Family Law, 2017, art. 133.
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. Either parent can apply to the Bahraini courts to have a travel ban put on their child to prevent them leaving the country. 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.

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.”

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

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Article 15(4) will be “without breaching the provisions of the Islamic Shariah.” 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.  

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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.
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.


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

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⁶⁹ Ibid.


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

Women’s Ability to Obtain a Passport

Legally, women can obtain passports without their husbands’ consent. 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. 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. Female applicants are required to provide proof of their marital status.

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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).


Women’s Travel Abroad

Currently, women do not need male guardian permission to travel abroad. The 2000 Supreme Constitutional Court case struck down previous restrictions. 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.

Women’s Travel Abroad with Children

Children under age 18 need a parent’s approval to obtain their passport. In practice, however, the authorities sometimes require the consent of the father as the natural guardian. 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. 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. Fathers, but not mothers, are also

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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. 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. In many cases fathers use travel bans as bargaining tools for their divorce cases or to harass their ex-wives.

**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.”

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.
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. 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.” 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. However, she has to prove there is such a risk of harm otherwise the court can order her to return to the marital home. A husband can also prohibit his wife from an occupation he deems against family values or harmful to his or her reputation. Such discriminatory restrictions impact women’s rights to work, facilitate domestic violence against women, and present barriers for women seeking assistance.

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. 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

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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.
to attend a World Cup qualifier match at Azadi Stadium. 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.

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. Women are regularly denied employment particularly in the public sector and from running for public office due to the discriminatory dress code. Women have faced fines, arrest, detention to be “educated,” beaten, or harassed, by the morality police for being deemed in breach of “improper hijab.” Women deemed to have protested against the mandatory dress codes have been sentenced to prison terms. 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

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

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.

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. 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.


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.\textsuperscript{107} Women are also increasingly riding motorcycles; however, they often do so without licenses, risking harassment and arrest by the police.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{111} Married Iranian women who live abroad and Iranian women married to foreign men are exempt from this requirement.\textsuperscript{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.\textsuperscript{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.\textsuperscript{114}


\textsuperscript{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/3key0vC (accessed June 20, 2021).

\textsuperscript{112} Passports Law, art. 18(3).


\textsuperscript{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. 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. 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. 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. In May 2017, two-time Iranian Paralympic gold medalist Zahra Nemati was banned from traveling abroad by her husband after she filed for divorce. A few companies’ hiring managers and employers told Human Rights Watch that they prefer not to hire women for jobs that require extensive travel.

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. The law allows prosecutors to grant

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117 Passport Law, art. 19.


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. However, this can be difficult to obtain. The authorities have intervened to allow a few women mainly women athletes representing Iran to travel abroad against their husbands’ wishes following public outrage.

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. 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.

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. 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. 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

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122 Article 18(3), Passport Law.
123 See for instance, Mahrokh Gholamhosseinpour, “Permission to Travel — A Nightmare for Many Iranian Women,” Iran Wire.
127 Civil Code, art. 1180.
country for one trip, two trips or multiple trips. 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. 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. 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.”

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.

130 “Passport Issuance Procedures for Babies What can we do to get our baby’s passport?” Pars Naz, September 7, 2018.
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 in.

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\(^{134}\) 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.


\(^{138}\) 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

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).

**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.\footnote{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).}

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.\footnote{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).} 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.\footnote{“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.}

**Women’s Travel Abroad with Children**

All individuals younger than 18 require guardianship permission to be issued a passport.\footnote{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/3Z2s9VsY (accessed February 24, 2023).} 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).\footnote{Iraq Passports Department, “Instructions to fill out a passport application for the first time.”} However, for children under
the age of 10 to be issued a passport, they need their father to certify their Iraqi citizenship.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{160} Fathers do not need to seek permission from the mother.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{163}


\textsuperscript{158} Landinfo and Danish Immigration Service, “Kurdistan Region of Iraq (KRI) women and men in honour-related conflicts,” November 2018.

\textsuperscript{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 (KOHRW), October 7, 2020.

\textsuperscript{160} Ibid.

\textsuperscript{161} Landinfo and Danish Immigration Service, “Kurdistan Region of Iraq (KRI) women and men in honour-related conflicts,” November 2018.

\textsuperscript{162} Ibid.

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

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. Both religious and civil family courts can issue rulings on other personal status matters including spousal maintenance. 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. 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. 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.

