

Trapped

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

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

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 govern-

without facing possible sanction?

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



tion 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

ments, 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 their husbands’ or other guardians’ permission.

Can women leave their homes without permission from their husband or other guardian

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

nance 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, Cynthia 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, free-

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

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.

Can women obtain passports without guardian permission?

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).



dom” 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

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

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 below 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.

a. Can women travel abroad without prior guardian permission?

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

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.

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

b. Can women travel 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.

Related Content

July 18, 2023 News Release
Middle East and North Africa:
End Curbs on Women's
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Male Guardianship Rules
Hamper Travel, Other
Movement

Women hold signs in Arabic
during a protest

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.

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 work-sites;

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 appli-

cation of such restrictions, and consistent with all other rights including equality and non-discrimination—and that individuals are informed of the travel ban, the reasons and legal basis for it, and that they can appeal it.

Allow women to register births and obtain ID cards and passports for their own children on an equal basis with men. Repeal policies that require only men's authorization for their children's travel abroad, but not women's, and ensure that both men and women can make decisions relating to their children's travel abroad on an equal basis. All decisions relating to children should be primarily on the basis of the best interests of the child in line with international standards and without discriminating against women.

Issue an anti-discrimination law that prohibits discrimination on the basis of sex and gender, ensures effective remedies for those who experience discrimination, and provides a positive obligation on the state to take steps to eliminate gender-based discrimination.

Methodology

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

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

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

mobile phone applications. This report includes research published in other Human Rights Watch reports and documentation including *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*; *Boxed In: Women and Saudi Arabia's Male Guardianship System*; and *"Everything I Have to Do is Tied to a Man": Women and Qatar's Male Guardianship Rules*.^[2] Human Rights Watch sought information from 44 lawyers, activists, and women from across the region through interviews and written communications in Arabic, English, and French, to verify our research findings. All participants were informed of the purpose of the interview or information requested, its voluntary nature, and the ways in which the data would be used. The report in some cases uses pseudonyms—indicated in quotation marks—for interviewees at their request and withholds other identifying information to protect their privacy and their security. None of the interviewees received monetary or other incentives for speaking with Human Rights Watch. Human Rights Watch requested information from official sources through letters, sent between June 8-21, 2023, to governments or authorities in 20 countries including ministries of interior and foreign affairs of Algeria, Bahrain, Egypt, Iran, Iraq (including Kurdistan Regional Government), Israel, Palestine (West Bank and Gaza), Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, and Yemen. Human Rights Watch received responses from Israel and the United Arab Emirates. Relevant information from these responses is reflected in the report. The Israeli government did not substantively reply to questions Human Rights Watch asked or provide feedback on the text provided. The Israeli Foreign Affairs Ministry instead wrote to Human Rights Watch on June 21 that "Israel is a modern democracy and therefore the questions are not relevant at all

regarding it and its population." A copy of the two-sentence reply can be found in the appendix. The UAE Ministry of Foreign Affairs responded to most questions from Human Rights Watch, some of which are reflected in this report, and provided information about women in the UAE that did not relate to this report. A copy of their responses to Human Rights Watch's questions is included in the appendix. Human Rights Watch has included responses it received from the Qatari authorities in March 2021, in relation to the Human Rights Watch report *"Everything I Have to Do is Tied to a Man"*.^[3] **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 century led to new forms of discrimination. Around the world, women had to fight for the right to have independent passports separate from their husbands.^[6] Many states and religious bodies in the Middle East and North Africa region—including Islamic (both Shia and Sunni), Druze, Christian, and Jewish—have codified the obedience-maintenance framework into their personal status laws. Under this framework, husbands are obligated to provide their wives with spousal maintenance (food, clothing, shelter, and other living expenses during marriage) and in return, women are required to remain in the marital home, obey their husbands, and request their permission to leave the home or travel.^[7] If they are "disobedient" or seek to leave the marital home altogether, they can lose their entitlement to spousal maintenance. Islamic scholars, for instance, who support male guardianship including the obedience-maintenance framework do so based principally on a Quranic verse which other scholars see as ambiguous. The verse (Quran 4:34) is translated as, "Men are qawammun [protectors and maintainers] in relation to women, according to what God has favored some over others, and according to what they spend from their

wealth."^[8] Other Islamic law experts have argued that male guardianship, as interpreted by jurists and states that impose it, misinterprets fundamental Quranic precepts and that male scholars have elevated guardianship over Quranic concepts such as equality and respect between the sexes.^[9] Scholars of Islam argue that this was one of the many ways in which Islamic scholars and jurists imposed patriarchal concepts of their time and society into their interpretations of Islamic law.^[10] For instance, some interpreted hadiths (sayings and actions attributed to the Prophet Mohammed) to claim that in certain situations women are prohibited from traveling unless they are accompanied by their husbands or mahram (a male relative they are prohibited from marrying).^[11] Yet, other Islamic scholars have pointed to hadiths and historical context that allow for women's freedom of movement without the need for their husbands or mahram to permit or accompany them.^[12] Male guardianship policies are not unique to the region, but exist in, and are influenced by, a broader history and context across other laws and traditions around the world that give men control over women's lives or deny women legal capacity equal to men.^[13] For instance, well into the 19th century, married women in some European legal traditions, and in some European colonies and former colonies of Australia, Canada, and the United States of America, were expected to obey their husbands who were deemed their protectors and lost part of their legal personhood upon marriage, including their property becoming the property of their husbands.^[14] Constitutional Protections and International Human Rights Law These travel and mobility restrictions on women contradict some states' own laws and constitutions which guarantee women's equality with men before the law and the freedom to reside and leave one's own country. This discrimination also violates international human rights law including the International Covenant on

