# Human Rights Council

*Research Report*
*The Question of:*
*The legal position of women in family and inheritance law.*

# Introduction

In this research report we will be discussing the question of the legal position of women in family and inheritance law. Women are often overlooked and have a disadvantage when it comes to heritage law and the positions they take on in a family. In Dutch we have a saying that perfectly shows this problem; Het enige recht van de vrouw is het aanrecht. A direct translation is: the only right a woman has is her kitchen counter. This is an issue that is often briefly discussed or completely ignored; this makes it even more problematic, because we don't see it as the most pressing matter when it comes to women's rights. We will be focusing on the countries with influences of the Sharia law in this research report.

155 countries still have some sort of law that limits women economically, 155 countries that are lawfully putting men first. 100 of those countries even put restrictions on job opportunities. Lastly there are thirty countries where woman lose the right to any form of inheritance after their spouse dies, and even when there are laws that say they have the right to inherit something the women are often pressured in giving it up.

How many times do we still hear that girls should be able to cook, or that they should clean or even that they should want a family. Sometimes we hear this in the form of a joke, other times these comments are dead serious. The fact that we still see this as something acceptable shows that even in our countries there are specific roles for men and women. Now picture that in the extremes, this is reality for a lot of women in Islamic cultures. Things like child marriage, domestic violence and very little rights on property and consent are not an uncommon occurrence.

# The Committee

The United Nations Human Rights Council (UNHCR for short) is a United Nations body to promote and protect human rights around the world. The committee has 47 members elected for 3-year terms. The headquarters are not in New York, but in Geneva, Switzerland.

The HRC makes non-binding resolutions, meaning that they are not declarations like in the Security Council resolutions, but rather initiations and suggestions for states on how to combat different issues. The committee has a President and a Deputy President, who will be presiding over the sessions.

The HRC follows the standard Rules of Procedure, which means it is *not* an ad-hoc committee.

# Key Terms

1. **Sharia:**
   law, seen as deriving from the Koran, hadith, ijmaʿ, and qiyas. These are the laws followed by most Islamic countries.
2. **Rape:**
   unlawful sexual intercourse with another person, with or without force, without the consent of the victim.
3. **Adultery:**
   voluntary sexual intercourse between a married person and someone other than his or her lawful spouse.
4. **Hijab**:
   a traditional scarf worn by Muslim women to cover the hair and neck and sometimes the face. Or the traditional dress code of Muslim women, calling for the covering of the entire body except the face, hands, and feet:
5. **Muhammed:**
   founder of islam.

**6. Empowerment**

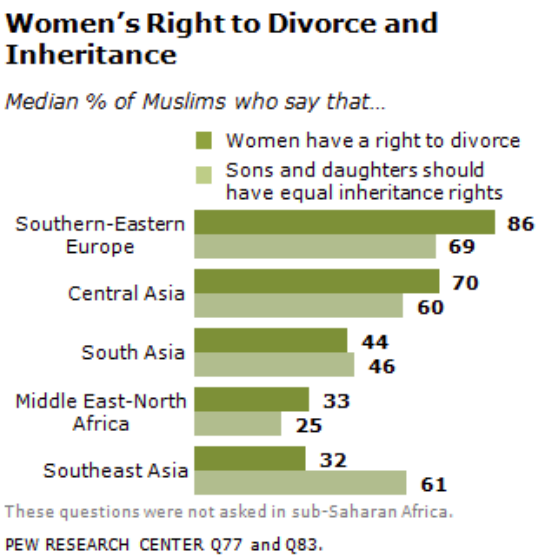
Empowerment is about people who are able to have control over their lives: setting their own agendas, building self-confidence, solving problems, gaining skills and developing selfreliance.

No one is able to empower another person: only the individual is able to empower herself or himself to make his or her own choices. However, institutions including international cooperation agencies are able to support processes that can stimulate selfempowerment of individuals or groups.

# General Overview

Women all around the world are facing difficulty in all sorts of manners. Also in and around their own homes. A lot of countries struggle with handling these issues, they are either suck with old laws or with (mostly male) influences that stick to these ideas. Compared to perhaps more pressing issues, such as economics or even an election etc, these laws are not always given the attention needed.

