



# ISSUE DESCRIPTION



COMMITTEE United Nations Entity for Gender Equality and the Empowerment of Women  
ISSUE Prevention of Bride Kidnapping and Marital Rape  
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## Introduction

Bride kidnapping, also known as marriage by abduction, is a worldwide phenomenon. It has been practised all around the world throughout history, but even today, it still occurs, mainly in the Central Asian area. In most countries, bride kidnapping is considered to be a sex crime, due to the implied element of rape surrounding the kidnapping. It is often a form of child marriage, but bride kidnapping can also be connected to the practice of bride price.

Marital rape is also a form of sexual abuse recognised by most countries all around the world. It is the act of having sexual intercourse with one's spouse without the consent of said spouse. In the past, marital rape was not in fact considered a crime, as historically, intercourse within marriage was said to be the right of spouses. Still, in many countries, marital rape either does not classify as a crime, or is illegal but widely tolerated.

Even today, in the 21st century, these issues are still huge problems worldwide, and implementations must be made in order to ensure spousal safety for any and all. Although in most countries, both mentioned practises are illegal, we still have a long way to go to assure that every country has taken the desirable steps in criminalising these forms of sexual abuse.

## Definition of Key Terms

**Bride Kidnapping** - A practice where a man abducts/captures a woman he wishes to marry.

**Bride Price** - Wealth paid by the groom and the family of the groom to the bride and the family of the bride he wishes or is to marry.

**Marital Rape** - The act of sexual intercourse with one's spouse without the spouse's consent. It is more widely experienced by women, though not exclusively.

## General Overview

Throughout history, bride kidnapping occurred in different places, such as Southeast Asia, some African Tribes, Latin-America, and also Europe. Nowadays, it is most common in the Caucasus and Central Asia. What happens essentially, is that in a public place, a man, or a group of men abducts the young woman that one has chosen for his future wife. The victim is usually taken to the groom's family, where they try to talk her into consenting to the marriage. In most cases, having been kidnapped is so shameful for the woman, that she or her family agrees to the marriage. Sometimes, rape or other physical violence is used to get the consent of the woman.

Many of those in older generations see this phenomenon as a harmless tradition. In Kyrgyzstan, several women confirmed that they had agreed to stage their kidnapping before marriage, so as to uphold this tradition, which is viewed as being romantic and natural.

Despite some countries' viewpoint, the United Nations still considers this, and any kind of forced marriage to be a human rights violation. According to an estimate from 2016, about 15.4 million people worldwide are wed without giving their full and free consent.

Even though people are fighting to prevent this issue, and implementations have been made previously, it is still very hard to put an end to this occurrence. In most countries, even Kyrgyzstan, bride kidnapping is in fact illegal and punishable with jail time. But as said, "It's easy to write a law, but it must also be implemented". Not all cases like this can be monitored, and even where it is to be punished by law, these legislations are not respected at all, thus no real steps are being made.

In lots of cases, where the marriage itself is based on a crime, some kind of physical abuse, bride kidnapping and marital rape go hand in hand. As stated, marital rape is the act of sexual intercourse with one's spouse, without the consent of said spouse. But unlike historically, now engaging in any kind of sexual act without the spouse's consent is widely classified as rape, and it is increasingly criminalised. It is now illegal in lots of countries, however, it is a very under-reported crime.

There are statistics about these kind of cases, which show for example, that according to a survey conducted in the United States, 30% of adult rape cases were committed by husbands or boyfriends. It also shows that only 3.2% of these women reported the incident to the police.

## Major Parties Involved

**Afghanistan:** The latest Law on Elimination of Violence against Women does not state that marital rape is a sexual assault.

**Bangladesh:** The laws regarding this issue prohibits marital rape, but only if the female is above 13 years old.

**Brazil:** Since 2005, any form of rape, be it against man or woman, including spousal rape is illegal.

**China:** In China, the laws concerning rape does not safeguard victims of spousal rape, or same-sex couples. In rural areas of China, bride abduction often occurs. In some cases, it is the groom's way of avoiding the bride price. In recent years, bride kidnapping resurfaced in some areas. They often sell kidnapped women, as buying them is much cheaper than holding a traditional wedding.