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

The Human Rights Committee has said that restrictions based on distinctions of any kind, such as sex, including "measures preventing women from moving freely or leaving the country by requiring them to have the consent or the escort of a male person," are a clear violation of article 12.[17] States are also obligated to protect this right from private interference including by ensuring that in practice a woman's right to move freely and to choose her residence is not made subject "to the decision of another person, including a relative." [18]

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]

Algeria
Women's Mobility within the Country

There are currently no explicit legal restrictions barring women from leaving the house without guardianship permission. In 2005, the authorities amended the Family Code, partly under pressure from women's rights organizations, removing language that had previously required women to obey their husbands (article 39) and that had stipulated that a woman could lose her right to spousal maintenance (nafaqa) from her husband if she was proven to be disobedient (article 37).[23] The 2005 Family Code provides for mutual spousal obligations

including mutual consultation over family affairs and that couples can set conditions in the marriage contract including the wife's right to work.[24] However, other discriminatory provisions remain.[25]

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

Women's Ability to Obtain a Passport

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

Women's Travel Abroad

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

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

Women's Travel Abroad with Children

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

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

Constitutional Freedoms and International Human Rights Obligations

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

While the Algerian authorities have made some reforms relating to women's freedom of movement they have yet to withdraw their reservations to article 15(4) of the Convention on the Elimination of All Forms of Discrimination against Women, which they are a state party to, which relates to nondiscrimination against

women in relation to freedom of movement.[41] Algeria is also a state party to the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, and the Arab Charter on Human Rights, which obligate states to ensure nondiscrimination including on the right of freedom of movement, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) which requires states to combat all forms of discrimination against women.[42]

Bahrain

Women's Mobility within the Country

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

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

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]

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

Constitutional Freedoms and

International Human Rights Obligations

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

Bahrain continues to maintain a reservation to article 15(4) of the Convention on the Elimination of All Forms of Discrimination Against Women, which they are a state party to, on women's equal right with men to travel and mobility within the country, which the authorities have said is limited "only to the question of a married woman's residence." Bahrain modified its reservation in June 2016, so it reads that the implementation of Article 15(4) will be "without breaching the provisions of the Islamic Shariah." [60] Bahrain is also a state party to the International Covenant on Civil and Political Rights, and the Arab Charter on Human Rights which obligate states to ensure freedom of movement and nondiscrimination.[61]

Egypt

Women's Mobility within the Country

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

obey her husband or remain in the marital home in return for spousal maintenance from the husband.[65]

In practice, single unmarried women face discrimination trying to rent apartments and if they do, they can still face intrusion and monitoring by landlords, building personnel, or neighbors.[66] Women have also reported in recent years that hotel staff prevented them from checking into a hotel room if they were alone or without a male spouse or relative, 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 establishment or hotel where it is found to be “practicing acts against public order or public morals.”[72]

Women’s Ability to Obtain a Passport

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

Women’s Travel Abroad

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

Women’s Travel Abroad with Children

Children under age 18 need a parent’s approval to obtain their passport.[80] In practice, however, the authorities sometimes require the consent of the father as the natural guardian.[81] Either parent can

travel abroad with their child, without requiring permission from the other parent. However, either parent can apply to a court to issue travel bans on their children traveling with the other parent on the basis that it would impact their right to see their children.[82] If there is a travel ban in place, a parent will be stopped at the airport and prevented from leaving the country with the child.[83] Fathers, but not mothers, are also deemed as guardians of their children under the law.[84] Many fathers have sought to put travel bans on their children from leaving the country with their mother, claiming it would prevent them from acting as guardians over them.[85] In many cases fathers use travel bans as bargaining tools for their divorce cases or to harass their ex-wives.[86]

Constitutional Freedoms and International Human Rights Obligations

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

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

Iran

Women’s Mobility within the Country

Iran’s Civil Code provides men with the right to determine the place of their wives’ residence, and stipulates that she must stay in such a place.[89] A woman can lose her right to spousal maintenance (nafaqa) from her husband if she “refuses to perform her spousal duties without a legitimate excuse.”[90] The law does entitle a woman to spousal maintenance if she leaves the home for fear that her husband can cause bodily or financial harm, or harm to her honor.[91] However, she

has to prove there is such a risk of harm otherwise the court can order her to return to the marital home.[92] A husband can also prohibit his wife from an occupation he deems against family values or harmful to his or her reputation.[93] Such discriminatory restrictions impact women’s rights to work, facilitate domestic violence against women, and present barriers for women seeking assistance.[94]

Iranian women have been fighting a 1981 ban on female spectators from men’s football and other stadiums, by dressing as men to access matches, posting photos on social media in protest, and demonstrating in front of stadiums, with many facing arrest.[95] In October 2019, after FIFA set a deadline for Iranian authorities to agree that “women have to be allowed into football stadiums,” the government permitted a limited number of women to attend a World Cup qualifier match at Azadi Stadium.[96] But since then, the Iranian government has used various tactics to restrict the number of women attending a sports match at a stadium and only let women enter to watch sports events at stadiums on a rare, ad hoc basis.[97]

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

Kurdish woman, Mahsa (Jina) Amini, who had been arrested by Iran’s morality police for “improper” hijab.[102]

Women are openly defying the dress code as an act of resistance by going out to live their lives without the hijab.[103]