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

169 The Family Amendment (Maintenance) Law, 1959, section 2(b).
have disproportionately impacted women who in some cases have also faced violence by members of the public if they breach such rules.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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


Jewish community against women walking in these neighborhoods in clothing deemed to violate community norms.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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


\textsuperscript{179} Ibid.
sex could mingle.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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


submits proof that they have sole guardianship.\textsuperscript{183} Israel’s Legal Capacity and Guardianship Law provides that both parents are equal “natural guardians” of their children.\textsuperscript{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.\textsuperscript{185} The court can issue a \textit{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 \textit{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.\textsuperscript{186}

\textbf{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.”\textsuperscript{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.\textsuperscript{188}

\begin{itemize}
  \item \textsuperscript{186} Edwin Freedman, “International relocation of children in Israel: overview,” August 1, 2018.
  \item \textsuperscript{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.
\end{itemize}
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. 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. 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. 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. The husband may not withdraw his consent to his wife working except for a “legitimate reason” and without causing her harm. Non-Muslims of recognized religious groups can have their own tribunals apply their religious personal status laws to them. Christian communities under their canon law in Jordan also apply the framework of women’s obedience in return for spousal maintenance from their husbands.

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/5ffdcdc84.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).


permission (often referred to as “absence”).\textsuperscript{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.\textsuperscript{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.\textsuperscript{198} Human Rights Watch documented cases where women remained confined in detention for more than 10 years.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{201} In 2013, the authorities passed Law No. 11 of 2013 enabling women to obtain passports without needing to show guardian or husband consent.\textsuperscript{202} Article 12 of the previous 1969 law had required married women to obtain their husbands' consent and for minor children their guardians' consent.\textsuperscript{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


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


women to show their guardians’ or husbands’ consent again. 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. However, social restrictions lead to many families prohibiting women from travel abroad. 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. 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. 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. 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.

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206 Ibid.


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


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.\footnote{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.”\footnote{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.\footnote{213}


\footnote{212} Permanent Constitution of the Hashemite Kingdom of Jordan, arts. 6, 7 and 9.

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 (nafaga) 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.

hiding at apartments belonging to their friends. 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. Such arrest warrants leaves women unable to secure formal employment, regardless of their age, unless the guardian drops the complaint.

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. 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.

**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. While this is gender-neutral, it impacts

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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.\footnote{Kuwait Law No. 11 of 1962, for Matters Concerning Passports, art. 15.} 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.\footnote{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.} 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.\footnote{Kuwait Law No. 11 of 1962, for Matters Concerning Passports, as amended by Law No. 105 of 1994, art. 17.}

\textbf{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.

\textbf{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.\footnote{Official Government of Kuwait website, “Requests to renew a passport for minors.”} Under Kuwait’s Personal Status Law, only a man can act as a child’s legal guardian, the default being the father.\footnote{Law No. 51 of 1984 concerning Personal Status, art. 209.} 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.\footnote{Law No. 51 of 1984 concerning Personal Status, art. 195.} It is possible for either parent to
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.  

### 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.  

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.”

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.

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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

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.
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


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


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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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 oblige states to ensure freedom of movement and nondiscrimination.\textsuperscript{250}

\begin{footnotesize}
\textsuperscript{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.

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

\textsuperscript{248} Ibid.


\textsuperscript{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.
\end{footnotesize}
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.\textsuperscript{251}

The Tripoli-based religious authority, Dar al-Iftaa, at least until 2021, continued to issue religious edicts, or \textit{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.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{256}


\textsuperscript{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.”

\textsuperscript{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

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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.\textsuperscript{262}

On February 16, 2017, Abdelrazeq al-Nadhouri, 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 \textit{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.”\textsuperscript{263} After public uproar, al-Nadhouri 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.\textsuperscript{264} The order remained in effect until September 17, 2018.\textsuperscript{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.\textsuperscript{266}


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. 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.

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...”.

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.

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


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.\textsuperscript{271} It also provides that women can conduct any work outside the home but within the limits of Islamic law.\textsuperscript{272} The law permits women to stipulate in a marriage contract that the husband cannot prevent her from studying or working.\textsuperscript{273}

Women’s Ability to obtain a Passport
Women do not require guardian permission to obtain a passport.\textsuperscript{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.\textsuperscript{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.\textsuperscript{276} Authorities, as part of implementing laws relating to child protection, require parents seeking to travel abroad with their child to show they have

\begin{footnotesize}
\begin{enumerate}
\item Personal Status Code, art. 57.
\item Personal Status Code, arts. 28 and 29.
\item Maurtania, Council of Ministers, Decree No. 2012-032/PM/MIDEC regulating travel documents, art. 14.
\item Personal Status Code, arts. 176 and 178.
\end{enumerate}
\end{footnotesize}
parental authorization from the other parent. 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.

