

Legal Reasons for Divorce in Select Countries Around the World

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Note carefully how difficult or easy it is to get a divorce depending on the country. Notice countries like Jamaica, Barbados, Trinidad and Tobago where the grounds for the divorce is much different and simpler than The Bahamas. I searched many sources on the Internet to compile this document. Note how many countries grant divorce on 'irretrievable breakdown of the marriage' which is one ground that is needed in The Bahamas. Observe the countries that grant divorce on "mutual consent." Also note especially, Egypt, Mexico, Russia, China.

LEGAL REASONS FOR DIVORCE IN THE BAHAMAS

In The Bahamas a husband or wife may petition for divorce on grounds of:

1. Adultery
2. Cruelty—mental, emotional or physical
3. Desertion for two years (has deserted the petitioner for a continuous period of at least two years).
4. Separation for five years (living separate and apart)
5. Homosexuality & Bestiality. (Since the celebration of the marriage been guilty of a homosexual act, sodomy or has had sexual relations with an animal)

The wife may also do so on the ground that her husband has since the celebration of the marriage been guilty of rape.

LEGAL REASONS FOR DIVORCE IN BARBADOS

A couple can apply for a decree of dissolution of marriage by claiming that the marriage has "**broken down irretrievably**," according to Barbados law. A court will only grant dissolution if the couple has separated and lived separately for at least 12 continuous months before filing for dissolution. If a court finds that a couple is reasonably likely to reconcile, it may not grant dissolution.

LEGAL REASONS FOR DIVORCE IN BRAZIL

If both parties mutually consent to the divorce, and there are no underage children involved, it can be performed by a notary and completed in as soon as a few weeks. If both parties are not in agreement about the divorce, one party can apply in court. A judge can then hear the case and rule on a divorce. This is usually around a 4-month process.

LEGAL REASONS FOR DIVORCE IN CANADA

1. Living Apart at Least One Year. a spouse can file for divorce even if the spouses live under the same roof by proving the intention to live separately. For example, the

spouse can show that they live in separate rooms, have no sexual relationship, talk to each other very little or not at all, don't do any household chores together (e.g., prepare meals or do each other's laundry), buy their groceries separately, don't eat together, and have separate social lives. The judge decides whether the spouses have actually been living apart for at least a year.

2. Adultery (Cheating)
3. Physical or Mental Cruelty

LEGAL REASONS FOR DIVORCE IN CHINA

Divorce can be achieved either by agreement, or by litigation. If both parties agree to the terms, the divorce is likely to be fairly fast and painless. If the parties can't agree to divorce terms, it will be decided by courts. Divorce can be filed at the local Chinese Marriage Registration Office, and if everything is in order, you could have your divorce certificate within 30 minutes.

LEGAL REASONS FOR DIVORCE IN COLUMBIA

If both parties agree, a divorce can move fairly quickly. If the parties are not in agreement, a divorce may be granted by a judge if one of the following circumstances is met:

1. Extramarital affair
2. Serious breach of spousal or parental obligations (e.g. parenting; food; school)
3. Outrages of verbal or physical abuse
4. Habitual drunkenness
5. Drug addiction (Other than prescriptions)
6. Severe mental or physical disease
7. Conduct leading to the bad influencing of, or corruption of a household member
8. Separation of two years or more

LEGAL REASONS FOR DIVORCE IN EGYPT

In Egypt, The question of settling divorce should be in the hands of the wiser party, and that is men. "Men are wise, which is why they do not have to go to court. Islamic law would consider the wise wife an exception, and you cannot generalize an exception."

Muslim Egyptian men have a unilateral and unconditional right to divorce without resort to legal proceedings (talaq). They simply need to repudiate their wives, saying "you are divorced" three times, making the divorce irrevocable (ba'in), and register the divorce within 30 days with a religious notary to make it official. A repudiated woman has to observe a waiting period ('idda) not exceeding one year, during which she is not allowed to marry another man. A divorce uttered less than three times is revocable (raji'i), meaning that the husband has the right to return the divorcee to his household during the waiting period against her will and without having to sign another marriage contract.