**Egypt:** Although the law prohibits rape, spousal rape is not illegal, based on a ruling from 1928. It states that a wife cannot withhold sex from her husband without a valid reason.

**Ethiopia:** Even though Ethiopia criminalised bride kidnapping in 2004, the law has not been well implemented, and girls as young as eleven years old are being abducted for the purpose of marriage. Often, the abductor rapes the victim until she becomes pregnant, so as the father of the woman's child, he can claim her as his wife.

**France:** Ever since 1994, spousal rape is illegal in France.

**Hungary:** Marital rape is illegal since 1997, when the "marital exemption" was dropped from law.

**India:** The Indian Penal Code considers spousal rape a crime only when the wife is under the age of 18.

**Indonesia:** Marital rape is considered a form of domestic violence.

As for bride kidnapping, according to Bali tradition, Balinese men had to abduct women for marrying.

**Iran:** Although rape is illegal and has strict consequences, the law considers sex within marriage consensual by definition.

**Kyrgyzstan:** Rape, including spousal rape is illegal, however the government failed to enforce this law effectively. In many rural areas, bride kidnapping is accepted as a common way of taking a wife. Lots of these kidnappings involve rape, so the woman is forced to marry her abductor, as she would not be considered marriageable again. Even though the practice is illegal, it is rarely prosecuted. This is due to the fact that many villages are ruled by the elders, who follow customary laws.

**Madagascar:** The law does not prohibit spousal rape, as customary law holds that sex within marriage is consensual. A bill to address this issue was defeated in 2014.

**Nigeria:** Marital rape is explicitly excluded from the laws against rape, provided that the spouse has reached puberty.

**Norway:** The law criminalises each and every kind of rape. The “marital exemption” was removed from the law in 1971.

**Poland:** Rape is overall illegal, with the “marital exemption” being removed in 1932.

**South Africa:** Spousal rape was criminalised in 1993, although the first case of prosecution was not until 2012. The practice of bride kidnapping was once acceptable among Zulu people, as it was a way for two young people to elope when their families opposed the match.

**Switzerland:** Rape, including spousal rape and domestic violence are illegal offenses since 1992, when the “marital exemption” was removed from law.

**Turkey:** The law prohibits every kind of sexual assault, with the criminalisation of marital rape since 2005.

**United Kingdom:** The law criminalises rape, spousal rape and domestic violence as well. Mainly in Ireland, the abduction of heiresses was an occasional act up until 1800.

**United States of America:** Since 1993, marital rape is illegal in all 50 states. Within some of the Mormon communities around Utah, bride kidnapping cases exist to this day,

although it is hard to obtain information from these closed communities. These cases are referred to as forced marriages, however they are similar to the bride abductions around the world.

## Timeline of Events

**1922** - As the first country to do so, the Soviet Union criminalises marital rape

**1960's** - feminists work systematically to overturn the marital exception in more and more countries

**1986** - The European Parliament's Resolution on Violence Against Women calls for the criminalisation of marital rape

**1993** - Marital rape becomes illegal in all 50 states of the United States

**2004** - In Austria and Switzerland, marital rape becomes a state offense

**2013** - In Kyrgyzstan, the punishment for bride kidnapping is raised to a prison sentence of up to 10 years

**2020** - The European Union and the UN, in partnership with the Kyrgyz government, launches a multi-year program as a part of the global Spotlight Initiative, to eliminate violence against women and young girls

**The second half of the 21th century** - Up until 2019, marital rape has been criminalised by about 150 countries

## Previous Attempts to Solve the Issue

In a large number of countries, the government tried to tackle these issues by outlawing bride abduction and spousal rape. Although this has been a big step for all the countries, implementing these laws are rather difficult in some places.

