



Executive
Summary

In Search of Justice: Rape laws in the Arab States

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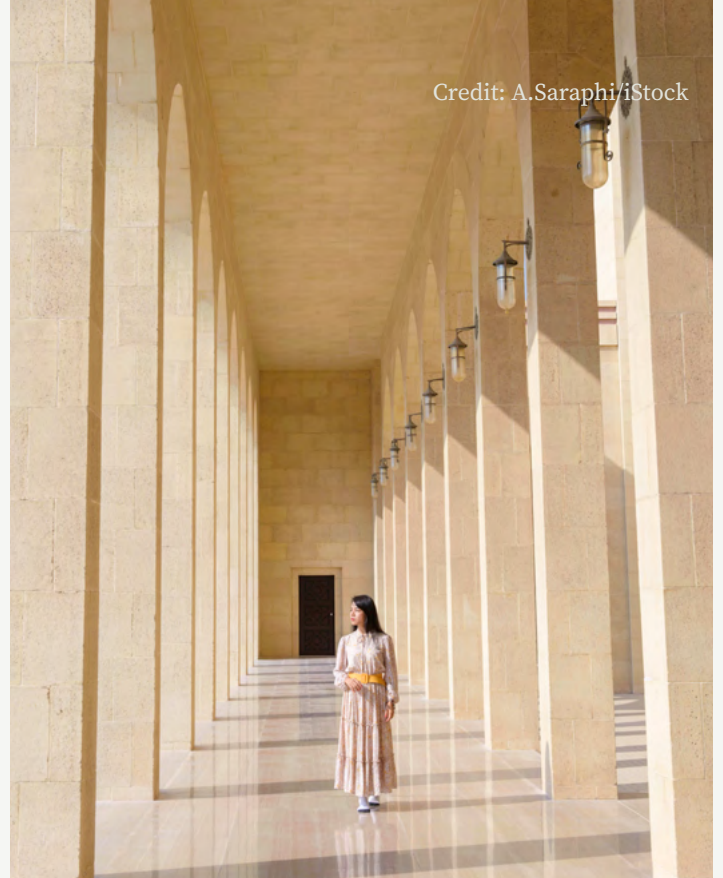
Introduction

Sexual violence, particularly rape, remains one of the most severe and underreported forms of gender-based violence (GBV) in the countries that are members of the League of Arab States (LAS). Rape is not only a violation of an individual's bodily integrity but also a profound infringement of their autonomy, dignity and equality. Despite LAS members' obligations under international human rights law, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), most national legal frameworks in the region fall short in defining, prosecuting and addressing rape.

This report analyses the laws on rape and sexual assault in the 22 member states of the LAS, namely: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, the State of Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, the United Arab Emirates and Yemen.

The main aim of the report is to identify the extent to which these national legal systems align with international human rights standards, especially the definition of rape as sex without consent, regardless of additional use of force. The report exposes how national frameworks restrict rape definitions to narrow, heteronormative terms and gives a general overview of how these laws are implemented in practice, often to the detriment of survivors. In particular, it assesses whether rape laws:

- ◆ Are based on the absence of consent that is free from coercion or power imbalance;
- ◆ Protect all persons (regardless of their sex or relationship to the perpetrator);
- ◆ Recognise marital rape;
- ◆ Provide clear and proportionate penalties;
- ◆ Avoid reliance on moralistic concepts such as “honour” and “public decency”;
- ◆ Offer pathways to justice and redress for survivors.



The report draws from a desk-based legal analysis of penal codes and, where appropriate, laws on violence against women and girls, including child marriage, as well as family status laws. It is contextualised through interviews with legal practitioners and civil society actors, particularly with respect to the countries of special focus, namely Egypt and Lebanon. It also integrates perspectives from UN treaty body recommendations and international human rights jurisprudence.

A complex interaction of colonial legal systems, religious jurisprudence and customary practices shapes rape laws in the LAS countries. Most LAS members criminalise rape in a limited manner and use culturally rooted legal terms such as “violation of honour” or “indecent acts” that stigmatise survivors rather than centre their rights. These frameworks rarely reflect the gendered nature of rape or ensure adequate prevention and accountability in situations of heightened risk, including conflict and displacement.

Notably, the report underscores that reforming legal texts is insufficient without parallel changes in implementation. Survivors continue to face societal stigma, evidentiary burdens, and institutional bias. The analysis of Egypt and Lebanon particularly illustrates the disconnect between written law and judicial practice and how discriminatory norms, harmful myths, and stereotypes by law enforcement personnel hinder adequate protection.

The report aims to inform public dialogue, advocacy and reform across the region by identifying gaps in both law and enforcement. It offers practical and evidence-based recommendations for legal and policy change to advance survivor-centred justice for rape across LAS members.

Key findings

1. Rape laws are not grounded in consent

Across the region, most LAS members continue to define rape using outdated, force-based or moralistic criteria, therefore undermining survivors' autonomy and failing to meet international standards that recognise rape as sex without free and informed consent. Only a few countries reference consent in defining rape and, even then, it is not clearly or consistently defined. In practice, the legal system often requires proof of physical resistance or threat, placing an undue burden on survivors and excluding many instances of non-consensual sex from prosecution. This does not align with international human rights standards.

2. Exclusion of certain acts from the definition of rape

Most penal codes in the region define rape narrowly as penile-vaginal penetration. Other forms of non-consensual sexual acts, such as anal or oral penetration or penetration using objects, are not legally categorised as rape. These acts typically fall under lesser offences, resulting in lighter penalties. Such legal distinctions create a hierarchy of rape that fails properly to protect victims/survivors.