An Egyptian woman who is repudiated by her husband is entitled to the deferred dowry, "maintenance" (nafaqa) during the waiting period, and compensation (mut'a) of at least two

years maintenance (with consideration for the husband's means, the circumstances of the divorce, and the length of marriage). However, many Egyptian women seeking divorce have been willing to forfeit these financial rights to avoid burdensome and uncertain court proceedings. These women ask their spouses to divorce them in return for forfeiting their rights.

Women who seek divorce in Egypt have two options, fault-based or no-fault divorce (khula). Unlike men, women can only divorce by court action (taliq). Regardless of which system they choose, a number of government officials are involved in the process, including judges, attorneys for both parties, and arbitrators involved in compulsory mediation between the couple. Public prosecutors are also often present in divorce cases, exercising considerable influence on these proceedings and the outcome of the case. For both types of divorce initiated by women (fault-based and no-fault) described below, public prosecutors provide the judge with an advisory opinion on whether the divorce should be granted. While these advisory opinions were requested by judges on a case-by-case basis before the establishment of the new family court system in October 2004, they are now mandatory in all personal status cases heard by the new courts.

LEGAL REASONS FOR DIVORCE IN ENGLAND AND WALES

If a marriage is at least 1 year old and has "irretrievably broken down", it can qualify for divorce. According to the Matrimonial Causes Act of 1973, a marriage is deemed irretrievably broken down if one of the following has been established:

1. Adultery
2. Two years of desertion
3. Unreasonable behavior (e.g. abuse or excessive drinking)
4. Separation (2 years for an agreed divorce, 5 years for a contested divorce)

LEGAL REASONS FOR DIVORCE IN FRANCE

1. Of mutual consent, either on a Joint Petition by the Spouses or on Petition by one Spouse and Acceptance by the other.
2. Of fault. divorce based upon the 'mutual confession' of the spouses (*divorce sur double aveu, divorce sur aveu indivisible, also called divorce demandé par l'un et accepté par l'autre*),
3. divorce based upon fault on the part of one spouse or both
4. divorce based on separation for six years or more
5. divorce based on the mental insanity of one spouse for at least
6. six years

LEGAL REASONS FOR DIVORCE IN HAITI

First, you must determine whether you are seeking to obtain a bilateral or a unilateral divorce. A **bilateral divorce** involves the mutual consent of both spouses regarding the

legal dissolution of the marriage. A **unilateral divorce** involves consent by only one spouse, which is you.

LEGAL REASONS FOR DIVORCE IN JAMAICA

Now either spouse can petition the court for a decree nisi (order for divorce) and later a decree absolute (final order of divorce) on the ground that the marriage has **broken down irretrievably**. The court must be satisfied with the following before it grants the decree:

1. That the parties separated and have since lived apart for a continuous period of 12 months immediately preceding the date of the filing of the petition; and
2. That there is no reasonable likelihood of cohabitation being resumed.

LEGAL REASONS FOR DIVORCE IN KENYA

1. If a spouse commits adultery
2. If a spouse is cruel to the other spouse or to any child of the marriage
3. A spouse willfully neglects the other spouse for at least two years immediately preceding the date of presentation of the petition
4. The spouses have been separated for at least two years, whether voluntary or by decree of the court, where it has

LEGAL REASONS FOR DIVORCE IN KENYA

A petition under this Act by a party to a marriage for a decree of

1. dissolution of the marriage may be based on one or more of the following grounds:–
 - (a) that, since the marriage, the other party to the marriage has committed adultery;
 - (b) that, since the marriage, the other party to the marriage has, without just cause or excuse,
 1. willfully deserted the petitioner for a period of not less than two years;
 2. (c) that the other party to the marriage has willfully and persistently refused to consummate the marriage;
 3. (d) that, since the marriage, the other party to the marriage has, during a period of not less than one year, habitually been guilty of cruelty to the petitioner;
 4. (e) that, since the marriage, the other party to the marriage has committed rape, sodomy or bestiality;
 6. that, since the marriage, the other party to the marriage has, for a period of not less than two years– been an habitual drunkard; or
 7. habitually been intoxicated by reason of taking or using to excess any sedative, narcotic or stimulating drug or preparation, or has, for a part or parts of such a period, been an habitual drunkard and, for the other part or parts of the period, has habitually been so intoxicated;
- (i) that, since the marriage the petitioner's husband has, within a period not exceeding five years– suffered frequent convictions for crime, in respect of which he has been sentenced in the