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.

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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. However, other discriminatory provisions against women remain.

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. 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.

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. Prior to 2004, women needed permission from their...
male guardians or if married, their husbands, to obtain a passport.  

**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.  

**Women’s Travel Abroad with Children**

Children under 18 need their legal representatives to submit the request for a passport. 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. 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. Only if the father is absent, incapacitated or has passed away, can the child’s mother act as the legal representative.

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

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,  

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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).


290 Family Code, 2004, art. 238.


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. 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. 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.

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, or 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.

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.

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293 Family Code, 2004, art. 179.
294 Ibid.
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.


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.\(^{306}\)


\(^{306}\) 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. 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.

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. 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. 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. 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.

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. 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 women.

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307 Decree No. 69 of 1997 issuing Law on Omani Passports, as amended by Sultan Decree No. 11 of 2010, art.12.
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.
312 Ibid.
women in relation to the movement of persons and the freedom to choose their residence
and domicile.\textsuperscript{314}

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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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

\textsuperscript{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.

\textsuperscript{316} Jordanian Personal Status Law No. 61 of 1976, art. 69.

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


\textsuperscript{319} Family Rights Law 1954, art. 66.
Family Law which requires the wealthier spouse to provide maintenance to their spouse during the marriage.\footnote{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).}

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.\footnote{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.} 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.”\footnote{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).} 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.\footnote{“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.} 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...
banned women and girls from participating in it.\textsuperscript{324} Women have defied such rules, and it appears that some of these restrictions are no longer enforced.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{328} These barriers acutely affect women, including access to healthcare such as for women who have breast cancer.\textsuperscript{329} Moreover, fewer women than men are able to obtain permits to leave Gaza that Israel reserves for

\begin{thebibliography}{99}
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people engaged in trade, as many women work in smaller businesses or in the public or non-profit sectors.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{333}

\textbf{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.”\textsuperscript{334}

\begin{itemize}
\item \textsuperscript{331} Human Rights Watch, \textit{A Threshold Crossed}, April 27, 2021.
\item \textsuperscript{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, \textit{A Threshold Crossed}, April 27, 2021.
\end{itemize}
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

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339 Human Rights Watch email correspondence with a woman’s rights activist in Gaza (name withheld), on May 31, 2023.
women’s travel.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.”\textsuperscript{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.\textsuperscript{344}

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

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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.


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


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. 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. 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.

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. 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. 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. A woman, on the other hand, is prohibited in all cases from traveling with her child without her child's father’s permission.

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.

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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.


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 oblige states to ensure freedom of movement and nondiscrimination. 360

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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. 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.

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. Families can and do report women to the police for “absence” if they leave the home to reside elsewhere. 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.”

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. 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 license to a Qatari one.

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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.
international licenses to a Qatari license.\textsuperscript{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.\textsuperscript{368} Moreover, male guardians can still block a woman from obtaining her provisional license after age 18.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{373}


\textsuperscript{369} Human Rights Watch, “\textit{Everything I Have to Do is Tied to a Man}”, March 2021.

\textsuperscript{370} Ibid.

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

\textsuperscript{372} Human Rights Watch, “\textit{Everything I Have to Do is Tied to a Man}”, March 2021.

\textsuperscript{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. 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.

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. 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.

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.

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. Under

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375 Human Rights Watch, “Everything I Have to Do is Tied to a Man”, March 2021.
377 Human Rights Watch, “Everything I Have to Do is Tied to a Man”, March 2021.
378 Ibid.
379 Ibid.
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.\textsuperscript{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.\textsuperscript{381}

Women indirectly need male guardian permission to obtain a government scholarship to study abroad or in Qatar as per Qatar’s Scholarships Law.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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

\textsuperscript{380} Qatar’s Family Law, art. 69.
\textsuperscript{381} Human Rights Watch, “Everything I Have to Do is Tied to a Man”, March 2021.
\textsuperscript{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.”
\textsuperscript{383} Human Rights Watch, “Everything I Have to Do is Tied to a Man”, March 2021.
\textsuperscript{384} Decree-Law No. 14 of 1993 regarding Passports, as amended by Law No. 5 of 2007, art. 15.
\textsuperscript{385} Compiled written response provided by the Qatari government to Human Rights Watch on March 1, 2021.
\textsuperscript{386} Human Rights Watch, “Everything I Have to Do is Tied to a Man”, March 2021.
passport. A mother can travel with her child and can appeal to a judge if the guardian prevents her from traveling with her child. 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.

