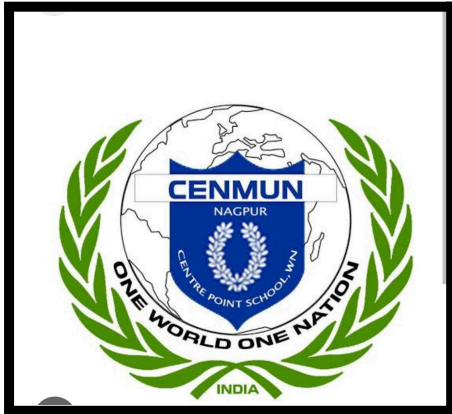


# **CENMUN**



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

**Agenda : Assessment of marriage and divorce laws**

## **Pre -Read**

### **Letter from the Executive Board**

**Letter from the Executive Board – CENMUN Nagpur 2024**

Dear Delegates,

Welcome to CENMUN 2024 and the UN Women (UNW) committee! We are thrilled to have you here as we explore the crucial agenda of **“Assessment of Marriage and Divorce Laws.”** This topic goes beyond legal structures; it challenges the societal, economic, and political norms that shape our world. **As Co-Chairpersons, We** encourage you to think and be authentic in your approach, aiming to create solutions that reflect both global realities and the future you envision.

The UNW committee will provide a platform for rigorous debate, thoughtful collaboration, and creative problem-solving. Your insights and proposals will play a key role in shaping the discourse around gender equality, human rights, and social justice. We urge you to not shy away from challenging the status quo—this is your opportunity to think critically and propose solutions that are both practical and forward-thinking.

Throughout the session, feel free to reach out to us for guidance or clarification. Remember, your ideas and voices matter, and we are here to support you every step of the way.

Let's make CENMUN 2024 an unforgettable and impactful experience.

**Best regards,**

**(Anjali Kadyan ),( Nishtha Joshi)**

**Co-Chairpersons, UN Women Committee**

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### **Introduction to the Agenda**

The assessment of marriage and divorce laws holds paramount importance within the UN Women (UNW) committee, addressing the legal frameworks shaping gender equality, human rights, and societal structures. Marriage and divorce laws vary across nations, influenced by cultural, religious, and legal traditions. This diversity often leads to inconsistencies in protecting individual rights, particularly for women and marginalized groups.

Marriage laws, in some regions, fail to provide equal rights, leading to issues like child marriage, forced marriage, and unequal property rights. Similarly, divorce laws can be biased, leaving women vulnerable to financial insecurity, custody battles, or societal ostracization. This agenda seeks to evaluate the effectiveness and fairness of these laws globally, focusing on ensuring that legal systems uphold gender equality, protect the rights of all individuals, and eliminate discriminatory practices.

The committee will assess existing laws, compare best practices, and propose reforms that promote equal rights in marriage and divorce proceedings. By fostering global dialogue and cooperation, the goal is to advocate for legal frameworks that are inclusive, just, and aligned with international human rights standards.

## **Context**

Marriage and divorce laws vary widely across different countries, often revealing deep-seated cultural, religious, and societal influences. In the UN Women (UNW) committee at MUN, this agenda focuses on examining how these laws impact gender equality, human rights, and social justice.

In nations like Saudi Arabia and India, personal laws related to marriage and divorce are often based on religious doctrines, leading to significant disparities, especially in areas such as child marriage, polygamy, and unequal divorce rights. Women in these regions may face legal discrimination, difficulty in accessing divorce, or limited rights to marital assets and child custody.

In contrast, countries like France and Canada emphasize gender equality in marriage and divorce laws, promoting fair division of assets, spousal support, and equal parental rights. However, even progressive legal systems can fail to protect vulnerable groups, such as immigrants or LGBTQ+ communities.

This agenda will explore global legal frameworks, promote equitable reforms, and encourage international cooperation to advance women's rights in marriage and divorce laws.

## **Causes**

The assessment of marriage and divorce laws in the UN Women (UNW) committee stems from persistent global gender inequalities and societal discrimination. One major cause is the influence of religious and cultural traditions, which often dictate personal laws related to marriage and divorce, particularly in regions like South Asia and the Middle East. These traditions can result in child marriages, forced marriages, polygamy, and unequal treatment during divorce proceedings, disproportionately affecting women.

Another cause is the legal frameworks themselves, which are often outdated or biased, leaving women vulnerable to financial instability, limited property rights, and challenges in securing child custody. Furthermore, socio-economic disparities and patriarchal norms exacerbate these issues, making it difficult for women to access fair legal recourse.

The agenda seeks to address these causes by promoting reforms that ensure gender equality, human rights, and the protection of marginalized communities in marriage and divorce laws worldwide.

