

Personal Status Laws in Arab Countries

Resolutions of the Seminar held in Beirut, May 27-31, 1974

The Status of Women in Arab Laws in the Light of the U.N. International Conventions is the title of a book of over 600 pages, written in both Arabic and English and issued at the Seminar held by the National Council of Lebanese Women, Beirut, 1974.

In an article by Dr. Suhair Qalamawi reviewing the Arab Women's status in family laws, the author says that during the last two decades, there has developed in the Arab World a general awareness of the importance of the personal status laws and of the necessity of revising and modernizing them.⁽¹⁾

Most of the personal status codes in Arab Countries were issued after 1951. It is noted that the principle of slow evolution has been applied with the aim of considering general interest above individual ones. The change in woman's condition and her increased participation in education and public life require a change in laws and regulations imposed on her when her activity was restricted to her household.

According to Suhair Qalamawi's report already mentioned, Jordan issued, in 1951, a complete code of the personal status laws, including those of inheritance and will, followed by a set of laws for non-Muslims.

Tunisia published in 1956 a family code which adopts a revolutionary aspect as compared with those of other Arab countries. This code grants the wife equal rights with the husband regarding divorce. It legalizes adoption, family planning and use of contraceptives.⁽²⁾

In Syria, family laws were revised and promulgated in 1953; in Morocco, in 1957; in Iraq, in 1959; in Democratic Yemen at a recent, unfixed date. In Lebanon, where each of the various religious communities has formulated its own personal status laws, no change has taken place since 1917 except in the inheritance laws, which in 1958 became separate for Muslims and Christians while, before that date, all communities had adopted the Koranic inheritance laws allowing females half of the males' share in inheritance. Family status laws are under preparation in Egypt, Kuwait, Algeria, and Libya.

The Seminar members, representing eleven Arab states, including the Palestinian Lebanese Organization, presented and discussed Arab women's status under three aspects: personal status, labor and politics. They ended their sessions with the following resolutions :

Personal Status

"1. To ask those Arab states which have yet no laws on personal status to promulgate such laws which ensure the principle of equality between the sexes.

2. To amend all legislation discriminatory against women on the basis of international conventions, in particular the Declaration on the Elimination of Discrimination against women adopted by the U.N. General Assembly on November 7, 1967.

3. To establish the minimum age of marriage at eighteen years for women and twenty-one for men.

— Ensure equality in the choice of a husband, annul the right of the father to arrange his daughter's marriage against her will, to prevent her from marrying or to break the marriage contract for lack of qualifications of the husband.

4. Make compulsory the registration of the marriage contract before the authorities.

5. Abolish polygamy.

— In relation to this, recognize as valid the stipulation in the marriage contract which allows a woman to divorce her husband if he contracts a second marriage.

6. Recognize the equality in rights and duties of both husband and wife in a way that conjugal ties be established on a basis of mutual respect between the two parties.

7. That divorce be issued only on the authority of the court, at the request of one or the other party.

— That divorce be granted only for specific limited reasons set down by the law.

— That the spouse against whom the divorce is pronounced be required by the court to pay indemnity.

8. That the interest of the children be given priority in choosing their guardian, without taking their age into account.

9. Given the present social and economic conditions in which the majority of women do not have paid employment, the father is required in all cases to provide for the children in case of divorce.

The recommendations of the Seminar regarding woman and work and woman and politics are in accordance with the decisions of U.N. conventions regarding these two topics.

(1) Ibid. pp. 164-188.

(2) See Al-Raida Aug. 1979, vol. II, No. 9, p. 9.