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. 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.

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.”

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.

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.
Saudi Arabia

Women’s Mobility within the Country

Women in Saudi Arabia face severe barriers to their mobility, often related to male guardianship requirements. 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.

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. 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 (nafaqah) until she returns to the marital home. 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.” 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. Legal custody of a child can also

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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.
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.\textsuperscript{407} Since 2008, Saudi authorities have allowed women to book and stay in hotels alone without a male guardian provided they show an ID.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{412} There is no anti-discrimination law to combat such discrimination in practice.


\textsuperscript{412} See Human Rights Watch, \textit{Boxed In}, July 2016.
Since June 2018, women have been allowed to drive. Only individuals under 18 need to show their guardians’ written permission when applying for temporary driving licenses. 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.

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.

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. 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

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

and boys under age 21 to obtain a passport.\textsuperscript{418} Now, only those under 21, both male and female, are required to have permission from one of their parents for a passport.\textsuperscript{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.\textsuperscript{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.\textsuperscript{421}

In August 2019, Saudi authorities began allowing women over age 21 to travel abroad freely without permission from their male guardian.\textsuperscript{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.”\textsuperscript{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.


\textsuperscript{420} Human Rights Watch, \textit{Boxed In}, 2016.


\textsuperscript{423} “Details of the amendments to the executive regulations of the travel documents law in Saudi Arabia,” \textit{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{426} In practice, many Saudi cultural attaché missions abroad do not enforce the mahram requirement, but some do.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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

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


\textsuperscript{426} See Human Rights Watch, _Boxed In_, July 2016.

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

\textsuperscript{428} Human Rights Watch, _Boxed In_, July 2016.

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

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

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, \textit{shura} (consultation) and equality according to Islamic Sharia.”\footnote{Basic Law of Saudi Arabia, https://bit.ly/3AmjcyQ (accessed August 24, 2022), art. 8.} 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.\footnote{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. 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. Women can add conditions into the marriage contract including to protect her right to work or travel.

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.

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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/3wuhmzf (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

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women traveling alone. 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.

**Women’s Ability to Obtain a Passport**

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

**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.

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. 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.

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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. 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.

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.

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. 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. Syrian authorities issue a document that is signed by the father permitting the mother to travel with their children without the fathers. 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.

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

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.

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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.\(^{462}\)


\(^{460}\) 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.


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


466 Ibid., arts.15 bis and 15 ter.


traveling abroad and notified them that they needed legally authorization showing approval from their father or husband.\textsuperscript{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.\textsuperscript{470}

**Women’s Travel Abroad with Children**

In November 2015, parliament adopted a law allowing either parent to authorize a child’s travel.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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

\textsuperscript{469} Ibid.


\textsuperscript{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.\textsuperscript{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.\textsuperscript{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).”\textsuperscript{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.\textsuperscript{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.\textsuperscript{478}

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\textsuperscript{474} Personal Status Law 1956, as amended in 1993, art. 62.

\textsuperscript{475} Personal Status Law 1956, as amended in 1993, arts. 61 and 67.


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

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.” 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. 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.

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. If one of the spouses is a UAE national however, UAE law will apply to them. 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. 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.

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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).


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. 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).

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.

**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. 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.

**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.

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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.


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.” 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.”

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. 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. 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.

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. 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.
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. 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. The Fujairah Emirate requires for the father to be present to sign the application of their child’s first passport. 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.” 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.

The UAE authorities, in its written response to Human Rights Watch, stated that a woman can travel abroad with her children. 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. 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.

Following divorce, if the mother has custody of their child, the father may not travel with the child without the mother’s permission. 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

507 Federal Law No. 28 of 2005 on Personal Status, arts. 149 and 150.
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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{516}

\textsuperscript{510} Federal Law No. 28 of 2005 on Personal Status, art. 157.


\textsuperscript{514} Decision No. 3 of 2021 Guide to Regulatory Procedures in Personal Status Matters in Dubai Courts, art. 14(c).


