Why marriage matters for working women

Nisha Arekapudi | July 1, 2020
WOMEN, BUSINESS AND THE LAW
LAWS AFFECT WOMEN THROUGHOUT THEIR WORKING LIVES

- Mobility
- Workplace
- Pay
- Marriage
- Parenthood
- Entrepreneurship
- Assets
- Pension
Intra-household bargaining
Incidence of domestic violence
Financial security after divorce
MARRIAGE

1. Obedience
2. Head of Household
3. Domestic Violence
4. Divorce
5. Remarriage
<table>
<thead>
<tr>
<th>Yes</th>
<th>No provision requiring a married woman to obey her husband.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>An explicit provision stating that a married woman must obey her husband.</td>
</tr>
<tr>
<td></td>
<td>Disobedience of a husband has legal ramifications for his wife, such as loss of maintenance.</td>
</tr>
</tbody>
</table>
Is there no legal provision that requires a married woman to obey her husband?

"By the effect of marriage, the husband must protect his wife, the wife must obey her husband."

GABON
“... a wife shall not be entitled to maintenance when she is nusyuz, or unreasonably refuses to obey the lawful wishes or commands of her husband...
As soon as the wife repents and obeys the lawful wishes and commands of her husband, she ceases to be nusyuz.”
One in five Malaysian Muslim women still believe husbands deserve to beat ‘disobedient’ wives: Survey

KUALA LUMPUR — Close to a quarter of Muslim women in Malaysia surveyed still believe that a husband can strike his wife, citing the religious concept of “marfu’u” or refusing to obey a husband’s wishes or commands.

According to the survey by rights group Sisters in Islam (SIS) on Muslim women’s realities in Malaysia, this “disobedience” can include leaving the house without a husband’s consent to simply refusing sex.
Is there no legal provision that requires a married woman to obey her husband?

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The law requires a married woman to obey her husband.
Can a woman be "head of household" or "head of family" in the same way as a man?

Yes

- No restrictions on a woman becoming head of household or head of family.

No

- Explicit restrictions, such as a provision designating the husband as head of household or stipulating that the husband leads the family.
- A male is designated as the default family member who receives the family book or equivalent document that is needed for access to services.
Can a woman be "head of household" or "head of family" in the same way as a man?

**France**
“Spouses are responsible together for the material and moral guidance of the family. They shall provide for the education of the children and shall prepare their future.”

**Oman**
“The wife shall take care of her husband because he is the head of the household.”
Can a woman be "head of household" or "head of family" in the same way as a man?

30 economies

A woman cannot be “head of household” or “head of family” in the same way as a man.
Is there legislation specifically addressing domestic violence?

Domestic violence is gender-specific violence, commonly directed against women, occurring in the family and in interpersonal relationships. The abuse can be:

1. Physical
2. Emotional or psychological
3. Sexual
4. Financial or economic
Is there legislation specifically addressing domestic violence?

**Yes**

- Legislation addressing domestic violence that includes criminal sanctions or provides for protection orders for domestic violence.
- Legislation addresses “harassment” that includes physical or mental harm arising from domestic relationships.

**No**

- No legislation addressing domestic violence.
- Domestic violence legislation does not provide for sanctions or protection orders or only a specific category of women or family member is protected.
- There is only a provision that increases penalties for general crimes covered in the criminal code if committed between spouses or within the family.
Is there legislation specifically addressing domestic violence?

35 economies

There is no legislation specifically addressing domestic violence.
Russian domestic violence: Women fight back

By Lucy Ash
BBC News

21 November 2015

Two years ago, many Russians were shocked when the parliament significantly reduced penalties for domestic violence. Since then, women have been fighting back - demanding new legislation to restrain abusers, demonstrating in support of three sisters who took the law into their own hands, and finding new ways of tackling outdated attitudes on gender.
Can a woman obtain a judgment of divorce in the same way as a man?

**Yes**
- Process is equal for women and men or includes additional protections for women, such as prohibiting a husband from initiating divorce proceedings while his wife is pregnant.

**No**
- Divorce is not legally allowed.
- There are procedural or evidentiary differences for women.
- Only men can initiate divorce proceedings.
Can a woman obtain a judgment of divorce in the same way as a man?

- **Talaq**
- **Evidence/procedure**
- **No divorce**
Can a woman obtain a judgment of divorce in the same way as a man?

The Philippines is one of two countries where divorce is illegal, trapping women in marriages
Can a woman obtain a judgment of divorce in the same way as a man?

A woman cannot obtain a judgment of divorce in the same way as a man.
Does a woman have the same rights to remarry as a man?

**Yes**
- Women and men have an equal right to remarry.

**No**
- Provisions limit a woman’s right to remarry, such as requiring a waiting period before remarriage to which a man is not subject.
- Divorce is not legally allowed.
Does a woman have the same rights to remarry as a man?

<table>
<thead>
<tr>
<th>Economy</th>
<th># of Days</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambodia</td>
<td>300</td>
<td>&quot;After dissolution of a marriage resulting from the death of a husband, annulment of marriage or divorce, a woman may remarry. However, she shall remain in a legal period of conception until at least 300 days after the death of her husband, or 300 days after the judgment annulling the marriage, or 300 days after the judgment granting a final divorce.&quot;</td>
</tr>
<tr>
<td>Japan</td>
<td>180</td>
<td>&quot;A woman may not remarry unless six months have passed since the day of dissolution or rescission of her previous marriage.&quot;</td>
</tr>
<tr>
<td>Maldives</td>
<td>130</td>
<td>“A woman suffering from widowhood shall be incapable of contracting any marriage except a period of 4 months and 10 days has, according to the Islamic Calendar, lapsed from the date of her husband's death.&quot;</td>
</tr>
<tr>
<td>Peru</td>
<td>300</td>
<td>“The woman who, not having become pregnant, remarries before the three hundred days after her husband’s death or the dissolution or annulment of her marriage, will lose the goods, legacies or any other liberality or benefit that the husband gave her or would have left to her in his will.”</td>
</tr>
<tr>
<td>Rwanda</td>
<td>300</td>
<td>“A woman can not contract a new marriage until three hundred days have passed since the dissolution or annulment of the previous marriage.”</td>
</tr>
<tr>
<td>San Marino</td>
<td>300</td>
<td>“A woman cannot remarry unless 300 days have passed since the dissolution, annulment, or nullity of a previous marriage has been declared by judgment having force of res judicata, except if she provides a medical certificate stating she is not pregnant.”</td>
</tr>
<tr>
<td>Tunisia</td>
<td>90-365</td>
<td>“Every woman who was separated from her husband after consummating the marriage or before to observe Iddah as demonstrated below.”</td>
</tr>
</tbody>
</table>
Does a woman have the same rights to remarry as a man?

A woman does not have the same rights to remarry as a man.

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THANK YOU!

Women, Business and the Law

Women, Business and the Law (WBL) measures gender inequality in the law. The dataset identifies barriers to women's economic participation and encourages the reform of discriminatory laws. Read more

Women, Business and the Law 2020

Women, Business and the Law 2020 analyzes laws and regulations affecting women's economic inclusion in 190 economies. While celebrating the progress made, the data and analysis emphasize the work still to be done to ensure economic empowerment for all. Read the Study | Get the data | Learn more