Dissolving marriages through divorce continues to be held back by taboos, economic limitations and religious implications in several parts of the world, despite being a right protected by the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Specifically, the convention's Article 16 states that women and men have the “same rights and responsibilities during marriage and at its dissolution.” This is often translated into law, but legislative change alone is only one step but not sufficient to fully guarantee women's rights to freely determine who they are married and stay married to as the comparison between India and the Philippines shows.

The civil right to divorce is not a universal law in the nation but is divided into sections according to different religions. Underlying prejudice against women's free will to end a marriage hence does not come into effectuation as stereotypes of conventional gender bias still persist within various religions.

The Philippines is the only country in the world, apart from the Vatican, outlawing divorce. A predominantly Christian nation, the Philippines faces significant pushback against divorce bills. Anti-divorce advocates are wary of the practice of trivializing the institution of marriage, and see it as anti-family, detrimental to children and “anathema to Filipino culture.” Nevertheless, a slight change can be seen with a divorce bill recently passed at the committee level in 2020.

Currently, save for the 6% of the population who are Muslim, who have a law with a divorce provision, married Filipinos are limited to few legal remedies that are lengthy and cost-prohibitive, often costing thousands of dollars.

Annullment, the only legal recourse that voids a valid marriage, and the declaration of nullity of a marriage are applicable only when the grounds exist “at the time of the marriage.”

In cases of spousal violence, which happens in one of four ever-married women in the country, couples can instead pursue legal separation. But unlike divorce, it does not sever marital ties and disallows remarriage.

Similar to India, there is a stigma to being separated in the Philippines. While divorce in India is granted equally to women and men, the stigma and setbacks for women are severe once they decide to decide to dissolve their marriage. Therefore only a few women take the route of divorce in India, . The country has one of the lowest divorce rates in the world.
India’s low rank on global divorce rate indices isn’t due to happier marriages but the existence of orthodox societal pressure.

The primary reason why it is difficult for Indian women to get out of troubled marriages is the existence of patriarchal structures in a society that still holds their worth as that of the family they marry into. In conventional and religious families, equality among genders also remains an alien concept.

India is intrinsically a divided nation in terms of economic and social structures and, hence, even though women in urban metropolitan cities might opt for a divorce, women from marginalized sectors try to avoid it in fear of the stigma it might bring. Sexism, especially in informal workplaces, also leaves women with few options to work and sustain their families post-divorce.

While the legislative framework is different in India and the Philippines, some of the cultural and religious concerns overlap. This shows that the right to divorce not only requires a change of laws but also the change of mindset toward gender equality.

While major steps have been taken in the advancement of women's rights, the issue of divorce, its accessibility, and independent means of sustenance for separated spouses need further discourse in the Asia-Pacific region.