## **Challenges faced by Women**

**Women across the world face multiple challenges when dealing with marriage and divorce laws. These challenges are rooted in societal norms, cultural traditions, religious practices, and legal structures that often prioritize men's rights over women's. Despite significant advances in gender equality, the legal frameworks governing marriage and divorce frequently reflect deep-seated gender biases that limit women's autonomy, economic security, and access to justice. These challenges vary across countries and regions but share several common themes.**

### **1. Patriarchal Legal Systems**

Many marriage and divorce laws are based on patriarchal systems that position men as the head of the family and women in subordinate roles. In numerous societies, these laws grant husbands greater control over marital property, decision-making, and even the dissolution of the marriage. In some cases, women may need the consent of their husbands to initiate divorce, or they may face legal and social barriers that discourage them from seeking a divorce altogether.

In countries where religious law intersects with civil law, such as in parts of the Middle East, South Asia, and Africa, women are often subject to marriage and divorce rules that prioritize male authority. For instance, in countries where Islamic Sharia law governs family matters, men traditionally hold the right to unilateral divorce (talaq), while women must meet stricter criteria to initiate divorce. Although some countries have reformed these laws to make them more equitable, significant challenges remain, particularly in rural areas where conservative interpretations of religion prevail.

### **2. Economic Disparities and Financial Insecurity**

Divorce can have devastating economic consequences for women. In many societies, women are economically dependent on their husbands, and divorce may result in a significant loss of financial support. This is particularly problematic in contexts where laws governing property division and alimony are not designed to ensure women's financial security post-divorce. Many legal systems still fail to recognize the economic contributions of women within the home, such as childcare and homemaking, leaving them with little financial compensation when a marriage ends.

In cases where women do receive alimony or child support, enforcement is often a major issue. Many divorced women struggle to collect the payments they are legally entitled to, due to inefficient legal systems or non-compliance by ex-spouses. Furthermore, women are often unaware of their legal rights regarding financial support, which prevents them from securing the economic resources they need after divorce.

### **3. Custody Battles and Childcare Responsibilities**

Child custody is one of the most contentious issues in divorce proceedings, and women often face an uphill battle when it comes to retaining custody of their children. In many countries, legal systems traditionally favor men in custody cases, especially if the man is the primary breadwinner. Even in societies where women are more likely to be granted custody, they may struggle with inadequate child support, which can make it difficult to provide for their children.

In some patriarchal cultures, custody laws assume that children "belong" to the father's family, leaving women with limited rights over their children post-divorce. In such cases, women who leave their marriages may risk losing contact with their children altogether. Even in more progressive legal environments, women often shoulder the majority of childcare responsibilities, which can hinder their ability to work and support themselves financially.

### **4. Legal Illiteracy and Access to Justice**

Legal illiteracy is a significant barrier for women seeking justice in marriage and divorce cases. Many women are unaware of their rights under the law or do not understand the legal processes involved in divorce, property division, and custody battles. This is especially true in rural and low-income communities where educational opportunities for women are limited. Without adequate legal knowledge, women may be exploited by their spouses, coerced into unfair settlements, or denied their rightful claims to property and child support.

Access to justice is further complicated by the fact that legal systems in many countries are slow, expensive, and difficult to navigate. For women who cannot afford legal representation, pursuing a divorce or enforcing alimony and custody agreements can be nearly impossible. This leaves many women trapped in abusive or unhappy marriages because they lack the resources to seek a divorce.

### **5. Social Stigma and Cultural Pressures**

Divorce carries a heavy social stigma in many cultures, particularly for women. In patriarchal societies, a woman's identity and status are often closely tied to her role as a wife and mother. As a result, women who seek a divorce are often seen as failures, regardless of the reasons for the breakdown of the marriage. They may face social ostracism, be disowned by their families, or lose custody of their children due to cultural biases.

The stigma surrounding divorce can be even more pronounced for women from religious communities, where divorce is seen as sinful or dishonorable. For example, in many Muslim-majority countries, divorced women may face ostracism and may have difficulty remarrying due to social perceptions of their "impurity." In conservative Hindu and Christian communities, similar cultural and religious taboos often prevent women from leaving abusive or unsatisfactory marriages.

### **6. Gender Bias in the Legal System**

In many countries, gender bias within the legal system further compounds the challenges women face in divorce cases. Male judges or legal professionals may hold traditional or patriarchal views that influence their decisions in favor of men. For example, they may believe that men are better suited to manage finances or that women should remain in the marriage for the sake of the children. This bias can result in unfair rulings regarding alimony, property division, and custody.

In some cases, courts may fail to take into account the impact of domestic violence when deciding on custody or visitation rights. Women who have been abused by their spouses may find that the legal system is indifferent to their experiences, placing them and their children at continued risk.