In May 2023, the government approved and sent to Parliament the new Chastity and Hijab bill which seeks to punish uncovering of hijab in public rather than improper hijab, and provides that they can be fined three times, following which they can be referred to the judiciary. The bill also intensifies punishment against well-known public figures who do not wear the hijab in public (noted as having social, political, cultural, artistic or sports fame and influence) including suspending them from their professional activities for 3 months to a year. It also broadens surveillance and enforcement including threatening car drivers that they can have their cars temporarily confiscated, and owners and managers of stores, restaurants, cinemas and sports, entertainment, and artistic places, with closure if women are found not wearing the hijab in such venues.[104] Universities in Iran impose more restrictions on women’s movement in campus accommodation than men’s, including more restrictive curfew hours. On April 2, 2022, the University of Tehran released a new set of regulations for university dormitories that placed greater restrictions on women students including that married women can only leave or return to their dormitories after the university-imposed curfew of one hour after sunset if they are accompanied by their husbands.[105] In addition, women dormitory residents need their parents’ permission to stay two nights a week at their relatives’ homes. These restrictions came on top of the university further limiting exit and entrance hours in 2022, allowing women to leave their dorms only between 6 a.m. and one hour after sunset. Student activists across the country have spoken up against these rules and several women students described how humiliating and demeaning such restrictions are.[106]

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

Women's Ability to Obtain a Passport

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

Women's Travel Abroad

Unmarried women do not need their male guardians' permission to travel abroad, and proposed changes to require such restrictions were dropped in 2013.[115] However, married women are required to have their husbands sign a form along with their passport application providing permission for whether they can travel for one trip, two trips, or multiple trips until their passport expires.[116] Under Iran's Passport law, even if a husband initially grants permission for his wife to travel, he can always change his mind and

prevent her from traveling abroad by notifying the authorities.[117] Men can abuse this power including as bargaining tools to force women into giving up their financial or other rights during their marriage or when finalizing divorce.[118] In May 2017, two-time Iranian Paralympic gold medalist Zahra Nematy was banned from traveling abroad by her husband after she filed for divorce.[119] A few companies' hiring managers and employers told Human Rights Watch that they prefer not to hire women for jobs that require extensive travel.[120] Some women explicitly include their right to travel abroad in their marriage contract. However, officials may still require women to get their husbands' permission.

Lawyers advise women to get their husbands to grant them power of attorney so they can complete the travel permit on their husbands' behalf.[121] The law allows prosecutors to grant permission for women to travel without their husbands' permission in emergencies.[122] However, this can be difficult to obtain.[123] The authorities have intervened to allow a few women mainly women athletes representing Iran to travel abroad against their husbands' wishes following public outrage.[124]

In April 2021, the Islamic Republic News Agency (IRNA) reported that the vice president for women and family affairs submitted a draft bill to the cabinet for consideration to amend articles 18 and 19 of the Passports Law which has allowed men to abuse their position of power over women's travel.[125]

However, proposed amendments to ease restrictions for married women's travel have not moved forward at time of writing and women in the meantime continue to be denied their right to travel. In February 2021, Iranian press reported that Samira Zargari, the coach of the Iranian women's alpine skiing team, was unable to compete as her husband barred her from traveling to Italy for the world skiing championships.[126]

Women's Travel Abroad with Children

Women cannot act as

guardians of their own children; only fathers and in their absence, paternal grandfathers can act as guardians.[127] Children under 18 need their father or another legal guardian, such as the paternal grandfather, to complete a written consent form to obtain their passports.[128] The father or legal guardian must apply in person on behalf of their child and can grant permission to his wife to take their child out of the country for one trip, two trips or multiple trips.[129] For a mother to apply for her child's passport, she needs her husband to issue her power of attorney to do this on his behalf.[130] The child's passport is stamped to indicate the valid period in which the mother can travel with the child. The father can decide to cancel the validity of the passport stamp at any time.[131] The father can also decide to travel abroad with his child at any time, without requiring the mother's consent.

Constitutional Freedoms and International Human Rights Obligations

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

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

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 obe-

dience "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 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]

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

Women's Travel Abroad

While by law, married women do not need their husbands' permission to travel alone, in 2018 KRG authorities reported

that in practice some officials at airport or border checkpoints might prevent them from traveling.[152]

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

Women's Travel Abroad with Children

All individuals younger than 18 require guardianship permission to be issued a passport.[155] Mothers or fathers can sign for and act as a child's guardian on the passport form (or a court decision can provide this permission in their absence).[156] However, for children under the age of 10 to be issued a passport, they need their father to certify their Iraqi citizenship.[157]

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

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

Constitutional Freedoms and International Human Rights Obligations

Iraq's constitution provides that "Iraqis are equal before the law without discrimination based on gender..." and that "Each Iraqi has freedom of

movement, travel, and residence inside and outside Iraq." [163]

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

A 2000 law prohibits discrimination including on the basis of sex in the provision of products, services, and entry into entertainment and public places.[170] However, women continue to fight against discriminatory restrictions including gender segregation and exclusion in certain neighborhoods, particularly in ultra-Orthodox Jewish areas. Such rules have disproportionately impacted women who in some cases have also faced violence by members of the public if they breach such rules.[171] In

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

In December 2017, five women won a case against the city of Beit Shemesh for failing to obey a court order to remove signs that had been posted around town by citizens, calling for women to dress modestly and that they were not to walk on some sidewalks.[174] Similarly worded signs proliferate in ultra-Orthodox Jewish neighborhoods, and there are persistent reports of harassment and violence by some members of the ultra-Orthodox Jewish community against women walking in these neighborhoods in clothing deemed to violate community norms.[175]