3. Marital rape is excluded or not explicitly criminalised

None of the LAS members explicitly criminalise marital rape and some permit it under law. In many jurisdictions, legal and cultural norms treat sexual access within marriage as a spousal right, effectively granting immunity to perpetrators and reinforcing patriarchal control over women's bodies.

4. Problematic provisions enable impunity

While some countries have repealed "marry-your-rapist" provisions, legal leniency or immunity for perpetrators continues in both law and practice, especially when marriage or family reconciliation is involved. Courts in several countries still apply mitigation measures rooted in patriarchal notions of family honour and the victim's marital status, such as promoting marriage between the rapist and the survivor. These practices perpetuate rape stigma and undermine justice by prioritising societal perceptions over survivors' rights.

5. Burden of proof and forensic expectations

Legal procedures often in practice require victims/survivors to report their rape quickly and present evidence of physical injury. In many instances, the case will not proceed at all without forensic evidence, which discourages reporting and excludes numerous valid cases from prosecution. Judicial actors rarely look beyond forensic evidence to analyse the full circumstances of a case, even where the law is based on consent.

6. Discriminatory stereotyping and legal language

The legal language in many LAS countries' penal codes reflects discriminatory and moralistic assumptions about female sexuality, honour, and virginity. Terms such as "violation of honour" or references to public morality undermine the recognition of rape as a rights violation. Judicial decisions often rely on rape myths and stereotypes, including often prejudicial assessments of the victim's behaviour, dress, or sexual history.

7. Failure to protect vulnerable and marginalised groups

Current laws fail to adequately protect children, persons with disabilities, LGBTQ+ persons, and those particularly vulnerable or marginalised individuals. Many laws allow sexual relations with minors within the framework of marriage, where these sexual relations would otherwise be classified as sexual violence.

8. Inadequate implementation, enforcement, and victim support

Where legal provisions exist, implementation remains weak due to inadequate training, lack of coordination among justice actors, and insufficient victim support services. Survivors face re-traumatisation by law enforcement and judicial processes. Limited legal aid and psychosocial support hinder survivors' ability to pursue justice. Political, economic and social instability in several LAS members further exacerbates these challenges.

Recommendations

1. Reform legal definitions

- ◆ Adopt definitions of rape based on the absence of consent, aligned with international standards.
- ◆ Ensure the definition encompasses all forms of non-consensual sexual penetration, regardless of body part, object, sex of the offender and/or victim, or relationship status.

2. Remove legal barriers and harmful provisions

- ◆ Repeal marital rape exemptions and any provisions that reduce penalties based on marriage or family reconciliation.
- ◆ Abolish evidentiary requirements in law or in practice that place an unfair burden on survivors.
- ◆ Prohibit discriminatory practices such as virginity testing and the use of prior sexual history in court.

3. Enhance access to justice and support services

- ◆ Train justice sector personnel in accused-focused, survivor-led, context-based approaches. Ensure that a proper investigation is conducted into possible exploitation of a position of trust that would render any consent void.
- ◆ Expand access to legal aid, healthcare, shelters and psychosocial support.
- ◆ Provide mechanisms for confidential or child-friendly reporting.

4. Protect vulnerable populations

- ◆ Criminalise incest either as an explicit form of rape or through aggravated penalties.
- ◆ Ensure rape laws protect all individuals regardless of status, including based on sex, age, disability, nationality or ethnicity, or sexual orientation.
- ◆ Raise the minimum age of marriage to 18 with no exceptions and enforce the law.

5. Ensure accountability and monitoring

- ◆ Improve data collection on sexual violence cases, prosecutions and convictions in order to better inform prevention and accountability.
- ◆ Establish oversight mechanisms to ensure judicial integrity and survivor rights.
- ◆ Ratify all remaining international and relevant regional treaties and implement them fully.



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Conclusion

The legal systems across the LAS members remain deeply inadequate in addressing rape as a grave human rights violation. Legal definitions often rely on outdated, force-based concepts that ignore the principle of consent, while entrenched patriarchal values continue to inform both legal texts and their enforcement. As a result, survivors are routinely denied justice, perpetrators enjoy impunity, and harmful stereotypes continue to dominate societal and judicial attitudes toward rape.

The report's findings expose technical gaps in legal language and profound failures of political will, institutional accountability and social commitment. Rape laws that exclude marital rape ignore a full spectrum of non-consensual sexual acts. Embedded patriarchal concepts such as "honour" or "chastity" ultimately shield perpetrators and betray survivors. These shortcomings are further compounded by weak enforcement, a lack of support systems for survivors and judicial practices that re-traumatise those seeking justice.

Survivors, particularly women, girls, and marginalised groups such as persons with disabilities, continue to bear the brunt of systemic neglect. Many face stigmatisation, disbelief and pressure to withdraw complaints or accept out-of-court settlements. The cost of reporting rape, in personal, social and economic terms, remains unbearably high across the region.

This report calls for urgent, coordinated, and courageous action. Legal reform must go beyond cosmetic changes and instead be transformative, replacing laws and practices that blame and silence survivors with frameworks that affirm their rights to dignity, autonomy and justice. Definitions of rape must be grounded in the concept of consent. Marital rape must be criminalised. The full range of non-consensual acts must be treated with equal seriousness. Survivors must be supported, protected and believed.

Furthermore, reform must be accompanied by practical investments: in judicial training, public education, access to legal aid, survivor services, and monitoring mechanisms. States must engage in genuine dialogue with civil society and uphold their obligations under CEDAW and other human rights instruments.

The road to ending impunity for rape in the LAS region begins with a clear recognition that rape is not a private matter, a moral lapse, or a cultural question. It is a human rights violation, and it demands a human rights response. Governments, policymakers, legal professionals, and advocates must work in partnership to ensure that the law no longer protects perpetrators or punishes survivors, but instead serves as a powerful tool for justice, accountability, and equality.

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