### **7. Impact of Domestic Violence**

Domestic violence is often a major factor leading women to seek divorce, but legal systems frequently fail to protect women from further abuse during the divorce process. In many countries, laws on domestic violence are inadequate, poorly enforced, or entirely absent. Women may be pressured to stay in abusive marriages due to cultural or religious norms, lack of financial independence, or fear of losing their children.

Even when domestic violence is recognized in divorce proceedings, women may face challenges in proving abuse, especially in legal systems where the burden of proof is placed on the victim. This can lead to prolonged legal battles and further trauma for women and their children.

## **Relevant Present Laws**

Present laws addressing marriage and divorce vary globally, but several key frameworks aim to protect women's rights. In many countries, civil and secular laws provide equal rights to both spouses in marriage and divorce, such as no-fault divorce laws in the U.S., which allow either party to file for divorce without proving wrongdoing. In the European Union, laws like Brussels IIa Regulation ensure fair cross-border divorce and custody rulings.

***In India***, the Hindu Marriage Act (1955), Special Marriage Act (1954), and Muslim Personal Law (Shariat) Application Act (1937) govern marriages across different religious communities. The Hindu Marriage Act allows both men and women to seek divorce on specific grounds, while the Muslim Women (Protection of Rights on Divorce) Act (1986) provides financial security to Muslim women post-divorce. The Family Courts Act (1984) ensures speedy justice in matrimonial disputes.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by many nations, mandates equal rights in marriage and divorce for women, influencing national laws. However, the coexistence of religious and civil laws often complicates enforcement, particularly in patriarchal societies where women's access to justice remains limited. Strengthening these laws to ensure uniform, gender-sensitive reforms remains crucial for achieving true equality.

## **PHENOMENAL ORDER**

Women across the globe face numerous challenges in the assessment of marriage and divorce laws. These challenges stem from patriarchal legal frameworks, cultural norms, religious interpretations, economic disparities, and institutional biases that continue to undermine gender equality. The impact of these factors is significant, as they create legal and social barriers for women seeking equitable treatment within marriage and divorce proceedings.

### **1. Patriarchal Legal Frameworks**

In many countries, marriage and divorce laws are deeply rooted in patriarchal traditions that prioritize the authority of men over women. Historically, men have held legal and financial control in the family unit, and this dynamic is often reflected in the law. For example, property rights, child custody, and alimony laws in some regions favor men. In many nations, divorce proceedings are designed in ways that allow men to retain control over assets, leaving women economically vulnerable post-divorce. Women's rights to inherit or own property in the marriage may also be limited in certain legal systems.

In some countries, particularly where personal laws based on religious or customary practices govern marriage and divorce, women's legal standing is disproportionately lower compared to men's. Religious interpretations that enforce male dominance are often codified into national laws, further entrenching inequality.

### **2. Discriminatory Religious Laws**

Religious laws play a significant role in the regulation of marriage and divorce in many countries. In Muslim-majority countries, for example, Sharia law governs these issues, and while interpretations vary, many practices remain highly patriarchal. In certain interpretations of Sharia, men can unilaterally divorce their wives (via "talaq") with minimal legal hurdles, whereas women often have to meet stringent conditions to file for divorce. The uneven application of divorce rights under religious law leaves women at a stark disadvantage.

In India, the existence of multiple personal laws based on religion—such as the Hindu Marriage Act and the Muslim Personal Law—creates disparities in how women are treated depending on their faith. For example, Muslim women until recently were subjected to the practice of "triple talaq," allowing men to instantaneously divorce their wives. Although the Indian government has made reforms to outlaw this practice, significant gaps in legal protections for women persist in the interpretation of religious laws.

### **3. Societal Stigma and Gender Roles**

Beyond the legal framework, societal expectations of gender roles often place women at a disadvantage in both marriage and divorce. In many cultures, marriage is seen as a woman's primary role, and divorce can carry significant social stigma. Women who seek divorce may face ostracism from their families and communities, making it difficult for them to pursue their legal rights. Fear of shame and social rejection often forces women to remain in abusive or unequal marriages.

Custody disputes further illustrate this challenge. Many societies view women as primary caregivers, but the legal system may not always support this role, particularly if women do not have independent financial resources. Conversely, some societies assume that men should have primary custody in cases where they are the main financial providers, even if it disadvantages the child and the mother.

### **4. Economic Dependency and Financial Inequality**

Economic dependency is a major barrier for women seeking divorce. Women often lack independent financial resources, making it difficult for them to leave marriages, particularly in countries where property and inheritance laws favor men. In many parts of the world, women are less likely to have jobs, own land, or have access to capital. This financial dependency makes it difficult for women to pursue legal action for divorce, and in many cases, they are left without sufficient alimony or property after the marriage ends.

Alimony and child support laws, when inadequate or poorly enforced, further perpetuate economic disparities. In several countries, the financial burden of legal proceedings, coupled with the inadequacy of post-divorce financial support, leaves women and their children in precarious situations.