In January 2011, the Israeli High Court of Justice ruled that gender segregation on the now-defunct Mehadrin bus lines in Israel, which mostly ran in or between major Haredi Jewish population centers, was unlawful, and that buses are required to post signs that passengers may sit at any place they choose (except for the seats marked for people with disabilities) and that harassing a passenger may constitute a criminal offence.[176]

However, women continued to face harassment, and in some cases even violence, at the hands of other passengers, for sitting at the front of the bus on some bus routes.[177] In June 2022, Israel Railways agreed at the Jerusalem District Court to compensate a woman who was asked by an Israel Railways employee to vacate her seat because Orthodox Jewish men were praying in the same carriage.[178] Israel Railways also agreed to give

clear instructions to all their employees or service providers that they are forbidden from asking anyone to change seats, even for the sake of prayers.[179]

In February 2021, the Construction and Housing Ministry issued a guide advising planners of new neighborhoods for the ultra-Orthodox community to include “modesty considerations” when designing public spaces such as ensuring spaces “where public supervision can be found,” and limiting places such as cafes where people of the opposite sex could mingle.[180] In practice, this impacts women disproportionately as women’s conduct is subject to heightened scrutiny, disapproval of mingling between members of the opposite sex can impact women’s rights including to work and study, and women may end up excluded from public spaces.

Women’s Ability to Obtain a Passport

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

Women’s Travel Abroad

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

Women’s Travel Abroad with Children

Israeli conditions on passports provide that either parent can apply for their under 18-year-old child’s passport; however, if they are not married to their child’s other parent, then the authorities require that both parents must grant consent to issue a passport or a parent submits proof that they have sole guardianship.[183] Israel’s Legal Capacity and

Guardianship Law provides that both parents are equal “natural guardians” of their children.[184]

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

Constitutional Freedoms and International Human Rights Obligations

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

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

Jordan

Women’s mobility within the country

Under Jordan’s 2019 Personal Status Law, a woman who disobeys her husband loses her entitlement to spousal maintenance (nafaqa) from her husband.[189] Women are required to obey their husbands “in permissible matters” (i.e. matters that are not prohibited such as under religion) and a husband must not prevent his wife from visiting her family on a reasonable basis.[190] She can be deemed disobedient if she leaves the marital home “without a legitimate reason” (such as her hus-

band harming or mistreating her) or prevents her husband from entering the home before she asks to move to another home.[191] A woman who works can still receive spousal maintenance but only if her work is deemed legitimate and her husband agreed to her work explicitly or implicitly.[192] The husband may not withdraw his consent to his wife working except for a “legitimate reason” and without causing her harm.[193] Non-Muslims of recognized religious groups can have their own tribunals apply their religious personal status laws to them.[194] Christian communities under their canon law in Jordan also apply the framework of women’s obedience in return for spousal maintenance from their husbands.[195]

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

Women’s Ability to Obtain a Passport

The Jordanian Civil Status and Passport website instructions allow “for a wife to obtain her passport without her husband’s permission.”[201] In 2013, the

authorities passed Law No. 11 of 2013 enabling women to obtain passports without needing to show guardian or husband consent.[202] Article 12 of the previous 1969 law had required married women to obtain their husbands’ consent and for minor children their guardians’ consent.[203] The 2003 Provisional Passports Law allowed a woman to obtain a passport without such consent but in 2012, parliament abolished the 2003 law, following which officials required women to show their guardians’ or husbands’ consent again.[204] The requirement was then finally removed by the 2013 law.

Women’s Travel Abroad

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

Women’s Travel Abroad with Children

The Passports Department website instructions provide that either the mother or father can apply for passports for their children under 18 years old. However, divorced or widowed women need to show that a court has granted them temporary guardianship over their children to make such applications.[207] This is because under Jordan’s Personal Status Law, only a man can act as a child’s legal guardian, the default being the father.[208] The Personal Status Law also prohibits a woman from traveling outside the country with her child or from residing outside Jordan with her child without her child’s male guardian’s approval.[209] A woman who wishes to travel for short trips abroad with her child against her child’s guardian’s wishes has to secure a sponsor to guarantee to the court that she will return to Jordan with her child, and if she fails to do so, her sponsor could face imprisonment.[210] Male guardians can apply for a court order to prevent their children from traveling abroad.[211]

Constitutional Freedom and

International Human Rights Obligations

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

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

Kuwait

Women's Mobility within the Country

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

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

against her will whether by public authority or by force of law.[218]

Women and girls can be reported to local police for "absence" if they leave their homes without their family or guardian's permission. In 2017 for instance, a local newspaper reported the arrest of two Kuwaiti women who had arrest warrants issued against them for "absence" between 2012 and 2016, after they had fled their families and were living in hiding at apartments belonging to their friends.[219] While there is no official crime of "absence" from the home, male guardians can report women for absence on the basis that they are responsible for them while they are under 21 years old (age of majority), and for those over 21, guardians can still report them for absence on the basis that they may have committed a crime such as extramarital relations which the authorities investigate upon their arrest.[220] Such arrest warrants leaves women unable to secure formal employment, regardless of their age, unless the guardian drops the complaint.[221]

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

Women's Ability to Obtain a Passport

Women over the age of 21, like men, can obtain passports without guardian permission. Children, and adults under the age of 21, male and female, require guardian permission or a legal representative to apply for a passport.[224] While this is gender-neutral, it impacts women disproportionately as, under prevailing social norms, guardians are more likely to deny women than men the permission to obtain passports to travel abroad.[225]

