

United Nations Entity for Gender Equality and the Empowerment of  
Women & Arab League

## Equal marital rights



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# Introduction

Dear delegates!

Welcome to the study guide for the joint committee of UN WOMEN and the Arab league. In this study guide we would like to provide an overview of the topic to be discussed while providing you references for future reading. We believe that each delegate should have a great amount of agency over their research, therefore we tried to make this study guide as succinct as possible to give you as much time for your individual preparation.

We look forward to seeing you at the conference. If you have any questions, do not hesitate to reach us via email ([molgin.molcan@gmail.com](mailto:molgin.molcan@gmail.com) or [stefunova.nina@gmail.com](mailto:stefunova.nina@gmail.com)).

Best regards,

Matúš & Nina

## Why a joint session/How will it work?<sup>1</sup>

This committee will be somewhat unorthodox in its structure, seeing that it is a joint committee. This differentiates it from a normal committee in a few very important ways that we would like to highlight.

First difference is that seeing as the Arab League is not a UN body, its members will be present as observers, meaning that they can vote only on procedural matters, which will exclude them from voting on resolutions, amendments, etc. This also means that the AL representatives cannot be submitters or sponsors of a resolution but they will be permitted to contribute to them in all other ways.

Second difference is the roles that delegates from each body should represent. The point of bringing in representatives from the AL is to be aware of cultural sensibilities of the middle eastern region, which will be the main topic of this committee. While every delegate is supposed to have general knowledge of laws and customs of the discussed countries, their AL representatives should have vast understanding of them, so they can direct the flow of the committee in a more productive direction.

We also feel that it is important to stress that **sexism, especially towards other delegates will not be tolerated** in this committee.

## History overview

Equal marital rights as we know them today have not always been here and people had to fight in order to obtain them, even though we consider it as a basic necessity. Many countries, mostly in the Arab region, struggle up till now to be able to have the bare minimum when it comes to this issue.

Let's take the USA as an example. Influenced by the English colonists and the laws they brought to North America, most states obliged women to act as pure objects of marriage with no self-worth. These marriage laws stated that a married woman did not have a separate legal existence from her husband. Her life was dependent on him, comparable to a child or a slave. Women could not own property in their own name or control their own

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<sup>1</sup> This is not set in stone, if the size of the committee would be more geared towards a different approach, we will change it.

earnings, except under very specific circumstances. When the husband passed away, they were not able to be the legal guardian of the underage children. In addition to the legitimate context of property ownership or family identity, women may in fact be considered non-persons. Many poor women ended up in the streets as they had limited opportunities for economic survival outside of marriage.

In 1780 Britain adopted the Married Women's Property Act. The act gave women married after 1870 the right to own and control personal property. In 1923 National Woman's Party in the USA proposed a Constitutional amendment: "Men and women shall have equal rights throughout the United States and in every place subject to its jurisdiction. Congress shall have the power to enforce this article by appropriate legislation."

Equal marital rights do not only revolve around money and property. When it comes to marital rape, a lot of countries outlawed it in the early 2000s, which is fairly late, for example, Cambodia or Nepal.

When it comes to Arab countries, they are heavily influenced by their culture and religion, both of which have deep roots in their regional history. Even though the average age of marriage is gradually rising and many Arab countries have introduced legislative reforms that promote gender equality and protect women from violence, the inequality is still present. Forced arranged marriage, marital rape, and many more issues are still worsening the lives of many Arab women.

## Key words and their definitions

### Equality (Cambridge dictionary definition)

- the right of different groups of people to have a similar social position and receive the same treatment

### Arranged marriage (Cambridge dictionary definition)

- a marriage in which the parents choose who their son or daughter will marry

## Marital rape (European Institute for Gender Equality definition)

- non-consensual vaginal, anal or oral penetration of the body of another person where the penetration is of a sexual nature, with any bodily part or with an object, as well as to any other non-consensual acts of a sexual nature, by a spouse or ex-spouse or by a former or current partner with whom a victim of rape is or has been living in a partnership recognised by the national law.