### **5. Judicial Bias and Access to Legal Resources**

Access to legal resources is another significant challenge for women in marriage and divorce cases. In many countries, women face procedural hurdles in navigating the judicial system, either because they lack awareness of their legal rights or because they cannot afford legal representation. Legal illiteracy is particularly pronounced in rural areas or among women from marginalized communities, who often lack the means to pursue justice.

Moreover, judicial bias can play a crucial role in the outcome of marriage and divorce cases. In many countries, judges—particularly those who operate in patriarchal or religious contexts—are more likely to rule in favor of men, reinforcing gender-based inequalities. Women may also experience delays and obstruction in court, with cases stretching over several years, increasing the emotional and financial burden.

## **6. Lack of Uniform Civil Codes**

In countries with multiple personal legal systems, the lack of a uniform civil code creates additional challenges for women. For example, in India, different religious communities are governed by their respective personal laws in matters of marriage and divorce. While secular, civil marriage laws exist, many women are bound by religious laws that are less favorable to their interests. The absence of a standardized legal framework leads to inconsistencies in how women's rights are protected across different communities, often leaving women from minority groups more vulnerable.

## **7. Psychological and Emotional Trauma**

The psychological toll of navigating biased legal systems can be profound for women. Divorce proceedings, particularly in patriarchal societies, can be emotionally draining as women face hostility from their families, communities, and even the legal system itself. Prolonged legal battles, the fear of losing custody of children, and the pressure to conform to societal expectations can all take a heavy emotional toll on women.

### UN Member States' Role in Reforming Marriage and Divorce Laws for Women

The role of United Nations (UN) Member States in addressing gender equality within marriage and divorce laws has been crucial, but it is also a complex and ongoing process. Member States are bound by various international conventions and agreements, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which obliges them to ensure equality for women in all aspects of life, including marriage and divorce. The challenges women face globally in these areas vary, but the collective responsibility of UN Member States is to create legal, social, and institutional reforms that protect and **promote gender equality**.

## **1. Implementation of International Treaties and Conventions**

The adoption and implementation of international treaties like CEDAW is one of the most significant contributions by UN Member States. CEDAW, often referred to as an international bill of rights for women, establishes legal standards for gender equality in marriage, divorce, and family relations. Article 16 of CEDAW specifically obliges Member States to ensure women have equal rights in marriage and family relations, including during divorce.

While most UN Member States have ratified CEDAW, the challenge lies in its effective implementation. Many countries have reservations about certain provisions, particularly those related to family law, often citing religious or cultural reasons. Despite these challenges, Member States are required to report to the Committee on the Elimination of Discrimination against Women, which monitors progress and encourages the removal of discriminatory laws.

For instance, India ratified CEDAW in 1993 and has made significant legal reforms in family law, including the outlawing of triple talaq (instant divorce in Islamic law). However, challenges remain in uniformly applying these laws across different regions and communities due to the coexistence of personal and civil laws.

## **2. Reforming Domestic Legal Frameworks**

UN Member States have the responsibility to reform domestic legal frameworks to align with international norms on gender equality. This process often involves modernizing outdated family laws, particularly those that are religiously or customarily based, to ensure that they are gender-sensitive.

Countries like Tunisia have taken progressive steps by reforming their personal status laws. Tunisia's Code of Personal Status (1956) abolished polygamy and established equal rights for men and women in marriage and divorce, making it one of the most progressive family laws in the Arab world. These reforms are a direct reflection of Tunisia's commitment to international human rights standards, including CEDAW.

On the other hand, countries like Saudi Arabia, where Islamic law (Sharia) governs personal status matters, have faced significant challenges in reforming marriage and divorce laws. However, recent reforms have granted women the right to drive and travel without a male guardian's permission, signaling progress toward greater gender equality. Yet, substantial barriers remain, particularly in divorce proceedings, where women often struggle to obtain custody of children or equitable financial settlements.

### 3. Promoting Gender-Sensitive Judicial Systems

The role of the judiciary is central to ensuring that marriage and divorce laws are interpreted and applied in a gender-sensitive manner. Many UN Member States have undertaken judicial reforms to train judges and legal professionals on gender equality and women's rights.

## **Consequence**

- **Social Consequences:**

**Gender Inequality:** Unequal marriage and divorce laws often perpetuate gender disparities, reinforcing patriarchal norms and limiting women's rights.

**Stigmatization:** Women, particularly in conservative societies, face social ostracization or stigma following divorce, leading to isolation or restricted societal participation.

**Impact on Children:** Biased divorce laws can result in unfair child custody arrangements, adversely affecting children's welfare and emotional health.

- **Legal Consequences:**

**Discriminatory Practices:** Laws that favor one gender, often men, lead to unequal access to justice, especially regarding divorce settlements, custody, and alimony.