It is often debated that these laws are imbedded in society, something that simply cannot be changed. On the other hand is there a new and strong voice that strongly defends the opposite, a movement greatly supported by women from all over the world. These women are connected through the means of social media. More and more women tell their story and they relate to the other stories. This creates a movement; women are speaking up for the first time in a long period of time. Not only woman in Islamic countries but also the western world. The #metoo is a perfect example. The world is forced to face and deal with these problems, starting with the countries that are most oppressing towards women. The countries following the Sharia law.




The Sharia law states the following rules regarding women's rights:

A woman or girl who has been raped cannot testify in court against her rapist(s).

Testimonies of 4 male witnesses are required to prove rape of a female.

A woman or girl who alleges rape without producing 4 male witnesses is guilty of adultery.

A woman or girl found guilty of adultery is punishable by death.

A male convicted of rape can have his conviction dismissed by marrying his victim.

Muslim men have sexual rights to any woman/girl not wearing the Hijab .

A woman can have 1 husband, who can have up to 4 wives; Muhammed can have more.

A man can marry an infant girl and consummate the marriage when she is 9 years old.

A man can beat his wife for insubordination.

A man can unilaterally divorce his wife; a wife needs her husband's consent to divorce.

A divorced wife loses custody of all children over 6 years of age or when they exceed it.

A woman's testimony in court, allowed in property cases, carries ½ the weight of a man's.

A female heir inherits half of what a male heir inherits

A woman cannot speak alone to a man who is not her husband or relative.

Not only are the women in these countries constricted by law, they are also often abused by their close family members. Especially by their husbands or fathers. Since women are allowed to be married of to (practically) strangers from the age of nine the relationship between the spouses is often not great. There is often little to no trust from either party which causes a marriage based upon rules and punishment instead of one based on trust. This leads to domestic violence and therefore an unsafe situation for women. Statistics show approximately that one in 3 women in countries that follow the Sharia laws are abused. The source states that though these numbers are shocking a lot of the cases fly under the radar.

Domestic violence among the Muslim community is considered a complicated human rights issue due to varying legal remedies for women by the nations in which they live, the extent to which they have support or opportunities to divorce their husbands, cultural stigma to hide evidence of abuse, and inability to have abuse recognized by police or the judicial system in some Muslim nations. This is also a reason why it is so hard to address for a lot of countries.

Some examples of extreme cases concerning woman's rights violations are; being blamed for your own rape, due to daunting clothes or being at a certain location at a certain time. Or not having the rights to the inheritance of their own mother. Or even loosing their children once she is allowed to divorce her husband.

| **Heirs** | Wife | Mother | Son |
|---|---|---|---|
| **Shares** | 1/8 | 1/6 | Residue |
| **Base #** | 24 | | |
| **Portions** | 3 | 4 | 17 |

The injustice regarding the inheritance laws are that woman often only get a small part of the amount their brothers would get. And even then the inheritance she does receive is often given to the husband instead. As you can see on chart on the right the wife and daughter receive around 30% of the total, whereas the son receives 70%. This shows that the son receives almost 5 times the amout the daughter receives.

# Major Parties Involved

**UN Entity for Gender Equality and the Empowerment of Women (UN Women)**

UN Women:
the United Nations Entity for Gender Equality and the Empowerment of Women, was created in 2010 by the UN General Assembly. It builds on the work of four formerly discriminative parts of the UN system which focused on gender equality and women´s empowerment: the Division for the Advancement of Women (DAW), the United Nations Development Fund for Women (UNIFEM), the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) and the International Research and Training Institute for the Advancement of Women (INSTRAW). UN Women aims to support the formulation of policies and global standards by inter-governmental bodies, for example the Commission on the Status of Women. Moreover, it aids Member States in their implementations of these standards by providing financial and technical support. Subsequently, it coordinates the UN system´s work on gender equality. UN Women works for the empowerment of women, the elimination of discrimination against women and the achievement of equality between men and women.

