



EQUALITY  NOW
BEIJING ♀ 20

Ending Sex Discrimination in the Law

Words & Deeds



Holding Governments Accountable
in the Beijing+20 Review Process

ABOUT EQUALITY NOW

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

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

ACKNOWLEDGMENTS

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Amy Thesing Design and Grand Junction Design

Translators: Business Language Inc., Thomas Forycki and Waafa Wahba

Photographers:

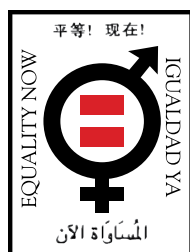
Lakshmi Anantnarayan

Dee Ashley, via Flickr Creative Commons license

Suzanna Finley, www.suzannafinley.com

Lena Stein, www.lenastein.com

www.equalitynow.org



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PHOTO: LAKSHMI ANANTNARAYAN

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

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Introduction

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

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

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

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

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

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

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

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

What You Can Do

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

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

Equality Now, P.O. Box 20646, Columbus Circle Station, New York, NY 10023 USA,
Fax: +1-212-586-1611 or
Equality Now, P.O. Box 2018 - 00202, Nairobi, Kenya, Fax: +254-20-271-9868 or
Equality Now, 1 Birdcage Walk, London SW1H 9JJ, UK, Fax: +44-20-7973-1292
Email: info@equalitynow.org / Website: www.equalitynow.org

