



**United Nations
Entity for Gender Equality and
the Empowerment of Women**

Dist: General
18 February 2022

Original: English

First session

Agenda item
26 March 2022

Prevention of Marital Rape

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the UNCSW the topic synopsis entitled "Prevention of Marital Rape" (SP/CSW/SYN/IIF/00.2).



Preventing Marital Rape

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Section I—Introduction

The United Nations Commission on the Status of Women focuses on the empowerment of women and equality between all the genders. UNCSW challenges countries to meet the needs of women by holding them accountable to more global standards. By enforcing governing action within participating countries, civil society can change as a result.

Section II—Background Information

The United Nations defines rape as sexual intercourse against the will or legality of the victim, and marital rape is rape that a spouse commits against their partner. People of any ethnicity, religion, sexual orientation, gender, and age can face marital rape. Specifically discussing women, approximately one in five women from the ages 15-49 in the world experienced physical or sexual violence from an intimate partner in 2018. Although developing nations or traditional cultures are often put forth as more likely to have marital rape occur, it must be noted that this issue is one which is deeply embedded in both developing and developed nations, traditional and modern cultures. In both cases, elements in society can misconstrue marriage as implicit or even explicit consent for sexual activities. Even among the most developed nations in the world it cannot be understated that sexual violence committed within marriage is a problem in need of exposing; in the United States, although the process was began in 1975, the criminalization of spousal rape was only extended across all 50 states in 1993. In terms of how it is prosecuted and punished, spousal rape in the United States still does not carry the same weight. This trend only gets worse as one views the issue globally. Only four in ten countries in the United Nations have criminalized marital rape. In developing countries, where child marriage most commonly detected, half of young wives are subjected to sexual coercion and marital rape daily. In addition, several countries allow for perpetrators of sexual violence to marry their victims to avoid legal action, forcing women into the danger of marital rape and domestic violence throughout their lives. Marital rape leads to physical and psychological problems, including but not limited to sexually-transmitted diseases, eating disorders, unwanted pregnancies, substance abuse, sleeping disorders, mental illnesses, and suicidal ideation in the victim. These effects of sexual violence and many more hinder women from progressing in the global community.

As of now, the United Nations has had no direct action on marital rape, but has focused its efforts on sexual violence in conflicts. In the fifth sustainable development goal for gender equality, one of the targets is to “eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation” (Target 5.2). This elevates the topic of sexual violence against women, including marital rape, as one of the priorities to address internationally. In 2009, the Special Representative of the Secretary-General on Sexual Violence in Conflict adopted the Security Council Resolution 1888. This resolution included sexual violence as an avoidable and punishable issue that occurs during an armed conflict, contradicting the notion that rape is a common and an unavoidable occurrence in war. The

adoption of SCR 1888 globally recognizes the presence of negative impacts on survivors of rape that addressed through helping victims of sexual violence, especially rape, and preventing sexual violence so no one would be victims in the future. Since then, there have been many UN press conferences speaking out against rape during armed conflicts and in child marriages. However, the UN does not have any legislative action that would end sexual violence or marital rape. Given that this issue has only been recently recognized, the UN will require more resolutions and goals of ending marital rape in the future.

Section III—Possible Solutions

One solution to solve marital rape is through legislative action. Many countries around the world have no laws for any form of sexual violence, much less marital rape. In countries where sexual violence is unlawful, care must be taken that investigation and punishment is directed toward the perpetrator rather than the victim. Laws, such as those who punish women for being alone with their perpetrator, lead to victim-blaming of the survivor, discouraging them from speaking out about their experiences and receiving the resources they need to heal. More laws that set boundaries of what should prevail in a marriage and what is unacceptable will keep more people safe from violence. In addition, more employment opportunities from women should be another aim for government officials. Women who do not have jobs will become financially reliant on their husbands and will not be able to leave an abusive situation without support. The government should reverse any laws requiring a husband's permission for women to get a job or to leave the house. The government should also enact laws that make companies provide support for women who report their spouses and require healing and reporting resources to be provided upon request. This would allow women more opportunity to escape violence in their homes safely.

Another solution would be spreading awareness and breaking social stigmas. Due to the lack of education on sexual violence and consent, society normalizes marital rape, particularly by traditional cultures. In these cultures, often times women bear the blame for tempting men into raping them or for spending time with a man alone. Education of healthy relationships, consent, bystander intervention, sexual violence, and supporting survivors will allow younger generations to break stigmas and reduce inappropriate behaviors leading to sexual violence and marital rape. In addition, by spreading awareness of the signs of marital rape and abuse, people would be able to understand healthy marriages and how to prevent their loved ones from being trapped in a marriage that harms them. Spreading awareness will also show the public the necessity for legislative measures in stopping marital rape and abuse, permitting more action based on the demands of the citizens.

Additionally, breaking gender stereotypes in society can prevent the normalization of marital rape. Society firmly established standards for how a man and woman should behave, which is often used to enable perpetrators of marital rape. These standards portray women as weak and passive, existing to complete domestic chores and raise as many children as possible while men provide the family with income and control their wives and children. They must be seen as strong and aggressive. Normalization of marital rape discourages survivors from reporting or escaping their abuse, and stops the justice system of a country from holding perpetrators accountable for their actions.