Since 2009, married women

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

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

Women's Travel Abroad with Children

Children and adults under the age of 21 require permission of a guardian or a legal representative to apply for a passport.[229] Under Kuwait's Personal Status Law, only a man can act as a child's legal guardian, the default being the father.[230] The Personal Status Law prohibits both men and women from traveling outside the country to reside abroad with their children without the other parent's permission.[231] It is possible for either parent to apply to the Kuwaiti courts to impose a travel ban on the child to prevent them from leaving the country, e.g., if they fear the other parent may abduct the child overseas.[232]

Constitutional Freedoms and International Human Rights Obligations

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

place of residence or his liberty of movement be restricted, except in accordance with the provisions of the law." [234]

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

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]

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]

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

be able to travel with their child.[248]

Constitutional Freedoms and International Human Rights Obligations

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

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

Libya

Women's Mobility within the Country

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

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

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

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

is best for their protection." [256]

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

On February 16, 2017, Abdelrazeq al-Nadhour, chief of staff of the armed group Libyan Arab Armed Forces (LAAF), issued an order requiring women aged under 60 who wish to travel abroad to be accompanied by a mahram (husband or close male relative she cannot marry) for "reasons of public interest" and "to limit negative

aspects that accompanied Libyan women's international travel." [263] After public uproar, al-Nadhour, on February 23, 2017, repealed this order and replaced it with a new order imposing security clearance on all men and women ages 18 to 45 who wish to travel.[264] The order remained in effect until September 17, 2018.[265] Women's Travel Abroad with Children

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

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

Constitutional Freedoms and International Human Rights Obligations

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

Libya is a state party to the

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

Mauritania

Women's Mobility within the Country

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

Women's Ability to obtain a Passport

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

Women's Travel Abroad

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

Women's Travel Abroad with Children

Children are required to have a legal representative apply for their passports.[275] The Personal Status Code provides that the father is to act as the guardian and legal representative of his children. A judge or a close paternal male relative can also act as the child's legal representative.[276] Authorities, as part of implementing laws relating to child protection, require parents seeking to travel abroad with their child to show they have parental authorization from the other parent.[277] Either parent can also apply for a travel ban on their child if they believe their child is in danger. Constitutional Freedoms and International Human Rights Obligations

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

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

Morocco

Women's Mobility within the Country

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

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

Women's Ability to Obtain a

Passport

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

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

Women's Travel Abroad

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

Women's Travel Abroad with Children

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

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

The parent who has legal custody of the child (often the mother) can leave Morocco with their child without prior authorization. However, the Family Code provides that the court may, at the request of the Public Prosecutor's Office or the child's legal representative, include in the custody or any subsequent decision an injunction prohibiting travel of the child outside of Morocco with-

out the prior consent of the child's legal representative, which by default is the father.[293] In urgent cases the parent granted custody can petition the court if the legal representative does not provide consent. The judge can grant permission if they establish that the travel is only temporary and the child will return to the country.[294] It is possible for either parent to apply to a court for a travel ban on the child from leaving the country such as if there is evidence to suggest that a parent intends to abduct a child.[295]

Constitutional Freedoms and International Human Rights Obligations

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

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

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]

Afghanistan: Repression Worsens

2 Years into Taliban Rule

Humanitarian Crisis, Severe Abuses Against Women Threaten Millions

Taliban authorities have tightened their extreme restrictions on the rights of women and girls and on the media since taking control of

rule,” said Fereshta Abbasi, Afghanistan researcher at Human Rights Watch. “The Taliban leadership needs to urgently reject their abusive

ing the UN, with exemptions for health, nutrition, and education. This has severely harmed women’s livelihoods, as it is impossible to determine

include blocking international media broadcasting, have hampered access to information in Afghanistan. No one inside the country can report critical information without fear of arbitrary arrest and detention. Taliban security forces have carried out arbitrary detentions, torture, and summary executions of former security officers and members or supporters of armed resistance groups. Since the Taliban takeover, the Islamist armed group Islamic State of Khorasan Province, the Afghan affiliate of the Islamic State (ISIS), has carried out many attacks on schools and mosques, mostly targeting ethnic Hazara Shia, who receive little security protection or access to medical care and other assistance.

Thousands of Afghans who had fled the country remain in limbo in third countries, including Pakistan, the United Arab Emirates, Iran, and Turkey, in many cases in dire conditions. Governments engaged with Afghanistan have a responsibility to ensure that Afghans at risk of persecution or harm have meaningful access to legal and safety pathways. Governments should fulfill their commitments and resettle these at-risk groups as soon as possible, Human Rights Watch said.

“The Taliban’s response to Afghanistan’s overwhelming humanitarian crisis has been to further crush women’s rights and any dissent,” Abbasi said. “Governments engaging with the Taliban should press them to urgently reverse course and restore all Afghans’ fundamental rights while providing vital assistance to the Afghan population.”



Afghanistan on August 15, 2021, Human Rights Watch said today. Over the past two years, Taliban authorities have denied women and girls their rights to education, work, movement, and assembly. The Taliban have imposed extensive censorship on the media and access to information, and increased detentions of journalists and other critics.

Afghanistan has become one of the world’s worst humanitarian crises, with more than 28 million people – two-thirds of the population – in urgent need of humanitarian assistance. The United Nations has reported that four million people are acutely malnourished, including 3.2 million children under 5.