## Pressing questions

In this chapter we would like to outline topics most pertinent to the committee. When you will conduct your research these are the topics that you should focus on. This also means that it is highly advised that delegates mention them in their position papers and the resolution should also revolve around these topics.

## Marital rape

To understand this issue, delegates have to grasp how women are viewed when entering marriage. A woman does not enter the marriage as an equal to a man, but is instead viewed similarly to property. This then extends to the argument that because the woman is something that he owns, i. e. his property<sup>2</sup>, he is entitled to sexual deeds with her. This of course does not paint the whole picture. Other arguments entail the implicit consent of a woman when entering into marriage to keep her husband satisfied, even when she doesn't feel like it. Whatever the cause or supposed justification is, matter of fact is that most of the governments in Middle East is reluctant to classify marital rape as a crime.<sup>3</sup> The delegates will have to figure out how to tackle this issue that will be both effective and in line with beliefs and laws of Arabic countries.

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<sup>2</sup> Please do not view the word property literally, this more so refers to the standard feminist critique of marriage, often applied to western conception of marriage

<sup>3</sup> <https://newsfounded.com/uaeeng/why-havent-arab-countries-made-marital-rape-a-crime/>

## Arranged Marriage

While the rate of arranged marriages is steadily declining<sup>4</sup>, we believe that it is still a prevalent issue.

The first issue is that it ignores consent of both parties involved, but almost always ignores the consent of the woman. This institution reinforces the view that women are property to be traded and exchange for material goods, leaving her with no agency in of the most important event of her life

The other issue is the large gap between the ages of the spouses, especially the prevalence of the adult man and tween girl. Important difference here is between religious and legal marriage.<sup>5</sup>

## Other issues

There are of course other issues concerning marriage equality in the Middle East, for example Marry-your-rapist laws, which are still present in some countries. It would be more than appreciated if the delegates conducted research into these issues, seeing as solving more issues is always better.

## Position Papers

Delegates are expected to write their position papers which will be structured as such:

- A. Intro, general overview of the topic
- B. Position that their country holds in relation to the topic
- C. Specifics that the delegate would like to solve by the end of the session

The position paper should be approximately one page long, but shouldn't exceed two pages.

The deadline for the Position Paper is 20. 3. 2022, 11:59.<sup>6</sup> Please send your Position Papers to the email address listed in the introduction.

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<sup>4</sup> <https://www.dandc.eu/en/article/fewer-arranged-marriages-arab-countries>

<sup>5</sup> <https://www.prb.org/resources/child-marriage-in-the-middle-east-and-north-africa/>

<sup>6</sup> Subject to change

## Further reading:

Our study guide provides nowhere near complete knowledge of the topic and therefore we strongly recommend doing additional reading, especially regarding specific policies of given countries. But while we cannot do your research for you, we are including links that we have found useful during our research.

## Articles:

<https://www.ohchr.org/Documents/Issues/Women/SR/RapeReport/un/unami-iraq.docx>

<https://timep.org/commentary/analysis/marital-rape-in-egypt-between-legal-gaps-and-social-views/>

<https://newsfounded.com/uaeeng/why-havent-arab-countries-made-marital-rape-a-crime/>

<https://www.dandc.eu/en/article/fewer-arranged-marriages-arab-countries>

<https://www.healthymarriageinfo.org/wp-content/uploads/2017/12/MarriageMiddleEast.pdf>

<https://time.com/5495156/saudi-arabia-divorce-text-message/>

<https://scholarblogs.emory.edu/islamic-family-law/socialcultural-information-by-region/middle-east/>

<https://resourcecentre.savethechildren.net/document/married-exception-child-marriage-policies-middle-east-and-north-africa/> - Must read

<https://blogs.loc.gov/law/2017/08/religious-matrimonial-laws-in-selected-middle-east-and-african-countries/>

<https://iranprimer.usip.org/blog/2020/dec/08/part-3-iranian-laws-women>