8. aggregate to imprisonment for not less than three years; and habitually left the petitioner without reasonable means of support;
9. that, since the marriage, the other party to the marriage has been in prison for a period of not less than three years after conviction for an offence punishable by death or imprisonment for life
10. or for a period of five years or more, and is still in prison at the date of the petition;
11. that, since the marriage and within a period of one year immediately preceding the date of the petition, the other party to the marriage has been convicted, on indictment, of— having attempted to murder or unlawfully to kill the petitioner; or having committed an offence involving the intentional infliction of grievous bodily harm on
12. the petitioner or the intent to inflict grievous bodily harm on the petitioner; that the other party to the marriage has habitually and willfully failed, throughout the period of
13. two years immediately preceding the date of the petition, to pay maintenance for the petitioner
 - (i) that has been—ordered to be paid under an order of, or an order registered in, a court in Papua New Guinea
14. or in Australia; or agreed to be paid under an agreement between the parties to the marriage providing for their separation; that the other party to the marriage has, for a period of not less than one year immediately preceding the date of the petition, failed to comply with a decree of restitution of conjugal rights made under this Act;
15. that the other party to the marriage—is, at the date of the petition, of unsound mind and unlikely to recover; and since the marriage and within the period of six years immediately preceding the date of the
16. petition, has been confined for a period of, or for periods aggregating, not less than five years in
17. an institution where persons may be confined for unsoundness of mind in accordance with law,
18. or in more than one such institution; that the parties to the marriage have been separated and afterwards have lived separately and
 - (j) apart for a continuous period of not less than five years immediately preceding the date of the petition, and there is no reasonable likelihood of cohabitation being resumed;
 - (k) that the other party to the marriage has been absent from the petitioner for such time and in
19. such circumstances as to provide reasonable grounds for presuming that he or she is dead.

LEGAL REASONS FOR DIVORCE IN PHILIPPINES

The Philippines is the only country other than the Vatican that divorce is illegal. Except for Muslims, who can qualify for divorce under certain rare circumstances, there is no process

for legal divorce in the Philippines. Some non-Muslims have converted to Islam to obtain a legal divorce, but have been denied U.S. visas due to the fact that the original marriage was not originally solemnized under Shari's Law.

LEGAL REASONS FOR DIVORCE IN TRINIDAD AND TOBAGO

There is only one ground for divorce in Trinidad and Tobago, which is that the marriage has **broken down irretrievably**, that is to say, **without hope of reconciliation**.

Notwithstanding this the court cannot hold that the marriage has broken down unless the petitioner satisfies the court of one or more of the five facts specified in section 4 of The Act, that is:

1. that the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;
2. that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
3. that the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition;
4. that the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to a decree being granted;
5. that the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.

LEGAL REASONS FOR DIVORCE IN MEXICO

Mexico is one of the easiest countries in the world to get a divorce. The grounds for divorce in Mexico include:

- 1. Mutual consent**
2. Adultery
3. Pregnancy caused by another man
4. Pimping out your spouse (Receiving funds for sex of the other partner)
5. Incitement to violence made by one spouse to another to commit a crime
6. Immoral acts committed in order to corrupt the children
7. Having any chronic or incurable disease that is contagious or hereditary
8. Incurable mental illness
9. Separation of at least six months
10. Declaration of absence (Presumption of death)
11. Physical or verbal abuse
12. Serious breach of spousal or parental obligations (e.g. parenting; food; school)
13. Slandorous accusation that resulted in at least 2 years in prison
14. Committed a crime (other than political) that resulted in 2 years of imprisonment
15. Excessive gambling, drug or alcohol abuse

16. Abuse of the children

LEGAL REASONS FOR DIVORCE IN NETHERLANDS (INCLUDING ST MAARTEN)

In the Netherlands, divorce (*Echtscheiding*) is always on the legal grounds of '**irretrievable breakdown of the marriage**'. There is generally no requirement to define or prove this. It will not be in your (financial) advantage or disadvantage if you are the person filing for divorce.