Marital Status

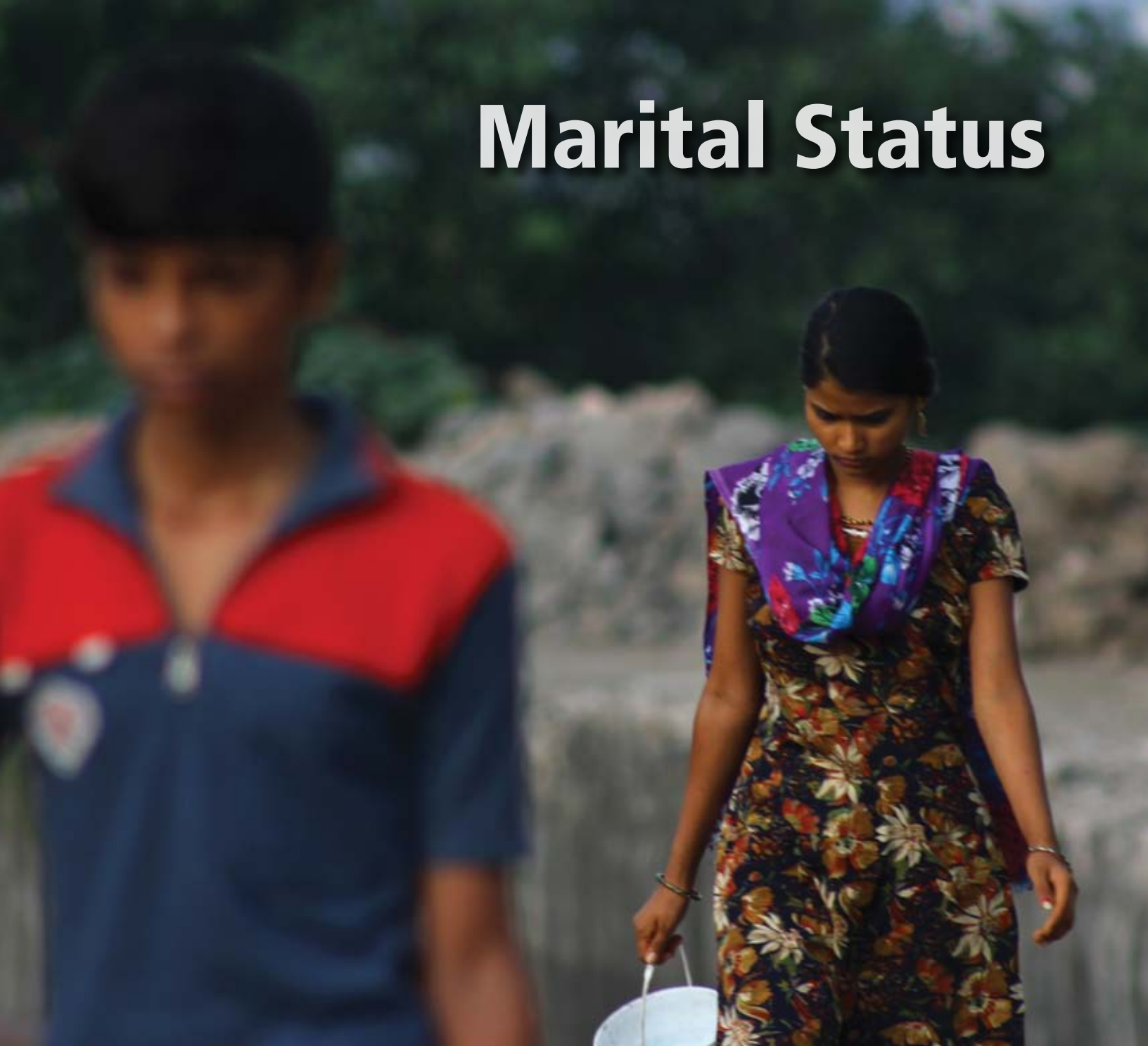


PHOTO: LAKSHMI ANANTNARAYAN

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

Marriage, Divorce, Polygamy & Wife Obedience

AFGHANISTAN



Shia Personal Status Law of 2009:

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

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

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

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

Contact – Afghanistan

President Ashraf Ghani

Gul Khana

Presidential Palace

Kabul

AFGHANISTAN

Tel: +1 212 972 1212 (Mission to the UN in New York)

Fax: +1 212 972 1216 (Mission to the UN in New York)

Email: info@afghanistan-un.org (Mission to the UN in New York)

Twitter: @ARG_AFG

ALGERIA



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

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

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

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

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

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

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

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

Contact – Algeria

President Abdelaziz Bouteflika
Presidence de la Republique
Place Mohamed Seddik Benyahya
El Mouradia
16000 Algiers
ALGERIA
Tel: +21 321 69 15 15
Fax: +1 212 759 9538/5274 (Mission to the UN in New York)
Email: mission@algeria-un.org (Mission to the UN in New York)

BURUNDI



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

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

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

Contact – Burundi

President Pierre Nkurunziza
Présidence de la République du Burundi
Boulevard de l'Indépendance
B.P.: 1870 Bujumbura
BURUNDI
Tel: +257 22 22 60 63
Fax: +1 212 499 0006 (Mission to the UN in New York)
Email: pierre.nkurunziza@burundi.gov.bi

CUBA



Family Code:

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

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

Contact – Cuba

President Raul Castro Ruz

Havana

CUBA

Tel: +1 212 689 7215/7216/7217 (Mission to the UN in New York)

Fax: +1 212 779 1697/689 9073 (Mission to the UN in New York)

Email: cuba_onu@cubanmission.com (Mission to the UN in New York)

DEMOCRATIC REPUBLIC OF CONGO



Law 87-010 on the Family Code:

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

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

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

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

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

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

Contact – Democratic Republic of Congo

President Joseph Kabila

Palais de la Nation

Kinshasa

Democratic Republic of Congo

Tel: +1 212 319 8061 (Mission to the UN in New York)

Email: missionrdc@bluewin.ch (Mission to the UN in Geneva)

Facebook: www.facebook.com/jkkabila

DOMINICAN REPUBLIC



The Civil Code:

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

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

Contact – Dominican Republic

President Danilo Medina Sánchez
Palacio Nacional
Avenida México esquina Doctor Delgado
Gazcue, Santo Domingo
DOMINICAN REPUBLIC
Tel: +1 809 695 8107
Fax: +1 212 986 4694 (Mission to the UN in New York)
Email: info@presidencia.gob.do
Twitter: @PresidenciaRD

GUINEA



Civil Code of the Republic of Guinea:

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

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

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

Contact – Guinea

President Alpha Condé
Presidential Palace
Conakry
GUINEA
Tel: +1 212 687 8115 (Mission to the UN in New York)
Fax: +1 212 687 8248 (Mission to the UN in New York)
Email: missionofguinea@aol.com (Mission to the UN in New York)
Email Portal: www.presidence.gov.gn
Facebook: www.facebook.com/PresidenceRepubliqueGuinee

INDONESIA



Law No. 1 of 1974 on Marriage:

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

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

Contact – Indonesia

President Joko Widodo
Presidential Palace (Istana Negara)
Jalan veteran No. 16, Central of Jakarta
INDONESIA
Tel: +62 21 386 3777/350 3088
Fax: +62 21 344 2223
Email: ptri@indonesiamission-ny.org (Mission to the UN in New York)
Twitter: @jokowi_do2

ISRAEL



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

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

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

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

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

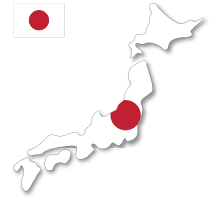
“... there is no basis for us to intervene, within the confines of this court’s supervisory role, into the decisions of the religious courts. That is to say, we do not sit as a level of appeal for those courts ... One must add that, according to Section 2 of the *Rabbinical Courts Jurisdiction (Marriage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

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

Contact – Israel

Prime Minister Benjamin Netanyahu
3 Kaplan Street
91950 Hakiryia, Jerusalem
ISRAEL
Tel: +972 26 70 55 55
Fax: +972 25 66 48 38
Email: prime.minister'soffice@it.pmo.gov.il
Twitter: @IsraeliPM
Facebook: www.facebook.com/IsraeliPM

JAPAN



The Civil Code of Japan:

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

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

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

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

Contact – Japan

Prime Minister Shinzō Abe
Prime Minister's Office
1-6-1 Nagata-cho, Chiyoda-ku
Tokyo, 100-8968
JAPAN
Tel: +1 212 223 4300 (Mission to the UN in New York)
Fax: +81 3 35 93 17 84
Email Portal: www.kantei.go.jp/foreign/forms/comment_ssl.html
Email: p-m-j@dn.mofa.go.jp (Mission to the UN in New York)

KENYA



The Marriage Act No. 4 of 2014:

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

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

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

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

Contact – Kenya

President Uhuru Kenyatta
Office of the President
State House
Statehouse Road, P.O. Box 40530 00100
Nairobi
KENYA
Tel: +254 20 222 7436



MALI

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

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

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

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

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

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

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

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

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

Contact – Mali

President Ibrahim Boubacar Keïta

Presidence

BP 1463, Koulouba

Bamako

MALI

Tel: +223 20 70 20 00

Fax: +1 212 472 3778 (Mission to the UN in New York)

Email: malionu@aol.com (Mission to the UN in New York)

Twitter: @PresidenceMali

Facebook: www.facebook.com/pages/Présidence-de-la-République-du-Mali/563531873666309

NICARAGUA



Civil Code:

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

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

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

Contact – Nicaragua

President Daniel Ortega

Presidential Palace

Managua

NICARAGUA

Tel: +1 212 490 7997 (Mission to the UN in New York)

Fax: +1 212 286 0815 (Mission to the UN in New York)

Email: nicaragua@un.int (Mission to the UN in New York)

SUDAN



The Muslim Personal Law Act of Sudan, 1991:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) has paid her dowry in full,

(b) could be entrusted with her, and

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

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

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

Contact – Sudan

President Omar Hassan Ahmad al-Bashir

Office of the President

People's Palace

Khartoum

SUDAN

Tel: +211 477 12 44 21 (Undersecretary, Ministry of Information)

Fax: +1 212 573 6160 (Mission to the UN in New York)

Email: sudan@sudanmission.org (Mission to the UN in New York)

TANZANIA



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

Section 10. Kinds of Marriage.

...

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

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

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

Section 13. Minimum Age.

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

Section 15. Subsisting Marriage.

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

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

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

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

Contact – Tanzania

President Jakaya Kikwete
Office of the President
The State House
P.O. Box 9120
Magogoni Road
Dar es Salaam
TANZANIA
Tel: +255 22 211 6898/6900/6906
Fax: +255 22 211 7272
Email: tnwinfo@plancom.go.tz

YEMEN



The Personal Status Act No. 20 of 1992:

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

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

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

Contact – Yemen

No Head of State at time of publication; please refer to www.equalitynow.org/beijing20 for latest contact info when available.