“People in Afghanistan are living a humanitarian and human rights nightmare under Taliban

rules and policies, and the international community needs to hold them accountable for the current crises.”

Together with decades of war, extreme weather events, and widespread unemployment, the main causes of food insecurity since the Taliban takeover have been the harsh restrictions on women and girls’ rights. The result has been the loss of many jobs, particularly the dismissal of many women from their jobs and bans on women working for humanitarian organizations, except in limited areas. Women and girls are denied access to secondary and higher education.

On December 24, 2022, the Taliban announced a ban on women working with all local and international nongovernmental organizations, includ-

whether women are receiving assistance if they are not involved in the distribution and monitoring processes. The crisis has disproportionately harmed women and girls, who already have more difficulty getting access to food, health care, and housing.

“The Taliban’s misogynist policies show a complete disregard for women’s basic rights,” Abbasi said. “Their policies and restrictions not only harm Afghan women who are activists and rights defenders but ordinary women seeking to live a normal life.”

Donor countries need to find ways to mitigate the ongoing humanitarian crisis without reinforcing the Taliban’s repressive policies against women, Human Rights Watch said. The Taliban’s severe restrictions on local media,

Bangladesh: End Political Prosecution of Rights Leaders

10 Years of Reprisals Against Odhikar Officials for Documenting Violations

Human Rights Watch joined 18 other groups on August 10, 2023, in condemning the Bangladesh government's continuing prosecution of the leaders of the human rights group Odhikar. The following is their statement:

The Bangladesh authorities

against him under the Information and Communication Technology Act, 2006, a law considered so draconian that certain provisions of it were replaced by the government in 2018, when the Digital Security Act was adopted.

Khan was held in custody for 62 days, while Elan, who was detained later, was held in cus-

Battalion (RAB) and its officials in December 2021, which Bangladesh authorities blame on human rights groups like Odhikar. Khan and Elan have appeared for all scheduled hearings at the Cyber Tribunal, sometimes being forced to stand in cages.

The judge finally closed the examination of witnesses on April 5, 2023, but then permit-

“further investigation” after the announcement of closure of the examination of prosecution witnesses without a valid reason raises concerns about fair due process.

The further investigation report of the CID was submitted to the Metropolitan Magistrate Court on June 22. Khan and Elan appeared in court as scheduled on July 9, but were told that the Cyber Tribunal had not yet received the updated case docket. The next day, they learned that the Cyber Tribunal had set July 17 as the next hearing to examine the new witnesses identified in the CID's further investigations. Khan and Elan only received a copy of the further investigation report on July 16, and new prosecution witnesses were presented in court on July 17 and 20 without providing enough time for the defense to prepare for cross examination. These decisions have put in question the fairness of the trial as they have, among other things, particularly hindered the right to adequate time and facilities to prepare a defense. Ten years after Khan's abduction, closing arguments will be heard in Khan and Elan's case, and their sentencing of up to ten years of imprisonment if convicted is imminent. Throughout this case that has served to continuously criticize their human rights work, they have been denied their right to fair trial and have been demonized by the government. We stand with both courageous human rights defenders and urge the Bangladeshi government to immediately and unconditionally drop all charges against them. We remind the government that those working to document and expose human rights violations should be able to conduct their important work without fear of harassment, intimidation, and reprisals.



should cease their continued criminalization and harassment of Bangladesh human rights group, Odhikar, 18 human rights groups said today. Authorities should drop politically motivated charges against Odhikar's leaders, Adilur Rahman Khan and ASM Nasiruddin Elan.

On August 10, 2013, Khan, secretary of Odhikar and a prominent human rights activist, was arbitrarily detained after the group published a fact-finding report on extrajudicial killings and excessive use of force to disperse a protest in Bangladesh. Khan's whereabouts remained unknown for several hours until the police filed a case

tody for 25 days. Both were released on bail.

Ten years later, Khan and Elan continue to be prosecuted for trumped-up allegations of publishing “fake, distorted and defamatory” material. Their lawyers have alleged judicial harassment at the Cyber Tribunal of Dhaka, saying it has unduly favored the prosecution. Government officials, including senior members of the cabinet, have repeatedly and publicly criticized Odhikar for its human rights work.

Following years of stalling, the government accelerated hearings in their case, especially following the designation of US sanctions against the country's abusive Rapid Action

ted the prosecution to submit an application for further investigation without specifying what component of the case would be subject to further investigation. The judge overruled the objections of Odhikar's lawyers against the further investigation after closure of examination of witnesses and wrote in his order that the decision was made with the consent of both parties. On this occasion, the judge also ordered three international observers from the missions of Switzerland, the UN, and the US to leave the court without explanation.

The assignment to the Criminal Investigation Department (CID) to conduct a

On World's Indigenous Peoples Day, NGOs Renew Call for Release of Nasser Zefzafi from Detention in Morocco

On the International Day of the World's Indigenous Peoples, we, the undersigned civil society organizations, call for the immediate and unconditional release of Nasser Zefzafi from his unjust detention in Morocco. Zefzafi is a human rights defender serving a 20-year prison sentence for peace-

ment by police officers and held in prolonged solitary confinement for nearly a year between September 2017 and August 2018.

In a 2018 letter to the European Parliament as one of the Sakharov Prize finalists that year, Zefzafi displayed a lasting commitment to nonvio-

lence and human rights abuses in Morocco. Zefzafi and many other activists in the country have been mercilessly prosecuted, imprisoned, and tortured. Notably, multiple journalists have been surveilled, threatened, and jailed for any reporting that could be perceived as critical of King

Prisoners Initiative. "We stand together on the International Day of the World's Indigenous Peoples to show Zefzafi that he and the peaceful movement he represents are not forgotten."