Saudi Arabia:

While all the countries within the MENA region are parties of this issue and have unique views, Saudi Arabia is by far the least developed in terms of women's rights. Saudi Arabia has only just allowed women to vote, and lags significantly behind in the degree of freedom Arabic women have. If Saudi Arabia were to significantly improve national women's rights laws, it would set an example for other countries while also being a large advancement in dealing with the abuse of women's rights

# Timeline of Events

**590** Khadijah proposes to Muhammad. Khadijah, a female, would become the first follower of Islam
**630** Islam has spread throughout the southwestern Arabian Peninsula. Islam does not allow seclusion, adultery, or female infanticide. The equality of men and women in the eyes of Allah is promoted, veils are rare during this time period, and women are allowed to pursue careers.
**620s**Muhammad receives a revelation, in Chapter 33 Verse 35, that settled that women were on the same spiritual level as men.
**750** The position of women begins to decline with the rise of the Abbasid caliphate, as it borrows from Persia and Syria. The harem and the veil become widespread in the Islamic world and Muslim women's rights begin to fade.
**1205-1240** Lifetime of Sultan Raziyya, the powerful Sultan of Delhi from 1236-1240 who refused to be called sultana, as sultana means "wife of a sultan". Established education centers. To solidify her power, Sultan Raziyya adopted a masculine image and appeared unveiled in public.
**1250** Shajar al-Durr becomes sultana of Egypt. Shajar al-Durr played an important role in the defense against the Seventh Crusade. Shajar al-Durr helped establish the Mamluk Dynasty that became one of the most powerful forces of its time.
**Early 1960's** Al-Qubaysiat is founded by Munira al-Qubeysi in Syria. Al-Qubaysiat is the largest women-only Islamic movement in the world. The group is only for women a fights for an Islam not involved in politics.
**1988** Benazir Bhutto becomes the first woman elected to lead a Muslim state. Bhutto was prime minister of Pakistan from 1988-1990, and 1993-1996.
Shirin Ebadi becomes the first Muslim woman to receive a Nobel Prize.
**2005** Daisy Khan founds the Women's Islamic Initiative in Spirituality and Equality (WISE), an initiative that empowers Muslim women to participate in their communities and amplify their voices as a whole.
**2011** Tawakkol Karman becomes the second Muslim woman to receive a Nobel Prize..
**2010** France bans face covering, including burqas and niqabs
**2012** Malala Yousafzai, a 14-year-old Pakistani women's education activist gets shot in the head by the Taliban. Yousafzai survives the shot, goes on to speak at the UN, and publishes the book
I Am Malala in 2013

# Previous attempts to solve the issue

There have been a lot of attempts to solve the issue of inequality but almost never on the women's rights in inheritance and in families. This often overlooked issue is however at the very core of the issue. This is the exact reason this resolution is adding something to the already existing debate. Therefore these attempts are mostly aimed towards women's rights in general.

The UN is actively involved in women's rights and combating the abuse of women's rights, especially in countries that follow the Sharia law and in developing countries. The UN has a branch specifically for the empowerment of women, UN Women, which also includes a fund, UNIFEM.

Promoting gender equality and empowering women is also the third of the millennium goals. Below are some important UN-related events that were significant in dealing with the abuse of women's rights:

- Universal Declaration of Human Rights, December 10th 1948
- United Nations Security Council Resolution, October 30th 2000
- United Nations Commission on the Status of Women: 3-4th March 2013
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

# The Future

In the future there will be a lot more social media campaigns on women's right. The movements time's up and #metoo are just the frontrunners. There is a possibility that these movements also spread to Europe, Asia and the Middle East. The UN is also still actively trying to change the laws that limit women all over the globe.

More and more LEDC's are only now changing their laws because of pressure form within the country and from organizations such as UN women. Slowly but surely the world is becoming a woman friendlier place.

# Important Decisions a Resolution Must Take

There are a few questions mentioned here, which will most probably help the delegates to point their research towards more concrete areas, however it is important to stress the fact that there are more aspects to this issue than these questions, so we stress that delegates research their countries' policy extensively.

Question wether there should be put up sanctions against countries violating woman's rights.

How excactly should a woman be treated in a country that follows the Sharia law?

In what spicific ways can the resolutoion help these women?

Is it possible to force countries to change their laws that are based on religion?

# Further Reading

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