Presidential Palace
Office of the President
60 Street
Sana'a
YEMEN
Tel: +967 1 40 81 11
Fax: +967 1 27 41 47
Email: YMISS-NEWYORK@MOFA.GOV.YE (Mission to the UN in New York)

Personal Status



PHOTO: LENA STEIN

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

Citizenship

BAHRAIN



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

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

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

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

Note: Article 18 of the Constitution of Bahrain: *People are equal in human dignity, and citizens are equal before the law in public rights and duties. There shall be no discrimination among them on the basis of sex, origin, language, religion or creed.*

Contact – Bahrain

King Hamad bin Isa Al Khalifa

Riffa Palace

Office of the King

Manama

BAHRAIN

Tel: +973 17 66 16 12

Fax: +1 212 319 0687/223 6206 (Mission to the UN in New York)

Email: contactcenter@ega.gov.bh

Twitter: @eGovBahrain

Facebook: www.facebook.com/pages/King-Hamad-Bin-Isa-Al-Khalifa/201882409844087

BRUNEI



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

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

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

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

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

Contact – Brunei

His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Omar Ali Saifuddien Sa'adul Khairi Waddien
Prime Minister's Office
Jalan Perdana Menteri
Bandar Seri Begawan BB3913
Negara BRUNEI Darussalam
Tel: +673 222 4645/3626/4684/4796
Fax: +1 212 697 9889 (Mission to the UN in New York)
Email: info@jpm.gov.bn
Facebook: www.facebook.com/egnc.gov.bn

MONACO



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

Article 1. A *Monegasque* is:

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

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

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

Contact – Monaco

Prince Albert II
Palais de Monaco
Boit Postal 518
98015 Monte Carlo
MONACO
Tel: +377 93 25 18 31
Fax: +1 212 832 5358 (Mission to the UN in New York)
Email: centre-info@gouv.mc

SWAZILAND



Constitution of the Kingdom of Swaziland Act 2005:

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

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

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

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

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

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

Contact – Swaziland

Prime Minister Dr. Barnabas Sibusiso Dlamini

P.O. Box 395

Mbabane

SWAZILAND

Tel: +268 2404 22 51/3

Fax: +1 212 754 2755 (Mission to the UN in New York)

Email: swaziland@un.int; swazinymission@yahoo.com (Mission to the UN in New York)

TOGO



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

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

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

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

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

Contact – Togo

Prime Minister M. Kwesi Séléagodji Ahoomey-Zunu

Lomé

TOGO

Tel: +1 212 490 3455 (Mission to the UN in New York)

Fax: +1 212 983 6684 (Mission to the UN in New York)

Email Portal: www.republicoftogo.com/Liens-premier-niveau/Contactez-nous

Email: togo@un.int (Mission to the UN in New York)

Twitter: [@republicoftogo](https://twitter.com/republicoftogo)

Facebook: www.facebook.com/pages/REPUBLIC-OF-TOGO/6683533941

UNITED STATES OF AMERICA



The Immigration and Nationality Act:

Section 309. Children born out of wedlock.

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

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

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

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

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

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

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

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

...

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

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

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

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

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

Contact – United States

President Barack Obama
Office of the President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
UNITED STATES OF AMERICA
Tel: +1 202 456 1111
Email: president@whitehouse.gov
Twitter: @BarackObama

Evidence

IRAN



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

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

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

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

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

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

Contact – Iran

President Hassan Rouhani
Presidency Office
Pasteur Avenue
Tehran 13168-43311
IRAN
Tel: +1 212 687 2020 (Mission to the UN in New York)
Fax: +1 212 867 7086 (Mission to the UN in New York)
Email: iran@un.int (Mission to the UN in New York)

PAKISTAN



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

Article 17. Competence and number of witnesses.

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

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

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

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

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

Contact – Pakistan

President Mamnoon Hussain
President of the Islamic Republic of Pakistan
President's Secretariat
Aiwan-E-Sadr
Islamabad
PAKISTAN
Tel: +1 212 879 8600/8603/8025/8028/8031/8033 (Mission to the UN in New York)
Fax: +1 212 744 7348 (Mission to the UN in New York)
Email: pakistan@un.int (Mission to the UN in New York)
Twitter: @ucs_ppres

Travel

SAUDI ARABIA



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

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

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

Contact – Saudi Arabia

King Salman bin Abdulaziz Al Saud
Royal Court
Riyadh
KINGDOM OF SAUDI ARABIA
Tel: +966 1 488 22 22
Fax: +1 212 983 4895 (Mission to the UN in New York)
Email: kfb@saudinf.com