**Lack of Legal Recourse:** In countries with strict or outdated marriage laws, individuals, especially women, may face barriers in obtaining legal divorces, property, or protection.

**Inconsistencies Across Jurisdictions:** Different countries have varying laws, which complicates cross-border marriages and divorces, especially when legal rights differ between countries.

- **Economic Consequences:**

**Financial Instability:** Divorce laws that do not guarantee equal division of assets often leave women financially vulnerable, contributing to long-term poverty, particularly for single mothers.

**Lack of Economic Autonomy:** In some countries, women have limited rights over marital assets or property post-divorce, affecting their economic independence and ability to rebuild their lives.

**Economic Burden on Society:** Societies with high rates of poverty among divorced women may experience economic strain due to increased reliance on social welfare systems.

- **Political Consequences:**

**Legal Reforms:** Biased marriage and divorce laws spark debates and calls for political reforms, prompting governments to address gender inequalities through legal amendments.

**Advocacy and Activism:** International pressure from organizations like the UN pushes governments to adopt laws that uphold human rights, contributing to political mobilization for equality.

- **General Consequences:**

**Global Inequalities:** Differing marriage and divorce laws across the world contribute to global inequalities, especially in countries that resist aligning with international human rights standards.

**Human Rights Violations:** Discriminatory practices in marriage and divorce laws often result in violations of basic human rights, especially for women, LGBTQ+ individuals, and marginalized groups.

## **Solutions**

- **Social Solutions:**

**Promote Gender Equality in Social Norms:** Governments and civil society should work together to shift societal attitudes toward gender equality. Public awareness campaigns can challenge patriarchal norms and reduce the stigma associated with divorce, particularly for women.

**Support Systems for Divorced Individuals:** Establish support networks, including counseling services and community programs, for divorced individuals, particularly women. These services can help address the emotional and social consequences of divorce, offering support for reintegration into society.

**Focus on Child Welfare:** Laws should prioritize the welfare of children in divorce proceedings, ensuring that custody and child support decisions are fair and based on the best interests of the child. Social services must monitor and support the well-being of children impacted by divorce.

- **Legal Solutions:**

**Uniform and Gender-Neutral Laws:** Marriage and divorce laws should be gender-neutral, providing equal rights and protection to both spouses. This includes equal access to divorce, division of assets, and custody of children, eliminating biases that favor one gender over the other.

**Legal Assistance and Access to Justice:** Many individuals, particularly women, face financial or legal barriers when seeking a divorce. Governments should offer free or subsidized legal services and legal aid to ensure that all individuals have access to fair legal recourse, regardless of their economic status.

**Incorporate International Human Rights Standards:** National laws should align with international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). By adopting these global standards, countries can ensure that their marriage and divorce laws protect individual rights and promote gender equality.

**Harmonize Cross-Border Laws:** Given the global nature of modern marriages, countries should work together to harmonize legal frameworks concerning cross-border marriages and divorces. International cooperation can prevent legal conflicts and ensure that individuals' rights are protected across jurisdictions.

- **Economic Solutions:**

**Equal Division of Marital Property:** Laws should mandate the fair and equal division of marital property upon divorce, ensuring that both parties, particularly women, have financial security. This would reduce the economic vulnerability of divorced individuals and promote economic independence.

**Alimony and Child Support Reform:** Implement strict enforcement mechanisms for alimony and child support payments to ensure that spouses and children are not financially disadvantaged after a divorce. Legal systems must hold individuals accountable for meeting their financial obligations.

**Financial Literacy and Economic Empowerment:** Provide divorced individuals, especially women, with access to financial literacy programs, job training, and employment opportunities. This would empower them to rebuild their lives economically, reducing reliance on social welfare systems.

- **Political Solutions:**

**Legal Reforms:** Governments must actively reform outdated marriage and divorce laws that perpetuate gender inequality. Political leaders should engage with legal experts, women's rights organizations, and international bodies to draft legislation that ensures equal rights and access to justice.

**Advocacy and Civil Society Engagement:** Civil society organizations, including women's rights groups, should advocate for changes in marriage and divorce laws, raising public awareness and putting pressure on governments to adopt gender-sensitive legal reforms.

**Inclusion of Women in Decision-Making:** Women must be included in the legislative and judicial processes that determine marriage and divorce laws. Their voices and perspectives are crucial in shaping laws that reflect the realities faced by women and marginalized groups.

- **General Solutions:**

**Education and Awareness Campaigns:** Governments and international organizations should lead campaigns to raise awareness about the rights of individuals in marriage and divorce. This would help people understand their legal rights and encourage a broader cultural shift toward equality and justice.

**International Cooperation:** Countries should work closely with international bodies like the UN to adopt best practices from countries with progressive marriage and divorce laws. By sharing knowledge and experiences, nations can implement policies that promote gender equality and protect human rights.