\textsuperscript{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. She may also lose her right to spousal maintenance if she works outside the home without her husband’s consent. 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.

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.

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. 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. Women also reported being asked whether they have the

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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).


522 Ibid.
permission of their male guardian when attempting to cross checkpoints.\footnote{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.\footnote{524} Women reported to Amnesty International that car rental agencies were refusing to rent vehicles for them to drive without a mahram.\footnote{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.”\footnote{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.\footnote{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.\footnote{528}

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In practice, hotels, particularly in cities like Aden and Taiz, reportedly prevent Yemeni women from staying unless they have a mahram.\footnote{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.} 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.\footnote{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.\footnote{Neither the law nor its 1994 regulations require women to get their male guardian’s permission for individual passports.} 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.\footnote{The passport application form requires the male guardian’s signature in case of children and married women.} The passport application form requires the male guardian’s signature in case of children and married women.\footnote{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 male guardian’s permission.}
husband's permission. 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. Women traveling alone can also be prevented from traveling abroad at a passport officer’s discretion.

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. Yemeni women usually go to Aden airport, which is not under Houthi control, to travel abroad without a mahram. 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.

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.

Women’s Travel Abroad with Children
Children require their male guardian’s permission to obtain a passport. 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. 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.
539 Human Rights Watch correspondence with Yemeni woman (name withheld), July 7, 2023.
542 Ministry of Foreign Affairs, “Passport application form.”
543 Personal Status Law, arts. 16, 138, and 144.
the child. 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. 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.

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.”

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.

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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.
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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 Slaight 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.

Kuwait Minister of Interior

Minister Talal Khaled al-Ahmad al-Sabah
Kuwait City, Kuwait

Via email: [Email Address]

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?

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HRW.org
1. 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?

2. Are there any other restrictions on women's mobility within the country?

3. Can women obtain passports for their children on an equal basis with men?

4. 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 [email protected] 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)
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 تتمتع المرأة:
- بممارسة المنزل بدون إذن ولي أمرها؟ مثلًا، هل تفعّلها القوانين أو السياسات على عدم طاعتها لزوجها أو والدها، "للغياب" عن المنزل؟
- بالنسبة لخروج المرأة أو القذرة من المنزل دون إذن الزوج، أو ولي الأمر، لا توجد أي نصوص عقلية في القوانين على هذا الفعل.
- العمل بدون إذن ولي أمرها؟
- أعطي المرأة الحق في الحصول على عمل، ولا توجد قواعد قانونية على عمل المرأة بدون إذن ولي أمرها.
- الإقامة في الفندق بدون قريب ذكر (محرم) أو إذن ولي أمرها?
- لا توجد قواعد على إقامة المرأة في فندق بدون إذن ولي أمرها.
- استجواب شقة بدون محترم أو ولي أمرها?
- أعطي 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 وفقًا للاشتراعات القانونية المنظمة.
- السفر إلى الخارج بدون محترم أو إذن ولي أمها؟
- للمرأة الحرية في السفر خارج الدولة.

2- هل توجد أي قواعد أخرى على نقل المرأة داخل الدولة؟
- لا توجد أي قواعد على نقل المرأة داخل الدولة.

3- هل يمكن للزوج أو الوالي الحصول على سلطات، 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 إلى 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 الإمارات ويلزم به الأب أو من له الولاية القانونية عليهم وفق جنسيته حيث أن جوازات السفر هي شأن يتعلق بجنسية الدولة التي يتبعونها. كما نظم قانون مجهولى النسب استخراج الوثائق الرسمية للأطفال مجهولى النسب وفقاً لإجراءات واضحة محددة.
Appendix V: Unofficial English Translation of UAE Foreign Ministry’s Response to Human Rights Watch’s Request for Information

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?

   **There are no penal provisions regarding a woman or girl leaving home without the husband’s or guardian’s approval.**

   - 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.**

   - stay at hotels without a male relative (mahrām) accompanying her or her guardian’s permission?

   **There are absolutely no restrictions against women staying in a hotel without a guardian’s permission.**

   - rent an apartment without a mahrām accompanying her or her guardian’s permission?

   **The law has given women the right to choose their place of dwelling.**

   - obtain a passport without her guardian’s permission?

   **The legislation does not differentiate between men and women in this regard, within the confines of relevant regulations.**

   - travel abroad without a mahrām 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.
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.