Section IV—Bloc Positions

African: Declaring marital rape as a crime has become a debate in many countries in the African Bloc, increasing the difficulty of preventing marital rape within the countries. Twenty African countries have begun to implement policies that consent must be present for married couples to engage in sexual activity. Other countries in this bloc do not consider marital rape to be a crime or mention it anywhere within their laws.

Asia and the Pacific: In Asia, the laws do not help survivors of rape, much less marital rape. Many countries have been known to limit the definition of sexual violence, so marital rape is not brought to the justice system. Social ideology discourages survivors of marital rape from reporting or leaving their abuser, often because divorce is stigmatized. The police avoid helping those who have suffered from marital rape. Some prime ministers within this bloc have not criminalized marital rape under the guise that it is difficult to prove and false reporting commonly occurs, which is a claim unsubstantiated by evidence.

Eastern European: According to the WHO, some countries in Eastern Europe statistically rank highest for intimate partner violence. However, this bloc altogether has more countries that criminalize marital rape and has more mentions of marital rape in their policies than the other blocs. Socially, people are more tolerance towards survivors sharing their experiences of marital rape compared to the other blocs.

Latin American and Caribbean: Though this bloc has much legislation counteracting marital rape, more than other blocs, several countries allow perpetrators of marital rape to go unpunished in the justice system. Eight countries have criminalized marital rape and five countries have punished marital rape with some conditions, but in other countries, no specific policies for marital rape exists. Women pushed for quota laws in Latin American and the Caribbean bloc during the 1990s with largely unsuccessful results. Many countries had not adopted these laws until recently with the help of the most recent feminist wave. While the quota laws deal with women's rights overall, one quota law known as Restricted Physical Integrity, discusses spousal rape and its particular prevalence in women.

Western European and Others: People within this bloc have the most countries with criminalized marital rape. However, there is still social stigmatization for discussing marital rape, though less than other blocs. Many people participate in victim blaming for marital rape saying that their actions provoked their partner into committing the act. This bloc will most likely talk about prevention through societal norms instead of policies made by the government. Perpetrators when taken to the justice system are often allowed to walk free with minimal consequences.

Section V—Questions That Should Be Taken Into Consideration

What means can be used to encourage countries to criminalize marital rape?

What issue plays the most important role in preventing marital rape from occurring?

How can the chances of sexual violence be prevented before marriage?

What steps can people who have suffered from marital rape take to overcome their trauma?

How does an influx in child marriage influence marital rape statistics in a country or bloc?

Section VI—Helpful Sites and Resources

Website—Equality Now—Ending Sexual Violence in South Asia

bit.ly/IIMUN2022-UNWOMEN1 (Shortened URL from equalitynow.org)

Article—Thomson Reuters Foundation News—When Is It Going to Stop?', Malaysia's Marital Rape Victims Ask

tmsnrt.rs/3rYvSta (Shortened URL from trust.org)

Report—United Nations Population Fund—Combating violence against women and girls in Eastern Europe and Central Asia.

bit.ly/IIMUN2022-UNWOMEN2 (Shortened URL from unfpa.org)

Article—US National Library of Medicine—Judgments of Marital Rape as a Function of Honor Culture, Masculine Reputation Threat, and Observer Gender: A Cross-Cultural Comparison between Turkey, Germany, and the UK.

bit.ly/IIMUN2022-UNWOMEN3 (Shortened URL from nih.gov)

Article—Mesevci: Organización De Estados De América—Violencia Contra Las Mujeres En América Latina

bit.ly/IIMUN2022-UNWOMEN4 (Shortened URL from oas.org)

Research Paper—University of Vermont—Impact of Legislative Gender Quotas on Gender Violence Legislation in Latin America

bit.ly/IIMUN2022-UNWOMEN5 (Shortened URL from uvm.edu)

Article—Voice Of America—In Africa, Criminalizing Marital Rape Remains Controversial

bit.ly/IIMUN2022-UNWOMEN6 (Shortened URL from voanews.com)

Article—The Indian Express—Marital Rape a Crime in Many Countries, an Exception in Many More

bit.ly/IIMUN2022-UNWOMEN7 (shortened URL from indianexpress.com)

Article—US National Library of Medicine—Violence against Women: Where Are the Solutions?

bit.ly/IIMUN2022-UNWOMEN8 (Shortened URL from nih.gov)

Article—Aequitas—Charging Considerations in the Prosecution of Marital Rape

bit.ly/IIMUN2022-UNWOMEN9 (Shortened URL from evawintl.org)

Article—The State of Women—The Push to Get Every African Country to Criminalize Marital Rape

bit.ly/IIMUN2022-UNWOMEN10 (Shortened URL from thestateofwomen.com)

Article—Reuters—Child Brides Call on U.S. States to End 'Legal Rape

reut.rs/3H0Os8m (Shortened URL from reuters.com)

Website—Health Research Fund—21 Amazing Spousal Rape Statistics

bit.ly/IIMUN2022-UNWOMEN11 (Shortened URL from healthresearchfunding.org)

Potential Search Terms—Marital Rape, Effects of Marital Rape, Rape, Marital Rape in Child Marriages, Statistics of Marital Rape, History of Marital Rape, UN on Marital Rape