Prostitution

PHILIPPINES



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

Article 202. Prostitutes; Penalty. –

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

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

Contact – Philippines

President Benigno S. Aquino III
Malacañang Palace
Jose P. Laurel Street, San Miguel
Manila, 1005
THE PHILIPPINES
Tel: +1 212 764 1300 (Mission to the UN in New York)
Fax: +1 212 840 8602 (Mission to the UN in New York)
Email: op@president.gov.ph



Economic Status

PHOTO: SUZANNA FINLEY

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

Inheritance and Property

CHILE



The Civil Code:

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

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

Contact – Chile

President Michelle Bachelet
Palacio de la Moneda
Oficina del Presidente
Santiago
CHILE
Tel: +1 917 322 6800 (Mission to the UN in New York)
Email: chile.un@minrel.gov.cl (Mission to the UN in New York)

TUNISIA



Personal Status Code of 1956:

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

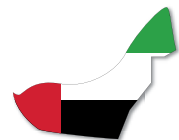
1. A sole **daughter inherits half** of the estate;
2. Two or more **daughters collectively inherit two thirds** of the estate;
3. **Where there are any sons, the male inherits twice as much as the female.**

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

Contact – Tunisia

Prime Minister Habib Essid
Place du Gouvernement - La Kasbah
Tunis 1030
TUNISIA
Tel: +216 71 56 54 00
Fax: +1 212 751 0569 (Mission to the UN in New York)
Email: boc@pm.gov.tn

UNITED ARAB EMIRATES



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

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

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

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

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

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

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

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

Contact – United Arab Emirates

President Khalifa bin Zayed Al Nahyan

Abu Dhabi

UNITED ARAB EMIRATES

Tel: +97 126 26 99 99

Email: egov@tra.gov.ae

Twitter: @UAEmgov

Employment

CAMEROON



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

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

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

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

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

Contact – Cameroon

President Paul Biya

Office of the President

Yaoundé

CAMEROON

Tel: +237 22 23 80 05

Fax: +1 212 249 0533 (Mission to the UN in New York)

Email: cameroon.mission@yahoo.com (Mission to the UN in New York)

CHINA



The Labour Act (1994):

Chapter VII. Special Protection for Female and Juvenile Workers.

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

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

Contact – China

President Xi Jinping

Guojia Zhuxi

Beijingshi 100017

PEOPLE'S REPUBLIC OF CHINA

Tel: +1 212 655 6100 (Mission to the UN in New York)

Fax: +1 212 634 7625 (Mission to the UN in New York)

Email: chinesemission@yahoo.com (Mission to the UN in New York)

IRELAND



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

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

(a) a woman ...

(c) a man ...

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

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

Contact – Ireland

Prime Minister Enda Kenny

Department of the Taoiseach

Government Buildings, Upper Merrion Street

Dublin 2

IRELAND

Tel: +353 1 619 4000

Fax: +353 1 6763302

Email: webmaster@taoiseach.gov.ie and taoiseach@taoiseach.gov.ie

MADAGASCAR



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

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

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

Contact – Madagascar

Prime Minister Roger Kolo
Palais de Mahazoarivo
Antananarivo
MADAGASCAR
Tel: +1 212 986 9491/9492/2827 (Mission to the UN in New York)
Fax: +1 212 986 6271 (Mission to the UN in New York)
Email: cellcom@primature.gov.mg

RUSSIAN FEDERATION



Resolution No. 162 of 25 February 2000:

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

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

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

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

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

Contact – Russian Federation

President Vladimir Putin
President of Russia
23, Ilyinka Street
Moscow 10313
RUSSIAN FEDERATION
Tel: +7 495 606 36 02; +7 495 625 35 81 (Presidential Directorate for Correspondence from Citizens and Organizations); +7 495 910 07 66 (Presidential Press and Information)
Fax : +1 212 628 0252/517 7427 (Mission to the UN in New York)
Email Portal: eng.letters.kremlin.ru/send
Email: press@russiaun.ru (Mission to the UN in New York)
Twitter: @KremlinRussia_E

UNITED KINGDOM



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

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

Equality Act 2010:

Section 39.

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

(a) in the arrangements A makes for deciding **to whom to offer employment** ...

(c) by not offering B employment ...

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

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

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

(2) A relevant requirement is—(a) a **requirement to be a man** ...