The Kingdom of Morocco nominally holds regular multi-party elections for parliament



ful activism on behalf of his Indigenous Amazigh community in the marginalized Rif region.

Zefzafi was a prominent leader of the 2016 Hirak movement, which was triggered by the brutal killing of a local fishmonger in Al Hoceima. It was the country's largest series of public demonstrations since 2011, gathering tens of thousands of people. Zefzafi and other Hirak leaders expressed socioeconomic demands that received national and international attention, and transcended class divisions, without violence. Zefzafi was arrested on May 29, 2017. He was subjected to torture and other ill-treat-

ment by police officers and held in prolonged solitary confinement for nearly a year between September 2017 and August 2018. In his own words, he aims to "one day awaken in a ... world [without weapons]," with its people living "in peace on this beautiful blue planet."

Zefzafi's leadership was crucial to the Hirak movement despite his imprisonment. In 2017 a leaked video showed Zefzafi detained, with bruises and other marks on his body suggesting abuse. This video sparked a new eruption of protests in several cities—within and outside of the Rif—calling for his release.

Zefzafi's case is emblematic of the current wave of repression

and human rights abuses in Morocco. Zefzafi and many other activists in the country have been mercilessly prosecuted, imprisoned, and tortured. Notably, multiple journalists have been surveilled, threatened, and jailed for any reporting that could be perceived as critical of King Mohammed VI or the security services. In November 2022, Mohammed Ziane, an 80-year-old veteran lawyer who represented Zefzafi, was arrested and sent to prison, in apparent retaliation for his human rights work.

According to sources close to him, Zefzafi's health continues to deteriorate in prison as authorities prevent him from receiving sufficient medical treatment. "As he continues to endure terrible treatment into the fifth year of his long sentence, we join our partners in calling for Zefzafi's immediate and unconditional release," said Margaux Ewen, director of Freedom House's Political

and local bodies, and reforms in 2011 shifted some governmental authority from the monarchy to the national legislature, but the king and his palace officials maintain full dominance through a combination of substantial formal powers and informal lines of influence in the state and society. Many civil liberties are constrained in practice. In Freedom House's Freedom in the World 2023 report, Morocco is classified as Partly Free, with an overall score of 37 out of 100. For political rights, Morocco has a score of 13 out of 40, and for civil liberties, it has a score of 24 out of

Deepening Crisis in Ethiopia's Amhara Region

Years of violent unrest and armed conflict in Ethiopia have resulted in countless abuses in regions across the country. The last few weeks show there is no end in sight. Since April, the Ethiopian military and militias known as Fano have clashed in towns throughout the Amhara region after the government announced plans to dismantle and integrate all regional special forces in the country. The fighting has intensified in recent weeks, with increased reports of civilian casualties.

Amhara residents have been living with the consequences of the two-year armed conflict in northern Ethiopia. The region was also managing an influx of ethnic Amhara fleeing violence and targeted attacks in the neighboring Oromia region.

The federal government has responded to the growing violence with increased repression. The authorities blocked mobile internet access in early April and have arrested at least eight journalists reporting on the unrest. On August 4, Ethiopia's federal cabinet declared a six-month state of emergency and placed the Amhara region under a military command post accountable to the prime minister.

Previous states of emergency declarations under Prime Minister Abiy Ahmed's administration resulted in mass arrests, prolonged arbitrary detentions, politically motivated charges, and unlawful restrictions on movement and communication.

Though the emergency declaration still needs approval from parliament, the current text contains sweeping restrictions on a range of actions that could undermine basic rights. It grants the government far-reaching powers to arrest crim-

inal suspects without a court order, impose curfews, ban public gatherings, and carry out searches without a warrant. While currently limited to

political role, Human Rights Watch said today. These cases underscore the urgent need for Ethiopia's government to reform the country's justice

Ethiopian government should immediately release them and ensure that wrongful detention is no longer used as a tool of political repression."



Amhara, the declaration could be extended to "any area of the country as necessary." Federal police in the nation's capital, Addis Ababa, have already arrested Christian Tadele, an opposition member of parliament and outspoken critic of the ruling party and the government's actions in the Amhara region.

Despite the growing violence, Ethiopia's regional and international partners have remained largely silent. They should forcefully urge the government to protect civilians in conflict-affected areas and respect basic rights. After years of rights crises throughout the country, now is not the time for concerned governments to ease up their scrutiny and pressure.

Ethiopian authorities should immediately release seven Oromo opposition figures arbitrarily detained for around three years purely for their

system.

Oromia police have held seven senior members of the opposition political party, the Oromo Liberation Front (OLF), a once-banned political opposition group that for decades fought a low-level insurgency for the self-determination of Oromos. Since 2020, authorities have detained Abdi Regassa, Dawit Abdeta, Lammi Begna, Michael Boran, Kenessa Ayana, and Gaada Oljira, and, since 2021, Gaada Gebissa – despite multiple judicial orders directing their release. The authorities have provided no legal basis for their long-term detentions without charge.

"Police authorities are making a mockery of Ethiopia's justice system through the prolonged and cruel detention without charge of the Oromo opposition politicians," said Lactitia Bader, deputy Africa director at Human Rights Watch. "The

Human Rights Watch and other domestic and international human rights organizations have documented arbitrary arrests and politically motivated prosecutions to stifle dissent in Ethiopia for decades. Despite the government's promises to reform the criminal justice system in 2018, many of the weaknesses and gaps have not been fixed. Human Rights Watch interviewed by phone a total of nine relatives, defense team lawyers, and an OLF party official, and reviewed court documents and medical records.