**Monitoring and Accountability:** Establish independent bodies to monitor the implementation of marriage and divorce laws, ensuring they are applied fairly and effectively. These bodies can provide oversight and recommend reforms where necessary.

**By addressing these solutions across social, legal, economic, and political spheres, the UNW committee can promote a global framework for marriage and divorce laws that upholds gender equality, protects vulnerable populations, and ensures fair treatment for all individuals.**

## **UN Member States Role**

### **The Role of UN Member States in Reforming Marriage and Divorce Laws for Women**

UN Member States play a pivotal role in advancing gender equality, particularly in reforming marriage and divorce laws to ensure women's rights. These reforms are often driven by international obligations, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which requires Member States to guarantee equal rights for women in all aspects of marriage, family life, and divorce. While many states have made significant progress, challenges remain, particularly in religiously or customarily governed legal systems. This section outlines the key roles that UN Member States play in these efforts.

#### **1. Adoption and Implementation of International Frameworks**

One of the primary roles of UN Member States is to ratify and implement international agreements that promote gender equality, such as CEDAW. Article 16 of CEDAW specifically calls for equality in marriage and family relations, obligating states to ensure that women have the same rights as men in marriage, divorce, child custody, and inheritance. As of today, the majority of UN Member States have ratified CEDAW, signaling their commitment to reforming discriminatory legal frameworks.

However, while many countries have ratified CEDAW, some have entered reservations, particularly concerning family law. For example, certain Islamic states have reservations regarding Article 16, citing conflicts with Sharia law. Despite these reservations, CEDAW provides an international platform for dialogue and pressure on states to address discriminatory practices in marriage and divorce laws.

In addition to ratifying international conventions, Member States are required to report on their progress in implementing these agreements. The Committee on the Elimination of Discrimination Against Women reviews these reports and issues recommendations, creating an accountability mechanism for Member States to improve their legal frameworks and ensure compliance with international standards.

#### **2. Reforming Domestic Legislation**

UN Member States are responsible for reforming domestic marriage and divorce laws to align with international human rights standards. This often requires the modernization of outdated laws, particularly in regions where personal, religious, or customary laws dominate family matters.

For example, Tunisia has been a leader in progressive family law reform within the Arab world. The Code of Personal Status (1956) abolished polygamy, required mutual consent for marriage, and granted equal rights to men and women in divorce proceedings. These reforms reflect Tunisia's commitment to international gender equality norms and serve as a model for other countries in the region.

On the other hand, countries such as Saudi Arabia, where Sharia law governs personal status matters, have faced challenges in reforming marriage and divorce laws. However, recent developments such as the right for women to travel without a male guardian's permission and increased access to legal representation for women in divorce cases represent steps toward greater equality. While full reform remains elusive, these incremental changes demonstrate the influence of international norms on domestic law.

#### **3. Judicial Reform and Gender-Sensitive Training**

Judicial systems play a crucial role in the implementation of gender-sensitive laws. Many UN Member States have undertaken judicial reforms aimed at training judges and legal professionals on women's rights and gender equality.

For instance, South Africa has enacted legislation that mandates the judiciary to uphold equality in marriage and divorce cases. The Promotion of Equality and Prevention of Unfair Discrimination Act (2000) ensures that discrimination based on gender is prohibited, and judges are trained to apply these principles in family law cases. As a result, women are increasingly able to secure equitable outcomes in divorce proceedings, particularly concerning property division, child custody, and spousal support.

Judicial reforms also include improving women's access to justice by establishing family courts or legal aid services that specifically cater to women. India, for example, has set up Family Courts across the country to ensure speedy resolution of matrimonial disputes, providing women with a less intimidating and more accessible judicial process.

#### **4. Collaborating with Civil Society and Women's Rights Organizations**

UN Member States frequently collaborate with civil society and women's rights organizations to advance reforms in marriage and divorce laws. These organizations play a vital role in advocating for legal changes, providing legal aid to women, and raising awareness of women's rights.

For instance, in Kenya, the Federation of Women Lawyers (FIDA) has been instrumental in pushing for reforms in family law, including the Marriage Act (2014), which brought significant improvements to women's rights in marriage, such as the requirement of mutual consent and recognition of women's property rights in divorce.



By partnering with civil society, UN Member States can better understand the needs of women and ensure that reforms are not only legally sound but also socially and culturally appropriate. These partnerships also help to create public awareness campaigns that inform women of their rights, empowering them to seek legal recourse when necessary.