LEGAL REASONS FOR DIVORCE IN NIGERIA

1. No consummation of the marriage. There hasn't been any sexual intercourse between the couple
2. Either of the couple engaged in adulterous act
3. Evidence of unreasonable behavior. conduct such as bestiality rape, habitual drunk, murderer, sodomy, attempted murder of souse, beating and inability to take care of spouse.
4. If either party abandons the other for at least a year prior to filing the divorce petition
5. Separation between the couple by mutual consent
6. When either of the couple faith to comply with a court order on the marriage
7. Either party of the married couple has been presumed dead especially int he cases of disappearance.

LEGAL REASONS FOR DIVORCE IN RUSSIA

With the mandatory presence of at least one of the spouses, the marriage is terminated within one month. This procedure also applies to foreign nationals as soon as they live in Russia. ... The sole ground for divorce is "**an irretrievable breakdown of the marriage**". The fact the one spouse expresses his or her wishes to end the marriage is enough for the judge.

LEGAL REASONS FOR DIVORCE IN UGANDA

A husband may apply by petition to the court for the dissolution of his marriage on the ground that since the solemnization of the marriage his wife has been guilty of adultery.

A wife may apply by petition to the court for the dissolution of her marriage on the ground that since the solemnization of the marriage—her husband has changed his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman; or has been guilty of— (i) incestuous adultery; (ii) bigamy with adultery; (iii) marriage with another woman with adultery; (iv) rape, sodomy or bestiality; (v) adultery coupled with cruelty; or (vi) adultery coupled with desertion, without reasonable excuse, for two years or upwards.

LEGAL REASONS FOR DIVORCE IN UKRAINE

In Ukraine, marriage is “**free will**”. This means either party may divorce for any reason with or without consent of the other party. If the divorce is mutual, it can be performed by the State Civil Registrar. Property distribution may be determined by a court if not agreed upon. Generally, a divorce takes between one and three months in Ukraine. Unless your spouse became disabled or retired during the marriage, spousal maintenance, or alimony, is not imposed in Ukraine.

LEGAL REASONS FOR DIVORCE IN THE UNITED STATES OF AMERICA

The United States allows a person to end a marriage by filing for a divorce on the grounds of either fault or no fault. ... A no fault divorce can be granted on grounds such as irretrievable breakdown of the marriage, irreconcilable differences, incompatibility, or after a period of separation, depending on the state. Every state in the United States allows the acquisition of no-fault divorce. When the marriage partners mutually agree that they no longer feel the marriage is worth continuing, a no-fault divorce will allow the couple to obtain a divorce easily. In order to obtain a no-fault divorce in some states, the parties must mutually consent to provide information regarding incompatibility or why the marriage partners have changed, grown apart, or have irreconcilable differences. If a state requires a separation period, either or both spouses may be required to bring a witness to testify that the parties have been living apart for the required amount of time

LEGAL REASONS FOR DIVORCE IN VIETNAM

Divorce can be filed under the following grounds:

1. Adultery
2. Imprisonment
3. Insanity
4. Incurable disease
5. 2+ Years of abandonment
6. Incompatibility; They treat each other so bad they can no longer live together

Divorce in Vietnam is only granted by a judge if he determines the conjugal life cannot go on. A court-appointed conciliation attempt will be made, even in cases where the divorce is by mutual consent. This is an attempt to see if there’s any way you can work out your differences before taking the ultimate step of divorce. If the conciliation fails, a divorce can be granted.