Oromia police authorities have repeatedly violated the detainees' due process rights, forcibly disappearing them or holding them incommunicado, denying them access to their lawyers and family members for weeks or months – and at times up to eight months – and frequently moving them

between makeshift and official detention sites, further hampering their families' access. Government security forces arrested Abdi Regassa, a member of the party's executive committee, in late February 2020, on suspicion of killing a police officer in Burayu on the outskirts of Ethiopia's capital, Addis Ababa. Police held him at a government office in the Sidist Kilo neighborhood in Addis Ababa before his eventual transfer to a Burayu police station. His whereabouts remained unknown to lawyers and family members for over two months. Oromia police have since transferred him to at least eight different detention sites in Oromia, including the Oromia regional police special forces camp in the town of Gelan, where he was kept incommunicado for eight months.

Police arrested Lammi Begna, Dawit Abdeta, Kenessa Ayana, and Michael Boran in July 2020, along with dozens of other opposition figures and journalists soon after the assassination of an Oromo singer and activist, Hachalu Hundessa. Oromia police frequently shifted the detainees' locations, including holding them at a former poultry farm outside Awash Melkassa, used by Oromia Special Forces, without notifying their family members or lawyers. One relative said that the police had transferred his brother to about 14 detention sites since his arrest.

"We didn't know where they were, how they were doing," a family member of one of the detainees said. "We lost hope, our hope that they were even alive.... There was a time we were going to police stations and asking where they were taken to, and if they were alive or not.... The police would tell us that they didn't know where they were."

In April 2023, Oromia police authorities moved the seven detainees from a Burayu police station and then withheld their whereabouts. It was only after two weeks that family members discovered where they were held. People interviewed said they believed that the detainees' disappearance occurred the day before Ethiopia's national electoral

board was expected to visit them.

The detainees reappeared a week later in the town of Dukem, 37 kilometers south-east of Addis. "The police didn't mention or give any explanation for why they were transferred from Burayu to Dukem," said a defense team lawyer. "All seven were imprisoned in a nine-square-meter room with bad sanitary conditions."

Refusal to disclose the whereabouts or circumstances of someone in government custody constitutes an enforced disappearance, a serious violation of international human rights law, and a crime under international criminal law.



Regional and federal courts have called for the release of all the detainees, yet authorities have appealed and flouted judicial orders. Regional state prosecutors closed case files against Michael Boran, Kenessa Ayana, and Gaada Gebissa due to lack of evidence between November 2021 and January 2022, yet all remain detained without charge. Gaada Oljira has never been formally charged.

The authorities dropped the initial murder charges against Abdi Regassa, only to accuse him of one count of telecommunications fraud and two counts under the country's anti-terrorism law. The Oromia Supreme Court acquitted him of those charges and ordered he be released on June 24, 2021. On March 29, 2021, the Oromia Supreme Court upheld its dismissal of charges against Lammi Begna and Dawit

Abdeta for the second time, only for Oromia police to rearrest them as they left the court. Rather than abide by the ruling, the Oromia public prosecutor appealed all three release decisions to the Federal Supreme Court, which upheld the release orders of the lower courts.

Oromia police continued to detain the opposition figures, despite a district court ruling in favor of a habeas corpus petition filed by defense lawyers for four of the detainees in July 2022, ordering them freed. Family members, lawyers, and other opposition members say they believe that they have exhausted all options and are

Family members and defense lawyers have been particularly concerned about the detainees' deteriorating health and well-being. While the authorities have allowed detainees to receive treatment, care has been delayed, interrupted, and inadequate, or otherwise denied, former detainees and relatives have said. Kenessa Ayana's health rapidly deteriorated in detention, and he now suffers from chronic diabetes and liver complications and needs crutches or a wheelchair to move. Gaada Gebissa suffers from a Hepatitis B infection.

Ethiopian authorities should ensure that all detainees are treated with humanity and in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, including access to the adequate and specialized medical care and treatment they require, and contact with their relatives. They should also compensate the detainees for their mistreatment in detention and for the violation of their due process rights.

Oromia authorities should immediately release the seven opposition figures, Human Rights Watch said. Under Ethiopian law, the federal Ministry of Justice also has the responsibility to ensure the rule of law and enforce criminal law, including by "follow[ing] the implementation and enforcement of judgments and orders given by courts under criminal case," and taking corrective action if court orders have not been enforced. The Ministry of Justice should also ensure that police and prosecuting authorities implement court decisions and hold officials to account when they fail to discharge their duties and respect the rights of the accused.

"The denial of key legal protections, use of forced disappearances, and outright refusal to abide by judicial orders are serious rights abuses," Bader said. "The government needs to ensure the long overdue release of the political detainees and carry out fundamental justice reforms."

at a loss as to how to challenge the continued detentions. "With their cases, there is no due process of law," one relative said. "This is something that worries us, that puzzles us.... There are no [more] court hearings ... They were never given any sentence, they were [meant] to be released. But now they are spending years in detention."

Prolonged detention without charge or trial or without an appearance before a judge is arbitrary and violates Ethiopian law, African regional law, and international human rights law.

In May 2022, the Ethiopian Human Rights Commission (EHRC), a federal body, reported on the detentions of the OLF figures, found that they had been held "without due process," and called for their release and right to a remedy.