The most recent attempts in connection with trying to solve the problem of bride kidnapping happened in Kyrgyzstan. In January 2020, a partnership formed between the government of Kyrgyzstan, the European Union and the United Nations. Together, they launched a multi-year program as a part of the international Spotlight Initiative.

The Spotlight Initiative launched with a seed funding from the EU, in order to tackle the problems of gender inequality, violence against women and girls, domestic and family violence, sexual abuse, femicide and human trafficking all over the world.

Also in 2020, with the support of Spotlight Initiative, a game was developed in Kyrgyzstan. Its goal is to teach people how to deal with the practices of bride kidnapping. According to the Spotlight Initiative, the game involves players in the decision-making processes, thus allowing them to see the outcomes of their decisions from the outside. They hope that by playing this game, girls and women will be allowed to see where their decisions lead, so when faced with situations like this in real life, they will know how to find support and help.

## Possible Solutions and Approaches

In more traditional areas, it is important to know that there are both consensual and non-consensual bride kidnappings. For example, in Kazakh culture, consensual bride abduction has long-term roots, so people perceive this to be a harmless and fun tradition. Thus it is important to learn and understand the difference between what is consensual or non-consensual.

It would also be beneficial if in the same, more traditional areas, crisis centers would be available for women and girls who faced bride kidnapping or rape. Studies show that Kazakh women who chose to return home after being kidnapped are not always supported by their families.

Just like in most issues, education about the topic is crucial. Law enforcement officers should also be widely educated on these matters, because in many cases, they cannot tell the difference between what is consensual and what is not. Women are also not always being taken seriously in these situations, hence even if they report a crime like this, it is unlikely that the case will be prosecuted.

## Bibliography:

About bride kidnapping:

[https://en.wikipedia.org/wiki/Bride\\_kidnapping#](https://en.wikipedia.org/wiki/Bride_kidnapping#)

<https://theconversation.com/bride-kidnapping-haunts-rural-kyrgyzstan-causing-young-women-to-flee-their-homeland-158404>

[https://www.ilo.org/global/publications/books/WCMS\\_575479/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm)

<https://news.un.org/en/story/2022/02/1111902>

<https://www.wilsoncenter.org/publication/the-rise-non-consensual-bride-kidnapping-kazakhstan-developing-culturally-informed-and>

<https://www.spotlightinitiative.org/>

[https://spotlightinitiative.org/news/how-mobile-game-helping-end-bride-kidnapping-kyrgyzstan?fbclid=IwAR1gTOBB6Hyh5ZwGCAKEbg5\\_G4hkc\\_Id3Fjl0Ct2XGMIJE6kDNv\\_QQt\\_RmA](https://spotlightinitiative.org/news/how-mobile-game-helping-end-bride-kidnapping-kyrgyzstan?fbclid=IwAR1gTOBB6Hyh5ZwGCAKEbg5_G4hkc_Id3Fjl0Ct2XGMIJE6kDNv_QQt_RmA)

About marital rape:

[https://en.wikipedia.org/wiki/Marital\\_rape](https://en.wikipedia.org/wiki/Marital_rape)

<https://psychcentral.com/lib/marital-rape>

<https://www.criminaldefenselawyer.com/marital-rape-laws.html>

<https://healthresearchfunding.org/21-spousal-rape-statistics/>

[https://spotlightinitiative.org/news/how-mobile-game-helping-end-bride-kidnapping-kyrgyzstan?fbclid=IwAR1gTOBB6Hyh5ZwGCAKEbg5\\_G4hkc\\_Id3Fjl0Ct2XGMIJE6kDNv\\_QQt\\_RmA](https://spotlightinitiative.org/news/how-mobile-game-helping-end-bride-kidnapping-kyrgyzstan?fbclid=IwAR1gTOBB6Hyh5ZwGCAKEbg5_G4hkc_Id3Fjl0Ct2XGMIJE6kDNv_QQt_RmA)

<https://www.thehindubusinessline.com/data-stories/data-focus/marital-rape-most-married-women-are-sexually-abused-by-their-husbands-says-nfhs-data/article65409875.ece>