## **Conclusion**

**The issues surrounding marriage and divorce laws are deeply intertwined with broader societal, cultural, and legal structures. Women, in many parts of the world, continue to face significant challenges in achieving equality within these laws. This inequality is rooted in patriarchal traditions, religious interpretations, economic disparities, and institutional biases, all of which contribute to systemic discrimination in the legal frameworks governing marriage and divorce.**

### **1. Patriarchal Legal and Cultural Structures**

At the heart of the problem lies the patriarchal structure of many societies. Historically, marriage has been viewed as a contract where women were seen as subordinate to men. This subordination is still reflected in modern legal systems, where men often retain disproportionate control over financial assets, child custody, and property rights during and after divorce. Even in countries where legal reforms have been introduced to protect women, the practical implementation of these laws often lags behind due to entrenched cultural norms that continue to view women as lesser partners in marriage.

Addressing this requires a fundamental shift in how societies view women's roles, both within the family and in the public sphere. Legal reform is necessary, but cultural reform is equally important. Only by breaking down patriarchal norms can true equality in marriage and divorce laws be achieved.

### **2. The Role of Religion in Marriage and Divorce Laws**

Religious interpretations often exacerbate the challenges women face in the assessment of marriage and divorce laws. In countries where religious laws govern family matters, such as in many Islamic states, women's rights are frequently restricted. For example, in some interpretations of Sharia law, men have the unilateral right to divorce, while women must meet stringent conditions to do so. Similarly, other religious practices, such as Hindu and Jewish personal laws, have also historically restricted women's rights in marriage and divorce.

While religion plays an important role in many people's lives, it is crucial that religious laws are interpreted in a way that promotes equality. This is a delicate issue, as it involves balancing respect for religious traditions with the need for gender equality. States that rely on religious laws for family matters must work toward reforms that ensure women have equal rights, regardless of the religious or cultural context.

### **3. Economic Disparities and Financial Vulnerability**

Economic inequality is a significant barrier to women's rights in marriage and divorce. Women are often financially dependent on their husbands, which makes it difficult for them to leave abusive or unhealthy marriages. Moreover, in many legal systems, alimony and property division laws fail to provide adequate financial support for women after divorce, leaving them and their children in precarious economic situations.

Addressing this issue requires not only legal reform but also broader efforts to promote women's financial independence. Governments must ensure that women have access to education, employment opportunities, and financial resources. Additionally, legal systems must be reformed to ensure that women receive fair financial settlements in divorce cases, including equitable division of property, spousal support, and child support.

### **4. Judicial Bias and Access to Justice**

Women often face significant challenges in accessing justice in marriage and divorce cases. In many countries, the judicial system is biased in favor of men, particularly in regions where patriarchal norms or religious laws dominate. Women may also lack awareness of their legal rights or be unable to afford legal representation, further hindering their ability to seek justice.

Judicial reform is crucial to addressing this issue. Judges and legal professionals must be trained to apply gender-sensitive interpretations of the law, and legal aid services must be made available to women who cannot afford representation. In addition, family courts and specialized tribunals can help ensure that divorce cases are handled fairly and expeditiously, reducing the emotional and financial burden on women.

### **5. The Role of International and Domestic Reforms**

The international community, through organizations like the United Nations and treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), has played a crucial role in pushing for legal reforms to protect women's rights in marriage and divorce. However, the responsibility for implementing these reforms lies with individual governments.

Many countries have made significant strides in reforming their marriage and divorce laws, but progress is uneven. In some countries, legal reforms have been hindered by resistance from religious or cultural institutions, while in others, the implementation of these reforms has been slow. Governments must continue to work toward the full implementation of international standards, and civil society organizations must be supported in their efforts to advocate for women's rights.

## **6. Toward a More Equitable Future**

Addressing the challenges women face in marriage and divorce laws is a complex and ongoing process that requires the collaboration of governments, international organizations, civil society, and communities. Legal reforms alone will not suffice; cultural attitudes must also change to ensure that women are treated as equal partners in marriage and family life.

Economic empowerment, judicial reform, and the removal of patriarchal norms from both legal and cultural systems are essential to achieving equality. While progress has been made in many parts of the world, significant work remains to be done. It is only through comprehensive legal and societal reform that women will be able to exercise their full rights in marriage and divorce, ensuring a future where equality in family law is the global standard.

## **Bibliography**

1. **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979.** This UN treaty was adopted in 1979 and is often considered an international bill of rights for women. It obliges signatory states to take appropriate measures to eliminate discrimination against women, particularly in marriage and family relations. Article 16 of the convention specifically addresses equality in marriage and divorce, aiming to ensure that women have the same rights as men regarding marriage, divorce, and family life. It has been instrumental in pushing member states to reform their family laws. CEDAW provides an essential legal framework for evaluating women's rights within marriage and divorce.

<https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

2. **United Nations, 1995. Beijing Declaration and Platform for Action.** Fourth World Conference on Women, Beijing. This document, adopted at the 1995 Fourth World Conference on Women in Beijing, calls for action to ensure women's equal rights in all spheres of life, including marriage and family relations. The Platform for Action highlights the need for legal reforms, judicial sensitization, and education to promote gender equality in marriage and divorce. Many UN member states have used the Beijing Declaration as a foundation for policy and legal reforms to address women's rights in family law.