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

Contact – United Kingdom

Prime Minister David Cameron
10 Downing Street
London SW1A 2AA
UNITED KINGDOM
Tel: +1 212 745 9200 (Mission to the UN in New York)
Fax: +44 207 925 09 18
Email Portal: <https://email.number10.gov.uk/>
Email: uk@un.int (Mission to the UN in New York)
Twitter: @Number10gov
Facebook: www.facebook.com/10downingstreet



PHOTO: DEE ASHLEY

Violence

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

Rape

BAHAMAS



The Sexual Offences and Domestic Violence Act, 1991:

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

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

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

Contact – Bahamas

Prime Minister Perry Christie
Office of the Prime Minister
Sir Cecil Wallace Whitfield Centre
P.O. Box CB 10980
Nassau, N.P.
BAHAMAS
Tel: +242 327 58 26/7
Fax: +1 212 759 2135 (Mission to the UN in New York)
Email: primeminister@bahamas.gov.bs

INDIA



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

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

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

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

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

Contact – India

Prime Minister Narendra Modi
South Block, Raisina Hill,
New Delhi-110011
INDIA
Tel: +91 11 23 01 2312
Fax: +1 212 490 9656 (Mission to the UN in New York)
Email: india@un.int; indiaun@prodigy.net (Mission to the UN in New York)
Twitter: @narendramodi
Facebook: www.facebook.com/narendramodi

LEBANON



The Penal Code:

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

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

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

Contact – Lebanon

Prime Minister Tammam Salam
Office of the Prime Minister
Riadh El-Solh Square Beirut
LEBANON
Tel: +1 212 355 5460 (Mission to the UN in New York)
Fax: +1 212 838 2819 (Mission to the UN in New York)
Email: conseil@pcm.gov.lb
Twitter: @SalamTammam

MALTA



Criminal Code:

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

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

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

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

Contact – Malta

President E.T. Marie-Louise Coleiro Preca

Ufficju tal-President

Il-Palazz, Il-Belt Valetta

MALTA

Tel: +356 22 00 00 00

Fax: +1 212 779 7097 (Mission to the UN in New York)

Email: malta-un.newyork@gov.mt; malta@un.int (Mission to the UN in New York)

Twitter: @presidentMT

Facebook: www.facebook.com/marielouisecoleiropreca

PALESTINE



Palestinian Penal Code No. 16 of 1961:

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

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

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

Contact – Palestine

Prime Minister Rami Hamdallah

Ramallah

PALESTINE

Tel: +1 212 288 8500 (Mission to the UN in New York)

Fax: +1 212 517 2377 (Mission to the UN in New York)

Email: rhamdallah@pmo.pna.ps

Twitter: @Palestine_UN

Facebook: www.facebook.com/pages/Permanent-Observer-Mission-of-the-State-of-Palestine-to-the-United-Nations/609184369092396

SINGAPORE



Penal Code:

Chapter XVI. Offences Affecting the Human Body.

Article 375. Rape.

(1) *Any man who penetrates the vagina of a woman with his penis —*
(a) *without her consent; or*
(b) *with or without her consent, when she is under 14 years of age,*
shall be guilty of an offence...

...

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

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

Article 376A. Sexual Penetration of Minor Under 16.

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

...

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

- (a) *his wife was living apart from him —*
- (i) *under an interim judgment of divorce not made final or a decree nisi for divorce not made absolute;*
 - (ii) *under an interim judgment of nullity not made final or a decree nisi for nullity not made absolute;*
 - (iii) *under a judgment or decree of judicial separation; or*

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

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

Contact – Singapore

Prime Minister Lee Hsien Loong
 Office of the Prime Minister
 Orchard Road Istana 238823
 SINGAPORE
 Tel: +65 62 35 85 77
 Fax: +65 68 35 66 21
 Email: pmo_hq@pmo.gov.sg
 Email: singapore@un.int (Mission to the UN in New York)
 Facebook: www.facebook.com/leehsienloong

Domestic Violence

NIGERIA



The Penal Code of Northern Nigeria:

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

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

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

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

Contact – Nigeria

President Goodluck Jonathan
Presidential Villa
State House, Aso Rock
Abuja
NIGERIA
Tel: +1 212 953 9130 (Mission to the UN in New York)
Fax: +1 212 697 1970 (Mission to the UN in New York)
Email: info@nigeria.gov.ng
Twitter: @NigeriaPortal; @JGoodlucktweets

“Honor” Killings

EGYPT



Penal Code No. 58 of 1937:

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

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

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

Contact – Egypt

Prime Minister Ibrahim Mahlab
Magless El Shaàb Street
Al Kasr El Einy
Cairo
EGYPT
Tel: +1 212 503 0300 (Mission to the UN in New York)
Fax: +1 212 949 5999 (Mission to the UN in New York)
Email: pm@cabinet.gov.eg, info@ad.gov.eg
Twitter: @egyptgovportal
Facebook: www.facebook.com/egyptgovportal

SYRIA



The Penal Code:

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

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

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

Contact – Syria

President Bashar al-Assad

Presidential Palace

Abu Rummeneh

Al-Rashid Street

Damascus

SYRIA

Tel: +1 212 661 1313 (Mission to the UN in New York)

Fax: +1 212 983 4439 (Mission to the UN in New York)

Email: exexec.syria@gmail.com (Mission to the UN in New York)



PHOTO: LENA STEIN

Annex

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

PROGRESS to End Sex Discrimination in the Law

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

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

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

** Malaysia added a new provision to the Penal Code which criminalizes a husband who "causes hurt or fear of death or hurt to his wife" in order to have sex with her, which is a positive step toward addressing marital rape. However, it did not delete the exception for "sexual intercourse by a man with his own wife" in the provision on rape and does not criminalize the act of rape itself committed by a man against his wife. This does not afford women full protection against marital rape.

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

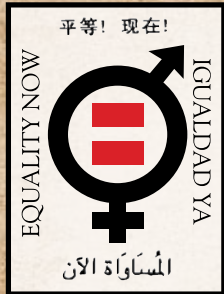
AFGHANISTAN:	Mandana Hendessi, Country Director in Afghanistan, Global Rights
ALGERIA:	Ligue Algérienne pour la Défense des Droits de l’Homme (LADDH); Dr. Yamina Houhou, Lawyer and Activist
BAHAMAS:	Hollaback! Bahamas
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DEMOCRATIC REPUBLIC OF CONGO:	Wivine Kavira Buruthere, Lawyer
DOMINICAN REPUBLIC:	Latin American and Carribean Committee for the Defense of Women’s Rights (CLADEM Dominican Republic)
EGYPT:	Center for Egyptian Women’s Legal Assistance (CEWLA)
GUINEA:	La Cellule de Coordination sur les Pratiques Traditionnelles affectant la Santé des Femmes et des Enfants (CPTAFE)
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MALTA:	National Council of Women
NICARAGUA:	Latin American and Carribean Committee for the Defense of Women’s Rights (CLADEM Nicaragua)
NIGERIA:	Alliances for Africa
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PALESTINE:	Women’s Centre for Legal Aid and Counseling
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RUSSIAN FEDERATION:	Mari Davtyan, Legal Expert of the Consortium of Women’s NGOs
SINGAPORE:	AWARE – Association for Action and Research
SUDAN:	Dr. Muna El Tayeb, Lawyer and Human Rights Activist
SYRIA:	Syrian Women Forum for Peace
TANZANIA:	The Legal and Human Rights Centre (LHRC)
TOGO:	Question de Femme
TUNISIA:	Center of Arab Women for Training and Research (CAWTAR)
YEMEN:	Arab Human Rights Foundation

ADDITIONAL ADVICE KINDLY PROVIDED BY:

ARGENTINA:	Instituto de Género, Derecho y Desarrollo
BOLIVIA:	A Breeze of Hope; Centro Una Brisa de Esperanza (CUBE)
IRAQ:	Baghdad Women Association
LATVIA:	Prof. Kristine Dupate

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

BEIJING+20



TAKE ACTION!

www.equalitynow.org/beijing20

Equality Now - NEW YORK,
P.O. Box 20646, Columbus Circle Station, New York, NY 10023, USA
Telephone: +1 212 586 0906 Fax: +1 212 586 1611
Email: info@equalitynow.org

Equality Now - NAIROBI,
P.O. Box 2018-00202, Nairobi, KENYA
Telephone: +254 20 271 9832 Fax: +254 20 271 9868
Email: equalitynownairobi@equalitynow.org

Equality Now - LONDON,
1 Birdcage Walk, London SW1H 9JJ, UNITED KINGDOM
Telephone: +44 (0) 20 7304 6902 Fax: +44 (0) 20 7973 1292
Email: ukinfo@equalitynow.org

www.equalitynow.org