<https://www.un.org/womenwatch/daw/beijing/platform/>

3. **European Union, 2003. Brussels IIa Regulation.** The Brussels IIa Regulation governs divorce and custody issues in cross-border family disputes within the European Union. It ensures that divorce and child custody rulings are recognized and enforced across EU member states, promoting legal consistency and fairness. The regulation plays an important role in protecting the rights of women and children in divorce cases, especially in cross-border situations where women might face challenges in accessing justice.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32003R2201>

4. **United Nations Women, 2019. Progress of the World's Women 2019-2020: Families in a Changing World.** This UN Women report examines the evolving structures of families around the world and their implications for gender equality. It highlights the challenges women face in securing legal rights in marriage and divorce, particularly in patriarchal societies or where religious laws govern family matters. The report also provides an analysis of how family laws have progressed in different UN member states, with recommendations for improving women's legal standing in family law.

<https://www.unwomen.org/en/digital-library/progress-of-the-worlds-women>

5. **Htun, Mala, and Weldon, S. Laurel, 2018. The Logics of Gender Justice: State Action on Women's Rights Around the World.** This book explores how states have responded to international pressures for gender equality, including reforms in marriage and divorce laws. It discusses how domestic and international politics intersect to create gender-sensitive laws and policies. Htun and Weldon analyze the role of UN treaties, including CEDAW, in pushing member states toward legal reforms, focusing on case studies from different regions. Their work is key to understanding the broader context of legal reforms in family law.

<https://www.cambridge.org/core/books/logics-of-gender-justice/>

6. **Narain, Vrinda, 2016. Reclaiming the Nation: Muslim Women and the Law in India.** This book examines how Muslim personal laws in India, particularly concerning marriage and divorce, impact women's rights. Narain critiques the religious and patriarchal frameworks that govern family law, showing how these frameworks often disadvantage women. The author also explores the role of international human rights standards, like CEDAW, in influencing legal reforms in India and other Muslim-majority countries.

<https://www.ubcpublishing.com/reclaiming-the-nation>

7. Rahman, Mustapha, 2021. *Islamic Family Law and Women's Rights in Muslim-majority Countries: A Comparative Study*. This study offers a comparative analysis of family laws in Muslim-majority countries, focusing on the tension between religious laws and women's rights in marriage and divorce. Rahman looks at how UN member states with Islamic legal systems have incorporated or resisted international human rights norms in reforming family law. This work sheds light on the challenges faced by women in these countries in obtaining fair treatment in divorce proceedings.

[https://books.google.com/books/about/Islamic\\_Family\\_Law\\_and\\_Women\\_s\\_Rights\\_in.html?id=](https://books.google.com/books/about/Islamic_Family_Law_and_Women_s_Rights_in.html?id=)

8. Patel, Rupal, 2020. *Women's Rights and Family Law: International Perspectives on Reform*. This book provides a comprehensive overview of family law reforms in different regions, focusing on the role of UN member states in addressing gender inequality. Patel examines the progress made in countries like India, South Africa, and Brazil, which have undertaken significant reforms in marriage and divorce laws. The book also discusses the limitations and challenges of implementing international treaties like CEDAW at the national level. <https://www.palgrave.com/gp/book/9783030454345>

9. Goonesekere, Savitri, 2004. *Violence, Law, and Women's Rights in South Asia*. This book focuses on the intersection of violence and family law in South Asia, examining how discriminatory marriage and divorce laws perpetuate gender-based violence. Goonesekere discusses the role of UN member states in reforming family laws to address these issues, highlighting the influence of international frameworks like CEDAW and the Beijing Platform for Action.

<https://global.oup.com/academic/product/violence-law-and-womens-rights-in-south-asia-9780761933253>

10. Freeman, Marsha, Chinkin, Christine, and Rudolf, Beate, 2012. *The UN Convention on the Elimination of All Forms of Discrimination Against Women: A Commentary*. This detailed commentary on CEDAW provides an in-depth look at how the convention has been interpreted and applied by member states in reforming family laws. The authors examine specific case law and national reforms related to marriage and divorce, offering insights into the challenges and successes of CEDAW's implementation. This resource is invaluable for understanding the legal mechanisms through which international norms are translated into national law.

<https://global.oup.com/academic/product/the-un-convention-on-the-elimination-of-all-forms-of-discrimination-against-women-9780199565061>

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This bibliography provides a foundation for exploring the challenges women face in marriage and divorce, the role of UN member states, and how international frameworks like CEDAW have influenced national legal reforms. Each source offers a unique perspective on gender justice, legal frameworks, and the intersection of international and domestic politics in shaping family law.

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